

Union Calendar No. 413

114TH CONGRESS
2^D SESSION

H. R. 4909

[Report No. 114-537]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2016

Mr. THORNBERRY (for himself and Mr. SMITH of Washington) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

MAY 4, 2016

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 12, 2016]

A BILL

To authorize appropriations for fiscal year 2017 for military activities of the Department of Defense and for military construction, 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:*

10 (1) *Division A—Department of Defense Author-*
 11 *izations.*

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

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

16 (4) *Division D—Funding Tables.*

17 (5) *Division E—Military Justice.*

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

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

Sec. 3. Congressional defense committees.

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- Sec. 123. Design and construction of LHA replacement ship designated LHA 8.*
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- Sec. 132. Repeal of requirement to preserve certain retired C-5 aircraft.*
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- Sec. 218. Limitation on availability of funds for Tactical Combat Training System Increment II.*
- Sec. 219. Restructuring of the distributed common ground system of the Army.*
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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 101(a)(16)*
 4 *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 fis-*
 12 *cal year 2017 for procurement for the Army, the Navy and*
 13 *the Marine Corps, the Air Force, and Defense-wide activi-*
 14 *ties, as specified in the funding table in section 4101.*

1 **Subtitle B—Army Programs**

2 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**
3 **64E APACHE HELICOPTERS.**

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

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

16 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-**
17 **60M AND HH-60M BLACK HAWK HELICOPTERS.**

18 (a) *AUTHORITY FOR MULTIYEAR PROCUREMENT.*—
19 *Subject to section 2306b of title 10, United States Code, the*
20 *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 UH-60M and HH-*
23 *60M Black Hawk helicopters.*

24 (b) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
25 *MENTS.*—*A contract entered into under subsection (a) shall*

1 *provide that any obligation of the United States to make*
2 *a payment under the contract for a fiscal year after fiscal*
3 *year 2017 is subject to the availability of appropriations*
4 *for that purpose for such later fiscal year.*

5 **SEC. 113. ASSESSMENT OF CERTAIN CAPABILITIES OF THE**
6 **DEPARTMENT OF THE ARMY.**

7 (a) *ASSESSMENT.*—*The Secretary of Defense, in con-*
8 *sultation with the Secretary of the Army and the Chief of*
9 *Staff of the Army, shall conduct an assessment of the fol-*
10 *lowing capabilities with respect to the Department of the*
11 *Army:*

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

14 (2) *Air defense artillery capacity and responsive-*
15 *ness, including—*

16 (A) *the capacity of short-range air defense*
17 *artillery to address existing and emerging*
18 *threats, including threats posed by unmanned*
19 *aerial systems, cruise missiles, and manned air-*
20 *craft; and*

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

23 (3) *Chemical, biological, radiological, and nu-*
24 *clear capabilities and modernization needs.*

25 (4) *Field artillery capabilities, including—*

1 (A) modernization needs;

2 (B) munitions inventory shortfalls; and

3 (C) changes in doctrine and war plans con-
4 sistent with the Memorandum of the Secretary of
5 Defense dated June 19, 2008, regarding the De-
6 partment of Defense policy on cluster munitions
7 and unintended harm to civilians.

8 (5) Fuel distribution and water purification ca-
9 pacity and responsiveness.

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

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

15 (8) Military police capacity.

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

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

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

23 (2) recommendations for reducing or eliminating
24 shortfalls in responsiveness and capacity with respect

1 to each of the capabilities described in such sub-
2 section; and

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

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

8 ***Subtitle C—Navy Programs***

9 ***SEC. 121. PROCUREMENT AUTHORITY FOR AIRCRAFT CAR-*** 10 ***RIER PROGRAMS.***

11 (a) *PROCUREMENT AUTHORITY IN SUPPORT OF CON-*
12 *STRUCTION OF FORD CLASS AIRCRAFT CARRIERS.*—

13 (1) *AUTHORITY FOR ECONOMIC ORDER QUAN-*
14 *TITY.*—The Secretary of the Navy may procure mate-
15 riel and equipment in support of the construction of
16 the Ford class aircraft carriers designated CVN–80
17 and CVN–81 in economic order quantities when cost
18 savings are achievable.

19 (2) *LIABILITY.*—Any contract entered into under
20 paragraph (1) shall provide that any obligation of the
21 United States to make a payment under the contract
22 is subject to the availability of appropriations for
23 that purpose, and that total liability to the Govern-
24 ment for termination of any contract entered into

1 *shall be limited to the total amount of funding obli-*
2 *gated at time of termination.*

3 **(b) REFUELING AND COMPLEX OVERHAUL OF NIMITZ**
4 **CLASS AIRCRAFT CARRIERS.—**

5 **(1) IN GENERAL.—***The Secretary of the Navy*
6 *may carry out the nuclear refueling and complex*
7 *overhaul of each of the following Nimitz class aircraft*
8 *carriers:*

9 **(A)** *U.S.S. George Washington (CVN-73).*

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

11 **(C)** *U.S.S. Harry S. Truman (CVN-75).*

12 **(D)** *U.S.S. Ronald Reagan (CVN-76).*

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

14 **(2) USE OF INCREMENTAL FUNDING.—***With re-*
15 *spect to any contract entered into under paragraph*
16 **(1) for the nuclear refueling and complex overhaul of**
17 *a Nimitz class aircraft carrier, the Secretary may use*
18 *incremental funding for a period not to exceed six*
19 *years after advance procurement funds for such nu-*
20 *clear refueling and complex overhaul effort are first*
21 *obligated.*

22 **(3) CONDITION FOR OUT-YEAR CONTRACT PAY-**
23 **MENTS.—***Any contract entered into under paragraph*
24 **(1) shall provide that any obligation of the United**
25 *States to make a payment under the contract for a*

1 *fiscal year after fiscal year 2017 is subject to the*
2 *availability of appropriations for that purpose for*
3 *that later fiscal year.*

4 **SEC. 122. SENSE OF CONGRESS ON AIRCRAFT CARRIER**
5 **PROCUREMENT SCHEDULES.**

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

7 (1) *In a report submitted to Congress on March*
8 *17, 2015, the Secretary of the Navy indicated the De-*
9 *partment of the Navy has a requirement of 11 air-*
10 *craft carriers.*

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

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

20 (1) *the plan of the Department of the Navy to*
21 *schedule the procurement of one aircraft carrier every*
22 *five years will reduce the overall aircraft carrier in-*
23 *ventory to 10 aircraft carriers, a level insufficient to*
24 *meet peacetime and war plan requirements; and*

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

3 (A) begin to program construction for the
4 Ford class aircraft carrier designated CVN-81 in
5 fiscal year 2022; and

6 (B) program the required advance procure-
7 ment activities to accommodate the construction
8 of such carrier.

9 **SEC. 123. DESIGN AND CONSTRUCTION OF LHA REPLACE-**
10 **MENT SHIP DESIGNATED LHA 8.**

11 (a) *IN GENERAL.*—The Secretary of the Navy may
12 enter into a contract, beginning with the fiscal year 2017
13 program year, for the design and construction of the LHA
14 Replacement ship designated LHA 8 using amounts author-
15 ized to be appropriated for the Department of Defense for
16 Shipbuilding and Conversion, Navy.

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

21 (c) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
22 *MENTS.*—The contract entered into under subsection (a)
23 shall provide that any obligation of the United States to
24 make a payment under such contract for any fiscal year

1 *after fiscal year 2017 is subject to the availability of appro-*
2 *priations for that purpose for such fiscal year.*

3 **SEC. 124. DESIGN AND CONSTRUCTION OF REPLACEMENT**
4 **DOCK LANDING SHIP DESIGNATED LX(R) OR**
5 **AMPHIBIOUS TRANSPORT DOCK DESIGNATED**
6 **LPD-29.**

7 (a) *IN GENERAL.*—*The Secretary of the Navy may*
8 *enter into a contract, beginning with the fiscal year 2017*
9 *program year, for the design and construction of the re-*
10 *placement dock landing ship designated LX(R) or the am-*
11 *phibious transport dock designated LPD-29 using amounts*
12 *authorized to be appropriated for the Department of Defense*
13 *for Shipbuilding and Conversion, Navy.*

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

18 (c) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
19 *MENTS.*—*The contract entered into under subsection (a)*
20 *shall provide that any obligation of the United States to*
21 *make a payment under such contract for any fiscal year*
22 *after fiscal year 2017 is subject to the availability of appro-*
23 *priations for that purpose for such fiscal year.*

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

2 (a) *CONTRACT AUTHORITY.*—Notwithstanding section
3 2306b of title 10, United States Code, the Secretary of the
4 Navy may enter into a contract to procure up to 45 Ship
5 to Shore Connector craft.

6 (b) *LIABILITY.*—Any contract entered into under sub-
7 section (a) shall provide that any obligation of the United
8 States to make a payment under the contract is subject to
9 the availability of appropriations for that purpose, and
10 that the total liability to the Government for termination
11 of any contract entered into shall be limited to the total
12 amount of funding obligated at time of termination.

13 **SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR LIT-**
14 **TORAL COMBAT SHIP OR SUCCESSOR FRIG-**
15 **ATE.**

16 None of the funds authorized to be appropriated by this
17 Act or otherwise made available for fiscal year 2017 for the
18 Navy shall be used to select only a single contractor for the
19 construction of the Littoral Combat Ship or any successor
20 frigate class ship program until the Secretary of the Navy
21 certifies to the congressional defense committees that such
22 selection of a single contractor will be conducted—

23 (1) using competitive procedures; and

24 (2) for the limited purpose of awarding a con-
25 tract for—

1 (A) an engineering change proposal for a
2 frigate class ship; or

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

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 amend-
8 ed—

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

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

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

14 Section 141 of the National Defense Authorization Act
15 for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1659)
16 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 Act
20 for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2114)
21 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 *propriated 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 backup*
4 *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 congressional*
11 *defense committees the report under subsection (e)(2).*

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

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

25 *(e) REPORTS REQUIRED.—*

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

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

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

12 (2) *Not later than 180 days after the date of the*
13 *submission of the report under paragraph (1), the*
14 *Secretary of the Air Force shall submit to the congres-*
15 *sional defense committees a report that includes—*

16 (A) *the views of the Secretary with respect*
17 *to the results of the initial operational test and*
18 *evaluation of the F–35 aircraft program as sum-*
19 *marized in the report under paragraph (1), in-*
20 *cluding any issues or concerns of the Secretary*
21 *with respect to such results;*

22 (B) *a plan for addressing any deficiencies*
23 *and carrying out any corrective actions identi-*
24 *fied in such report; and*

1 (C) *short-term and long-term strategies for*
2 *preserving the capability of the Air Force to con-*
3 *duct close air support, combat search and rescue,*
4 *and forward air controller airborne missions.*

5 (f) *SPECIAL RULE.—*

6 (1) *Subject to paragraph (2), the Secretary of the*
7 *Air Force may carry out the transition of the A–10*
8 *unit at Fort Wayne Air National Guard Base, Indi-*
9 *ana, to an F–16 unit as described by the Secretary*
10 *in the Force Structure Actions map submitted in sup-*
11 *port of the budget of the President for fiscal year 2017*
12 *(as submitted to Congress under section 1105(a) of*
13 *title 31, United States Code).*

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

17 **SEC. 135. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
18 **RETIREMENT OF JOINT SURVEILLANCE TAR-**
19 **GET ATTACK RADAR SYSTEM AIRCRAFT.**

20 (a) *PROHIBITION.—Except as provided by subsection*
21 *(b) and in addition to the prohibition under section 144*
22 *of the National Defense Authorization Act for Fiscal Year*
23 *2016 (Public Law 114–92; 129 Stat. 758) none of the funds*
24 *authorized to be appropriated or otherwise made available*
25 *for fiscal year 2018 for the Air Force may be obligated or*

1 expended to retire, or prepare to retire, any Joint Surveil-
2 lance Target Attack Radar System aircraft.

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

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

11 ***SEC. 141. TERMINATION OF QUARTERLY REPORTING ON***
12 ***USE OF COMBAT MISSION REQUIREMENTS***
13 ***FUNDS.***

14 *Section 123(a)(1) of the Ike Skelton National Defense*
15 *Authorization Act for Fiscal Year 2011 (Public Law 111–*
16 *383; 124 Stat. 4158; 10 U.S.C. 167 note.) is amended by*
17 *inserting “ending on or before September 30, 2018” after*
18 *“each fiscal quarter”.*

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

21 (a) *GUIDANCE REQUIRED.*—

22 (1) *The Secretary of the Army shall issue guid-*
23 *ance regarding fire suppressant and fuel containment*
24 *standards for covered vehicles of the Army.*

1 (2) *The Secretary of the Navy shall issue guid-*
2 *ance regarding fire suppressant and fuel containment*
3 *standards for covered vehicles of the Marine Corps.*

4 (b) *ELEMENTS.—The guidance regarding fire suppres-*
5 *sant and fuel containment standards issued pursuant to*
6 *subsection (a) shall—*

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

9 (2) *include standards for vehicle armor, vehicle*
10 *fire suppression systems, and fuel containment tech-*
11 *nologies in covered vehicles; and*

12 (3) *balance cost, survivability, and mobility.*

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

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

21 (2) *any other information the Secretaries deter-*
22 *mine to be appropriate.*

23 (d) *COVERED VEHICLES.—In this section, the term*
24 *“covered vehicles” means ground vehicles acquired on or*
25 *after October 1, 2018, under a major defense acquisition*

1 *program (as such term is defined in section 2430 of title*
2 *10, United States Code), including light tactical vehicles,*
3 *medium tactical vehicles, heavy tactical vehicles, and*
4 *ground combat vehicles.*

5 **SEC. 143. REPORT ON DEPARTMENT OF DEFENSE MUNI-**
6 **TIONS STRATEGY FOR THE COMBATANT COM-**
7 **MANDS.**

8 *(a) REPORT REQUIRED.—Not later than April 1,*
9 *2017, the Secretary of Defense shall submit to the congres-*
10 *sional defense committees a report on the munitions strat-*
11 *egy for the combatant commands, including an identifica-*
12 *tion of munitions requirements, an assessment of munitions*
13 *gaps and shortfalls, and necessary munitions investments.*
14 *Such strategy shall cover the 10-year period beginning with*
15 *2016.*

16 *(b) ELEMENTS.—The report on munitions strategy re-*
17 *quired by subsection (a) shall include the following:*

18 *(1) An identification of current and projected*
19 *munitions requirements, by class or type.*

20 *(2) An assessment of munitions gaps and short-*
21 *falls, including a census of current munitions capa-*
22 *bilities and programs, not including ammunition.*

23 *(3) A description of current and planned muni-*
24 *tions programs, including with respect to procure-*

1 *ment; research, development, test, and evaluation; and*
2 *deployment activities.*

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

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

7 *(6) Identification and evaluation of technology*
8 *needs and applicable emerging technologies.*

9 *(7) An assessment of how current and planned*
10 *munitions programs, and promising technologies,*
11 *may affect existing operational concepts and capabili-*
12 *ties of the military departments or lead to new oper-*
13 *ational concepts and capabilities.*

14 *(8) An assessment of programs and capabilities*
15 *by other countries to counter the munitions programs*
16 *and capabilities of the Armed Forces, not including*
17 *with respect to ammunition, and how such assessment*
18 *affects the munitions strategy of each military depart-*
19 *ment.*

20 *(9) An assessment of how munitions capability*
21 *and capacity may be affected by changes consistent*
22 *with the Memorandum of the Secretary of Defense*
23 *dated June 19, 2008, regarding the Department of*
24 *Defense policy on cluster munitions and unintended*
25 *harm to civilians.*

1 **TITLE II—RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUA-**
3 **TION**

4 **Subtitle A—Authorization of**
5 **Appropriations**

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

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2017 for the use of the Department of Defense for*
9 *research, development, test, and evaluation, as specified in*
10 *the funding table in section 4201.*

11 **Subtitle B—Program Requirements,**
12 **Restrictions, and Limitations**

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

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

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

22 *(A) existing policies and practices affecting*
23 *the science and technology reinvention labora-*
24 *tories to improve the research output of such lab-*
25 *oratories; and*

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

3 (2) to support implementation of current and fu-
4 ture initiatives affecting the science and technology
5 reinvention laboratories; and

6 (3) to conduct assessments or data analysis on
7 such other issues as the Secretary determines to be ap-
8 propriate.

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

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

13 (2) A panel on facilities and infrastructure.

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

16 (4) A panel on oversight, administrative, and
17 regulatory processes.

18 (c) COMPOSITION OF PANELS.—

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

21 (2) Each panel described in paragraphs (1)
22 through (3) of subsection (b) shall be composed of sub-
23 ject matter and technical management experts from—

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

1 (B) appropriate Defense Agencies;
2 (C) the Office of the Assistant Secretary of
3 Defense for Research and Engineering; and
4 (D) such other entities of the Department of
5 Defense as the Secretary determines to be appro-
6 priate.

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

9 (A) the Director of the Army Research Lab-
10 oratory;

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

13 (C) the Director of the Naval Research Lab-
14 oratory; and

15 (D) such other members as the Secretary de-
16 termines to be appropriate.

17 (d) GOVERNANCE OF PANELS.—

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

20 (2) The panel described in subsection (b)(4)
21 shall—

22 (A) oversee the activities of the panels de-
23 scribed in paragraphs (1) through (3) of sub-
24 section (b);

1 (B) determine the subject matter to be con-
2 sidered by the panels; and

3 (C) provide the recommendations of the
4 panels to the Secretary.

5 (e) *PERSONNEL DEMONSTRATION PROJECT AUTHOR-*
6 *ITY.*—Section 342(b) of the National Defense Authorization
7 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
8 2721) (as amended by section 1114(a)(2)(C) of the National
9 Defense Authorization Act for Fiscal Year 2001 (Public
10 Law 106–398; 114 Stat. 1654A–315)) is amended by add-
11 ing at the end the following new paragraph:

12 “(4) In carrying out this subsection, the Sec-
13 retary shall act through the Assistant Secretary of De-
14 fense for Research and Engineering.”.

15 (f) *SCIENCE AND TECHNOLOGY REINVENTION LABORA-*
16 *TORY DEFINED.*—In this section, the term “science and
17 technology reinvention laboratory” means a science and
18 technology reinvention laboratory designated under section
19 1105 of the National Defense Authorization Act for Fiscal
20 Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note).

1 **SEC. 212. MECHANISMS TO PROVIDE FUNDS FOR DEFENSE**
2 **LABORATORIES FOR RESEARCH AND DEVEL-**
3 **OPMENT OF TECHNOLOGIES FOR MILITARY**
4 **MISSIONS.**

5 *Section 219 of the Duncan Hunter National Defense*
6 *Authorization Act for Fiscal Year 2009 (Public Law 110-*
7 *417; 10 U.S.C. 2358 note), as most recently amended by*
8 *section 262 of the National Defense Authorization Act for*
9 *Fiscal Year 2014 (Public Law 113-66), is amended—*

10 *(1) in subsection (a)(1), by striking “not more*
11 *than”; and*

12 *(2) by amending subsection (d) to read as fol-*
13 *lows:*

14 *“(d) SPECIAL RULE.—For purposes of this section, a*
15 *federally funded research and development center shall be*
16 *considered a defense laboratory if the center is sponsored*
17 *by the Department of Defense.”.*

18 **SEC. 213. NOTIFICATION REQUIREMENT FOR CERTAIN**
19 **RAPID PROTOTYPING, EXPERIMENTATION,**
20 **AND DEMONSTRATION ACTIVITIES.**

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

1 (b) *ELEMENTS OF NOTICE.*—*The notice described in*
2 *this subsection is a written notice of the intention of the*
3 *Secretary to initiate a covered activity. Each such notice*
4 *shall include the following:*

5 (1) *A description of the activity.*

6 (2) *Estimated costs and funding sources for the*
7 *activity, including a description of any cost-sharing*
8 *or in-kind support arrangements with other partici-*
9 *pants.*

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

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

16 (c) *COVERED ACTIVITY.*—*In this section, the term*
17 *“covered activity” means a rapid prototyping, experimen-*
18 *tation, or demonstration activity carried out under pro-*
19 *gram element 0603382N.*

20 (d) *SUNSET.*—*The requirements of this section shall*
21 *terminate 5 years after the date of the enactment of this*
22 *Act.*

1 **SEC. 214. IMPROVED BIOSAFETY FOR HANDLING OF SELECT**
2 **AGENTS AND TOXINS.**

3 (a) *QUALITY CONTROL AND QUALITY ASSURANCE*
4 *PROGRAM.*—*The Secretary of Defense, acting through the*
5 *executive agent for the biological select agent and toxin bio-*
6 *safety program of the Department of Defense, shall carry*
7 *out a program to implement certain quality control and*
8 *quality assurance measures at each covered facility.*

9 (b) *QUALITY CONTROL AND QUALITY ASSURANCE*
10 *MEASURES.*—*Subject to subsection (c), the quality control*
11 *and quality assurance measures implemented at each cov-*
12 *ered facility under subsection (a) shall include the fol-*
13 *lowing:*

14 (1) *Designation of an external manager to over-*
15 *see quality assurance and quality control.*

16 (2) *Environmental sampling and inspection.*

17 (3) *Production procedures that prohibit oper-*
18 *ations where live biological select agents and toxins*
19 *are used in the same laboratory where viability test-*
20 *ing is conducted.*

21 (4) *Production procedures that prohibit work on*
22 *multiple organisms or multiple strains of one orga-*
23 *nism within the same biosafety cabinet.*

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

1 (6) *Formal, recurring data reviews of production*
2 *in an effort to identify data trends and nonconform-*
3 *ance issues before such issues affect end products.*

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

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

9 (c) *WAIVER.—In carrying out the program under sub-*
10 *section (a), the Secretary may waive any of the quality con-*
11 *trol and quality assurance measures required under sub-*
12 *section (b) in the interest of national defense.*

13 (d) *STUDY AND REPORT REQUIRED.—*

14 (1) *The Secretary of Defense shall carry out a*
15 *study to evaluate—*

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

19 (B) *opportunities to partner with industry*
20 *for the production of biological select agents and*
21 *toxins and related services in lieu of maintain-*
22 *ing such capabilities within the Department of*
23 *the Army; and*

24 (C) *whether operations under the biological*
25 *select agent and toxin production program*

1 *should be transferred to another government or*
2 *commercial laboratory that may be better suited*
3 *to execute production for non-Department of De-*
4 *fense customers.*

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

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

13 *(1) A review of—*

14 *(A) the actions taken by the Department of*
15 *Defense to address the findings and recommenda-*
16 *tions of the report of the Department of the*
17 *Army titled “Individual and Institutional Ac-*
18 *countability for the Shipment of Viable Bacillus*
19 *Anthraxis from Dugway Proving Grounds”,*
20 *dated December 15, 2015, including any actions*
21 *taken to address the culture of complacency in*
22 *the biological select agent and toxin production*
23 *program identified in such report; and*

24 *(B) the progress of the Secretary in car-*
25 *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 facil-*
5 *ity of the Department of Defense that produces bio-*
6 *logical 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 Federal*
10 *Regulations;*

11 (B) *section 121.3 or section 121.4 of title 9,*
12 *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 the*
19 *Director of the Office of Personnel Management, shall de-*
20 *velop and implement an information technology system (in*
21 *this section referred to as the “System”) to—*

22 (1) *modernize and sustain the security clearance*
23 *information architecture of the National Background*
24 *Investigations Bureau and the Department 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 security*
8 *clearance process;*

9 (5) *provide information to managers on the fi-*
10 *ancial and administrative costs of the security clear-*
11 *ance process;*

12 (6) *strengthen the ties between counterintelligence*
13 *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 Man-*
20 *agement, shall issue guidance establishing the respective*
21 *roles, responsibilities, and obligations of the Secretary and*
22 *Directors with respect to the development and implementa-*
23 *tion of the System.*

24 (c) *ELEMENTS OF SYSTEM.—In developing the System*
25 *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 se-*
4 *curity clearance information technology architecture*
5 *to minimize the need for customization of the System;*

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

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

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

18 (5) *establish automated processes for measuring*
19 *the performance goals of the System; and*

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

23 (d) *COMPLETION DATE.—The Secretary shall complete*
24 *the development and implementation of the System by not*
25 *later than September 30, 2019.*

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

9 (f) *REVIEW OF APPLICABLE LAWS.*—The Secretary
10 shall review laws, regulations, and executive orders relating
11 to the maintenance of personnel security clearance informa-
12 tion by the Federal Government. Not later than 90 days
13 after the date of the enactment of this Act, the Secretary
14 shall provide to the Committees on Armed Services of the
15 Senate and House of Representatives (and other appro-
16 priate congressional committees on request) a briefing that
17 includes—

18 (1) the results of the review; and

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

23 (g) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
24 *FINED.*—In this section, the term “appropriate congres-
25 sional committees” means—

1 (1) *the Select Committee on Intelligence, the*
2 *Committee on Homeland Security and Governmental*
3 *Affairs, and the Committee on Appropriations of the*
4 *Senate; and*

5 (2) *the Permanent Select Committee on Intel-*
6 *ligence, the Committee on Oversight and Government*
7 *Reform, and the Committee on Appropriations of the*
8 *House of Representatives.*

9 **SEC. 216. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
10 **COUNTERING WEAPONS OF MASS DESTRUC-**
11 **TION SYSTEM CONSTELLATION.**

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

19 (b) *REVIEW.*—The Chief Information Officer of the De-
20 partment of Defense, in consultation with the Director of
21 the Defense Information Systems Agency, shall review the
22 requirements and program plan for research, development,
23 and prototyping for the Constellation system.

24 (c) *REPORT REQUIRED.*—Not later than February 1,
25 2017, the Chief Information Officer of the Department of

1 *Defense, in consultation with the Director of the Defense*
2 *Information Systems Agency, shall submit to the congres-*
3 *sional defense committees a report on the review under sub-*
4 *section (b). Such report shall include the following, with*
5 *respect to the Constellation system:*

6 (1) *A review of the major software components of*
7 *the system and an explanation of the requirements of*
8 *the Department of Defense with respect to each such*
9 *component.*

10 (2) *Identification of elements and applications of*
11 *the system that cannot be implemented using the ex-*
12 *isting technical infrastructure and tools of the De-*
13 *partment of Defense or the infrastructure and tools in*
14 *development.*

15 (3) *A description of major developmental mile-*
16 *stones and decision points for additional prototypes*
17 *needed to establish the full capabilities of the system,*
18 *including a timeline and detailed metrics and cri-*
19 *teria for each such milestone and decision point.*

20 (4) *An overview of a security plan to achieve an*
21 *accredited cross-domain solution system, including se-*
22 *curity milestones and proposed security architecture*
23 *to mitigate both insider and outsider threats.*

24 (5) *Identification of the planned categories of*
25 *end-users of the system, linked to organizations, mis-*

1 *ense Agencies, and other departments and agen-*
2 *cies of the Federal Government, including activi-*
3 *ties carried out by In-Q-Tel, the Defense Ad-*
4 *vanced Research Projects Agency, and Depart-*
5 *ment of Defense laboratories;*

6 *(D) the direct staffing requirements of the*
7 *Unit, including a description of the desired skills*
8 *and expertise of such staff;*

9 *(E) the number of civilian and military*
10 *personnel provided by the military departments*
11 *and Defense Agencies to support the Unit;*

12 *(F) any planned expansion to new sites, the*
13 *metrics used to identify such sites, and an expla-*
14 *nation of how such expansion will provide access*
15 *to innovations of nontraditional defense contrac-*
16 *tors (as such term is defined in section 2302 of*
17 *title 10, United States Code) that are not other-*
18 *wise accessible;*

19 *(G) how compliance with Department of*
20 *Defense requirements could affect the ability of*
21 *such nontraditional defense contractors to mar-*
22 *ket products and obtain funding; and*

23 *(H) how to treat intellectual property that*
24 *has been developed with little or no government*
25 *funding.*

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

3 (c) *FUNDS SPECIFIED.—The funds specified in this*
4 *subsection are as follows:*

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

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

14 **SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR**
15 **TACTICAL COMBAT TRAINING SYSTEM INCRE-**
16 **MENT II.**

17 *Of the funds authorized to be appropriated by this Act*
18 *or otherwise made available for fiscal year 2017 for the Tac-*
19 *tical Combat Training System Increment II of the Navy,*
20 *not more than 80 percent may be obligated or expended*
21 *until the Secretary of the Navy and the Secretary of the*
22 *Air Force submit to the congressional defense committees*
23 *the report required by section 235 of the National Defense*
24 *Authorization Act for Fiscal Year 2016 (Public Law 114-*
25 *92; 129 Stat. 780).*

1 **SEC. 219. RESTRUCTURING OF THE DISTRIBUTED COMMON**
2 **GROUND SYSTEM OF THE ARMY.**

3 (a) *IN GENERAL.*—Not later than April 1, 2017, the
4 Secretary of the Army shall restructure versions of the dis-
5 tributed common ground system of the Army after Incre-
6 ment 1—

7 (1) *by discontinuing development of any compo-*
8 *nent of the system for which there is commercial soft-*
9 *ware that is capable of fulfilling at least 80 percent*
10 *of the system requirements applicable to such compo-*
11 *nent; and*

12 (2) *by conducting a review of the acquisition*
13 *strategy of the program to ensure that procurement of*
14 *commercial software is the preferred method of meet-*
15 *ing program requirements.*

16 (b) *LIMITATION.*—The Secretary of the Army shall not
17 award any contract for the development of any capability
18 for the distributed common ground system of the Army if
19 such a capability is available for purchase on the commer-
20 cial market, except for minor capabilities that are inci-
21 dental to and necessary for the proper functioning of a
22 major component of the system.

1 **SEC. 220. DESIGNATION OF DEPARTMENT OF DEFENSE SEN-**
2 **IOR OFFICIAL WITH PRINCIPAL RESPONSIBI-**
3 **LITY FOR DIRECTED ENERGY WEAPONS.**

4 *Not later than 180 days after the date of the enactment*
5 *of this Act, the Secretary of Defense shall—*

6 *(1) designate a senior official already serving*
7 *within the Department of Defense as the official with*
8 *principal responsibility for the development and dem-*
9 *onstration of directed energy weapons for the Depart-*
10 *ment; and*

11 *(2) set forth the responsibilities of that senior of-*
12 *ficial with respect to such programs.*

13 ***Subtitle C—Reports and Other***
14 ***Matters***

15 **SEC. 231. STRATEGY FOR ASSURED ACCESS TO TRUSTED**
16 **MICROELECTRONICS.**

17 *(a) STRATEGY.—The Secretary of Defense shall develop*
18 *a strategy to ensure that the Department of Defense has*
19 *assured access to trusted microelectronics by not later than*
20 *September 30, 2020.*

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

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

25 *(2) Means of classifying systems of the Depart-*
26 *ment of Defense based on the level of trust such sys-*

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

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

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

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

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

15 (7) *The resources required to assure access to*
16 *trusted microelectronics, including infrastructure and*
17 *investments in science and technology.*

18 (c) *SUBMISSION.*—*Not later than one year after the*
19 *date of the enactment of this Act, the Secretary shall submit*
20 *to the congressional defense committees the strategy devel-*
21 *oped under subsection (a). The strategy shall be submitted*
22 *in unclassified form, but may include a classified annex.*

23 (d) *DIRECTIVE REQUIRED.*—*Not later than September*
24 *30, 2020, the Secretary of Defense shall issue a directive*
25 *for the Department of Defense describing how Department*

1 *of Defense entities may access assured and trusted micro-*
2 *electronics supply chains for Department of Defense sys-*
3 *tems.*

4 (e) *CERTIFICATION.*—*Not later than September 30,*
5 *2020, the Secretary of the Defense shall certify to the con-*
6 *gressional defense committees that—*

7 (1) *the strategy developed under subsection (a)*
8 *has been implemented; and*

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

13 (f) *DEFINITION.*—*In this section, the terms “trust”*
14 *and “trusted” refer, with respect to microelectronics, to the*
15 *ability of the Department of Defense to have confidence that*
16 *the microelectronics function as intended and are free of*
17 *exploitable vulnerabilities, either intentionally or uninten-*
18 *tionally designed or inserted as part of the system at any*
19 *time during its life cycle.*

20 **SEC. 232. PILOT PROGRAM ON EVALUATION OF COMMERCIAL**
21 **INFORMATION TECHNOLOGY.**

22 (a) *PILOT PROGRAM.*—*The Director of the Defense In-*
23 *formation Systems Agency shall carry out a pilot program*
24 *to evaluate commercially available information technology*
25 *tools to better understand the potential impact of such tools*

1 *on networks and computing environments of the Depart-*
2 *ment of Defense.*

3 (b) *ACTIVITIES.—Activities under the pilot program*
4 *may include the following:*

5 (1) *Prototyping, experimentation, operational*
6 *demonstration, military user assessments, and other*
7 *means of obtaining quantitative and qualitative feed-*
8 *back on the commercial information technology prod-*
9 *ucts.*

10 (2) *Engagement with the commercial informa-*
11 *tion technology industry to—*

12 (A) *forecast military requirements and tech-*
13 *nology needs; and*

14 (B) *support the development of market*
15 *strategies and program requirements before fi-*
16 *nalizing acquisition decisions and strategies.*

17 (3) *Assessment of novel or innovative commercial*
18 *technology for use by the Department of Defense.*

19 (4) *Assessment of novel or innovative contracting*
20 *mechanisms to speed delivery of capabilities to the*
21 *Armed Forces.*

22 (5) *Solicitation of operational user input to*
23 *shape future information technology requirements of*
24 *the Department of Defense.*

1 (c) *LIMITATION ON AVAILABILITY OF FUNDS.*—Of the
2 amounts authorized to be appropriated for research, devel-
3 opment, test, and evaluation, Defense-wide, for each of fiscal
4 years 2017 through 2022, not more than \$15,000,000 may
5 be expended on the pilot program in any such fiscal year.

6 **SEC. 233. PILOT PROGRAM FOR THE ENHANCEMENT OF THE**
7 **LABORATORIES AND TEST AND EVALUATION**
8 **CENTERS OF THE DEPARTMENT OF DEFENSE.**

9 (a) *IN GENERAL.*—The Assistant Secretaries shall
10 jointly carry out a pilot program to demonstrate methods
11 for the more effective development of research, development,
12 test, and evaluation functions.

13 (b) *SELECTION AND PRIORITY.*—The Assistant Secre-
14 taries shall jointly select not more than one laboratory and
15 one test and evaluation center from each of the military
16 services to participate in the pilot program under sub-
17 section (a).

18 (c) *PARTICIPATION IN PROGRAM.*—

19 (1) *IN GENERAL.*—Subject to paragraph (2), the
20 director of a laboratory or test and evaluation center
21 selected under subsection (b) shall propose and imple-
22 ment alternative and innovative methods of rapid
23 project delivery, support, experimentation, proto-
24 typing, and partnership with universities and private
25 sector entities to—

1 (A) generate greater value and efficiencies
2 in research and development activities per dollar
3 of cost; and

4 (B) enable more rapid deployment of
5 warfighter capabilities.

6 (2) *IMPLEMENTATION.*—The director shall imple-
7 ment each method proposed under paragraph (1) un-
8 less such method is disapproved by the Assistant Sec-
9 retary concerned.

10 (d) *WAIVER AUTHORITY FOR DEMONSTRATION AND*
11 *IMPLEMENTATION.*—Until the termination of the pilot pro-
12 *gram under subsection (f), the director of a laboratory or*
13 *test and evaluation center selected under subsection (b) may*
14 *waive any restriction or departmental instruction that*
15 *would affect the implementation of a method proposed*
16 *under subsection (c), unless such implementation would be*
17 *prohibited by Federal law.*

18 (e) *MINIMUM PARTICIPATION REQUIREMENT.*—Each
19 *laboratory or test and evaluation center selected under sub-*
20 *section (b) shall participate in the pilot program under sub-*
21 *section (a) for a period of not fewer than six years begin-*
22 *ning not later than 180 days after the date of the enactment*
23 *of this Act.*

24 (f) *TERMINATION.*—The pilot program under sub-
25 *section (a) shall terminate on the date determined appro-*

1 *priate by the Secretary of Defense that is on or after the*
2 *end of the six-year period described in subsection (e).*

3 *(g) ASSISTANT SECRETARY DEFINED.—In this section,*
4 *the term “Assistant Secretary” means—*

5 *(1) the Assistant Secretary of the Air Force for*
6 *Acquisition, with respect to a working capital fund*
7 *institution of the Air Force;*

8 *(2) the Assistant Secretary of the Army for Ac-*
9 *quisition, Technology, and Logistics, with respect to*
10 *a working capital fund institution of the Army; and*

11 *(3) the Assistant Secretary of the Navy for Re-*
12 *search, Development, and Acquisition, with respect to*
13 *a working capital fund institution of the Navy.*

14 **SEC. 234. PILOT PROGRAM ON MODERNIZATION OF ELEC-**
15 **TROMAGNETIC SPECTRUM WARFARE SYS-**
16 **TEMS AND ELECTRONIC WARFARE SYSTEMS.**

17 *(a) PILOT PROGRAM.—*

18 *(1) IN GENERAL.—The Secretary of Defense may*
19 *carry out a pilot program on the modernization of*
20 *electromagnetic spectrum warfare systems and elec-*
21 *tronic warfare systems.*

22 *(2) SELECTION.—If the Secretary carries out the*
23 *pilot program under paragraph (1), the Electronic*
24 *Warfare Executive Committee shall select from the list*
25 *described in section 237(b)(4) a total of five electro-*

1 *magnetic spectrum warfare systems and electronic*
2 *warfare systems across at least two military depart-*
3 *ments that are currently in sustainment for mod-*
4 *ernization under the pilot program.*

5 *(b) DEFINITIONS.—In this section:*

6 *(1) The term “electromagnetic spectrum warfare”*
7 *means electronic warfare that encompasses military*
8 *communications and sensing operations that occur in*
9 *the electromagnetic operational domain.*

10 *(2) The term “electronic warfare” means mili-*
11 *tary action involving the use of electromagnetic and*
12 *directed energy to control the electromagnetic spec-*
13 *trum or to attack the enemy.*

14 **SEC. 235. INDEPENDENT REVIEW OF F/A-18 PHYSIOLOGICAL**
15 **EPISODES AND CORRECTIVE ACTIONS.**

16 *(a) INDEPENDENT REVIEW REQUIRED.—The Sec-*
17 *retary of the Navy shall conduct an independent review of*
18 *the plans, programs, and research of the Department of the*
19 *Navy with respect to—*

20 *(1) physiological events affecting aircrew of the*
21 *F/A-18 Hornet and the F/A-18 Super Hornet air-*
22 *craft during the covered period; and*

23 *(2) the efforts of the Navy and Marine Corps to*
24 *prevent and mitigate the affects of such physiological*
25 *events.*

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

3 (1) *designate an appropriate senior official in*
4 *the Office of the Secretary of the Navy to oversee the*
5 *review; and*

6 (2) *consult experts from outside the Department*
7 *of Defense in appropriate technical and medical*
8 *fields.*

9 (c) *REVIEW ELEMENTS.*—*The review under subsection*
10 *(a) shall include an evaluation of—*

11 (1) *any data of the Department of the Navy re-*
12 *lating to the increased frequency of physiological*
13 *events affecting aircrew of the F/A–18 Hornet and the*
14 *F/A–18 Super Hornet aircraft during the covered pe-*
15 *riod;*

16 (2) *aircraft mishaps potentially related to such*
17 *physiological events;*

18 (3) *the cost and effectiveness of all material,*
19 *operational, maintenance, and other measures carried*
20 *out by the Department of the Navy to mitigate such*
21 *physiological events during the covered period;*

22 (4) *material, operational, maintenance, or other*
23 *measures that may reduce the rate of such physio-*
24 *logical events in the future; and*

25 (5) *the performance of—*

1 (1) *Identification of technologies with the poten-*
2 *tial—*

3 (A) *to prevent helicopter crashes (such as*
4 *collision avoidance technologies and battle space*
5 *and terrain situational awareness technologies);*
6 *and*

7 (B) *to improve survivability among indi-*
8 *viduals involved in such crashes (such as adapt-*
9 *ive flight control technologies and improved en-*
10 *ergy absorbing technologies).*

11 (2) *A cost-benefit analysis of each technology*
12 *identified under paragraph (1) that takes into ac-*
13 *count the cost of developing and deploying the tech-*
14 *nology compared to the potential of the technology to*
15 *prevent casualties or injuries.*

16 (3) *A list that ranks the technologies identified*
17 *under paragraph (1) based on—*

18 (A) *the results of the cost-benefit analysis*
19 *under paragraph (2); and*

20 (B) *the readiness level of each technology.*

21 (4) *An analysis of helicopter crashes that—*

22 (A) *compares the casualty rates of cockpit*
23 *occupants to the casualty rates of occupants of*
24 *cargo compartments and troop seats; and*

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

3 (c) *BRIEFING.*—Not later than one year after the date
4 of the enactment of this Act, the Secretary shall provide to
5 the Committees on Armed Services of the Senate and House
6 of Representatives (and other congressional defense commit-
7 tees on request) a briefing that includes—

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

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

11 **SEC. 237. REPORT ON ELECTRONIC WARFARE CAPABILI-**
12 **TIES.**

13 (a) *REPORT REQUIRED.*—Not later than April 1,
14 2017, the Under Secretary of Defense for Acquisition, Tech-
15 nology, and Logistics, acting through the Electronic War-
16 fare Executive Committee, shall submit to the congressional
17 defense committees a report on the electronic warfare capa-
18 bilities of the Department of Defense.

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

21 (1) A strategy for advancing and accelerating re-
22 search, development, test, and evaluation, and field-
23 ing, of electronic warfare capabilities to meet current
24 and projected requirements, including recommenda-

1 *tions for streamlining acquisition processes with re-*
2 *spect to such capabilities.*

3 (2) *A methodology for synchronizing and over-*
4 *seeing electronic warfare strategies, operational con-*
5 *cepts, and programs across the Department of De-*
6 *fense, including electronic warfare programs that sup-*
7 *port or enable cyber operations.*

8 (3) *The training and operational support re-*
9 *quired for fielding and sustaining current and*
10 *planned investments in electronic warfare capabili-*
11 *ties.*

12 (4) *A comprehensive list of investments of the*
13 *Department of Defense in electronic warfare capabili-*
14 *ties, including the capabilities to be developed, pro-*
15 *cured, or sustained in—*

16 (A) *the budget of the President for fiscal*
17 *year 2018 submitted to Congress under section*
18 *1105(a) of title 31, United States Code; and*

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

22 (5) *Progress on increasing innovative electro-*
23 *magnetic spectrum warfighting methods and oper-*
24 *ational concepts that provide advantages within the*
25 *electromagnetic spectrum operational domain.*

1 (6) *Specific attributes needed in future electronic*
2 *warfare capabilities, such as networking, adapt-*
3 *ability, agility, multifunctionality, and miniaturiza-*
4 *tion, and progress toward incorporating such at-*
5 *tributes in new electronic warfare systems.*

6 (7) *Capability gaps with respect to asymmetric*
7 *and near-peer adversaries identified pursuant to a*
8 *capability gap assessment.*

9 (8) *A joint strategy on achieving near real-time*
10 *system adaption to rapidly advancing modern digital*
11 *electronics.*

12 (9) *Any other information the Secretary deter-*
13 *mines to be appropriate.*

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

17 ***TITLE III—OPERATION AND***
18 ***MAINTENANCE***

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

21 ***SEC. 301. AUTHORIZATION OF APPROPRIATIONS.***

22 *Funds are hereby authorized to be appropriated for fis-*
23 *cal year 2017 for the use of the Armed Forces and other*
24 *activities and agencies of the Department of Defense for ex-*

1 *penses, not otherwise provided for, for operation and main-*
2 *tenance, as specified in the funding table in section 4301.*

3 ***Subtitle B—Energy and***
4 ***Environment***

5 ***SEC. 311. RULE OF CONSTRUCTION REGARDING ALTER-***
6 ***NATIVE FUEL PROCUREMENT REQUIREMENT.***

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

14 ***Subtitle C—Logistics and***
15 ***Sustainment***

16 ***SEC. 321. PILOT PROGRAM FOR INCLUSION OF CERTAIN IN-***
17 ***DUSTRIAL PLANTS IN THE ARMAMENT RE-***
18 ***TOOLING AND MANUFACTURING SUPPORT***
19 ***INITIATIVE.***

20 *During the five-year period beginning on the date of*
21 *the enactment of this Act, the Secretary of Defense shall*
22 *treat a Government-owned, contractor-operated industrial*
23 *plant of the Department of the Army as an eligible facility*
24 *under section 4551(2) of title 10, United States Code.*

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

2 (a) *ASSESSMENTS REQUIRED.*—During the period be-
3 ginning on the date of the enactment of this Act and ending
4 on the date of the final briefing under subsection (d), the
5 Secretary of the Navy shall conduct quarterly assessments
6 of Naval ship maintenance and loading activities carried
7 out by private sector entities at each covered port.

8 (b) *ELEMENTS OF ASSESSMENTS.*—Each assessment
9 under subsection (a) shall include, with respect to each cov-
10 ered port, the following:

11 (1) *Resources per day, including daily ship*
12 *availabilities and the workforce available to carry out*
13 *maintenance and loading activities, for the fiscal year*
14 *preceding the quarter covered by the assessment*
15 *through the end of such quarter.*

16 (2) *Projected resources per day, including daily*
17 *ship availabilities and the workforce available to*
18 *carry out maintenance and loading activities,*
19 *through the end of the second fiscal year beginning*
20 *after the quarter covered by the assessment.*

21 (3) *A description of the methods by which the*
22 *Secretary communicates projected workloads to pri-*
23 *rate sector entities engaged in ship maintenance ac-*
24 *tivities and ship loading activities.*

25 (4) *A description of any processes that have been*
26 *implemented to allow for timely feedback from private*

1 *sector entities engaged in ship maintenance activities*
2 *and ship loading activities.*

3 (c) *SENSE OF CONGRESS.—It is the Sense of Congress*
4 *that the Secretary should implement measures to minimize*
5 *workload fluctuations at covered ports to stabilize the pri-*
6 *vate sector workforce and reduce the cost of maintenance*
7 *availabilities.*

8 (d) *BRIEFINGS REQUIRED.—Not later than October 1,*
9 *2016, and on a quarterly basis thereafter until September*
10 *30, 2021, the Secretary shall provide to the Committees on*
11 *Armed Services of the Senate and House of Representatives*
12 *(and other congressional defense committees on request)—*

13 (1) *a briefing on the results of the assessments*
14 *conducted under subsection (a); and*

15 (2) *a chart depicting the information described*
16 *in paragraphs (1) and (2) of subsection (b) with re-*
17 *spect to each covered port.*

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

21 (1) *Mayport, Florida.*

22 (2) *Norfolk, Virginia.*

23 (4) *Pearl Harbor, Hawaii.*

24 (3) *Puget Sound, Washington.*

25 (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 appro-*
4 *priated by this Act or otherwise made available for fiscal*
5 *year 2017 for the operation of the Defense Contract Manage-*
6 *ment Agency, not more than 90 percent may be obligated*
7 *or expended in fiscal year 2017 until the Director of the*
8 *agency provides to the congressional defense committees the*
9 *briefing under subsection (b).*

10 (b) *BRIEFING.*—*The Director of the Defense Contract*
11 *Management Agency shall provide to the Committees on*
12 *Armed Services of the Senate and House of Representatives*
13 *(and other congressional defense committees on request) a*
14 *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 and*
19 *the defense industrial base (as prescribed under De-*
20 *partment of Defense Instruction 8320.04).*

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

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

1 (B) support counterfeit material risk reduc-
2 tion; 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 TO*
10 *INSTALLATIONS ENERGY MANAGEMENT.*—Subsection (a) of
11 *section 2925 of title 10, United States Code, is amended*
12 *to read as follows:*

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

21 “(1) *The energy performance goals for the De-*
22 *partment of Defense with respect to transportation*
23 *systems, support systems, utilities, and infrastructure*
24 *and facilities for the fiscal year covered by the report*
25 *and the next 5, 10, and 20 fiscal years, including any*

1 *changes to such energy performance goals since the*
2 *submission of the previous report under this section.*

3 *“(2) A master plan for the achievement of the en-*
4 *ergy performance goals of the Department of Defense,*
5 *as such goals are set forth in any laws, regulations,*
6 *executive orders, or Department of Defense policies,*
7 *including—*

8 *“(A) a separate plan for each military de-*
9 *partment and Defense Agency;*

10 *“(B) a standard for the measurement of en-*
11 *ergy consumed by transportation systems, sup-*
12 *port systems, utilities, and facilities and infra-*
13 *structure, applied consistently across the mili-*
14 *tary departments;*

15 *“(C) a methodology for measuring reduc-*
16 *tions in energy consumption that accounts for*
17 *changes—*

18 *“(i) in the sizes of fleets; and*

19 *“(ii) in the number and overall square*
20 *footage of facility plants;*

21 *“(D) standards to track annual progress in*
22 *meeting energy performance goals;*

23 *“(E) a description of any requirements and*
24 *proposed investments relating to energy perform-*
25 *ance goals included in the materials submitted*

1 *in support of the budget of the President (as sub-*
2 *mitted to Congress under section 1105(a) of title*
3 *31) for the fiscal year covered by the report; and*

4 *“(F) a description of any energy savings re-*
5 *sulting from the implementation of the master*
6 *plan or any other energy performance measures.*

7 *“(3) A table listing all energy projects financed*
8 *through third party financing mechanisms (including*
9 *energy savings performance contracts, enhanced use*
10 *leases, utility energy service contracts, utility privat-*
11 *ization agreements, and other contractual mecha-*
12 *nisms), including—*

13 *“(A) the duration of each such mechanism,*
14 *an estimate of the financial obligation incurred*
15 *through the duration of each such mechanism,*
16 *whether the project incorporates energy security*
17 *into its design, and the estimated payback period*
18 *for each such mechanism; and*

19 *“(B) any renewable energy certificates re-*
20 *lating to the project, including the purchasing*
21 *authority for the certificates, the price of the cer-*
22 *tificates, and whether the certificates were bun-*
23 *dled or unbundled.*

24 *“(4) A description of the types and quantities of*
25 *energy consumed by the Department of Defense and*

1 *by members of the armed forces and civilian per-*
2 *sonnel residing or working on military installations*
3 *during the fiscal year covered by the report, including*
4 *a breakdown of energy consumption by—*

5 *“(A) user group;*

6 *“(B) the type of energy consumed, including*
7 *the quantities of any renewable energy consumed*
8 *that was produced or procured by the Depart-*
9 *ment of Defense; and*

10 *“(C) the cost of the energy consumed.*

11 *“(5) A description of the types and amount of fi-*
12 *nancial incentives received under section 2913 of this*
13 *title during the preceding fiscal year and the appro-*
14 *propriation account or accounts to which the incentives*
15 *were credited.*

16 *“(6) A description and estimate of the progress*
17 *made by the military departments in meeting the cer-*
18 *tification requirements for sustainable green-building*
19 *standards in construction and major renovations as*
20 *required by section 433 of the Energy Independence*
21 *and Security Act of 2007 (Public Law 110–140; 121*
22 *Stat. 1612).*

23 *“(7) Details of utility outages at military instal-*
24 *lations, including the total number and locations of*
25 *outages, the financial impact of the outages, and*

1 *measures taken to mitigate outages in the future at*
2 *the affected locations and across the Department of*
3 *Defense.*

4 *“(8) A description of any other issues and strate-*
5 *gies the Secretary determines relevant to a com-*
6 *prehensive and renewable energy policy.”.*

7 *(b) MODIFICATION OF ANNUAL REPORT RELATED TO*
8 *OPERATIONAL ENERGY.—Subsection (b) of section 2925 of*
9 *title 10, United States Code, is amended—*

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

12 *(2) in paragraph (2), by adding at the end the*
13 *following new subparagraph:*

14 *“(H) The comments and recommendations of the*
15 *Assistant Secretary under section 2926(c) of this title,*
16 *including the certification required under paragraph*
17 *(3) of such section.”.*

18 *(c) EFFECTIVE DATE.—The amendments made by this*
19 *section shall take effect on the date of the enactment of this*
20 *Act and shall apply with respect to reports required to be*
21 *submitted under section 2925 of title 10, United States*
22 *Code, after such date.*

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

4 (a) *REPORT REQUIRED.*—Not later than 30 days after
5 the date on which the budget of the President for fiscal year
6 2018 is submitted to Congress pursuant to section 1105 of
7 title 31, United States Code, the Secretary of Defense shall
8 submit to the congressional defense committees a report on
9 the equipment, weapons, weapons systems, components, sub-
10 components, and end-items purchased from foreign entities
11 that identifies those items which could be manufactured in
12 the military arsenals of the United States or the military
13 depots of the United States to meet the goals of this section
14 or section 2464 of title 10, United States Code, as well as
15 a plan for moving that workload into such arsenals or de-
16 pots.

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

19 (1) A list of items identified in the report re-
20 quired under section 333 of the National Defense Au-
21 thorization Act for Fiscal Year 2016 (Public Law
22 114–92; 129 Stat. 792) and a list of any items pur-
23 chased from foreign manufacturers after the date of
24 the submission of such report that are—

25 (A) described in section 8302(a)(1) of title
26 41, United States Code, and purchased from a

1 *foreign manufacturer by reason of an exception*
2 *under section 8302(a)(2)(A) or section*
3 *8302(a)(2)(B) of such title;*

4 *(B) described in section 2533b(a)(1) of title*
5 *10, United States Code, and purchased from a*
6 *foreign manufacturer by reason of an exception*
7 *under section 2533b(b); and*

8 *(C) described in section 2534(a) of such title*
9 *and purchased from a foreign manufacturer by*
10 *reason of a waiver exercised under paragraph*
11 *(1), (2), (4), or (5) of section 2534(d) of such*
12 *title.*

13 *(2) An assessment of the skills required to manu-*
14 *facture the items described in paragraph (1) and a*
15 *comparison of those skills with skills required to meet*
16 *the critical capabilities identified in the report of the*
17 *Army to Congress on Critical Manufacturing Capa-*
18 *bilities and Capacities, dated August 2013, and the*
19 *core logistics capabilities identified by each military*
20 *service pursuant to section 2464 of title 10, United*
21 *States Code, as of the date of the enactment of this*
22 *Act.*

23 *(3) An identification of the tooling, equipment,*
24 *and facilities upgrades necessary for a military arse-*

1 *nal or depot to manufacture items described in para-*
2 *graph (1).*

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

8 (5) *An explanation of the rationale for con-*
9 *tinuing to sole-source the manufacturing of items de-*
10 *scribed in paragraph (1) from a foreign source rather*
11 *than a military arsenal, depot, or other organic facil-*
12 *ity.*

13 (6) *Such other information the Secretary deter-*
14 *mines to be appropriate.*

15 (c) *AUTHORITY TO ADJUST LABOR RATES TO RE-*
16 *FLECT WORK PRODUCTION.—*

17 (1) *IN GENERAL.—Not later than March 1, 2017,*
18 *the Secretary of Defense shall establish a two-year*
19 *pilot program for the purpose of permitting the Army*
20 *arsenals to adjust periodically, throughout the year,*
21 *their labor rates charged to customers based upon*
22 *changes in workload and other factors.*

23 (2) *BRIEFING.—Not later than May 1, 2019, the*
24 *Secretary of Defense shall provide to the Committees*

1 *on Armed Services of the Senate and the House of*
2 *Representatives a briefing that assesses—*

3 *(A) each Army arsenal’s changes in labor*
4 *rates throughout the previous year;*

5 *(B) the ability of each arsenal to meet the*
6 *costs of their working-capital funds; and*

7 *(C) the effect on arsenal workloads of labor*
8 *rate changes.*

9 ***Subtitle E—Other Matters***

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

11 *Section 3063 of title 10, United States Code, is amend-*
12 *ed—*

13 *(1) in paragraph (12), by striking “and” at the*
14 *end;*

15 *(2) by redesignating paragraph (13) as para-*
16 *graph (14); and*

17 *(3) by inserting after paragraph (12) the fol-*
18 *lowing new paragraph (13):*

19 *“(13) Explosive Ordnance Disposal Corps; and”.*

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

21 *(a) IN GENERAL.—Chapter 136 of title 10, United*
22 *States Code, is amended by adding at the end the following*
23 *new section:*

1 **“§ 2283. Explosive ordnance disposal program**

2 “(a) *IN GENERAL.*—*The Secretary of Defense shall*
3 *carry out a program to be known as the ‘Explosive Ord-*
4 *nance Disposal Program’ (in this section referred to as the*
5 *‘Program’)* under which the Secretary shall ensure close and
6 *continuous coordination between the military departments*
7 *on matters relating to explosive ordnance disposal.*

8 “(b) *ROLES, RESPONSIBILITIES, AND AUTHORITIES.*—
9 *In carrying out the Program under subsection (a)—*

10 “(1) *the Secretary of Defense shall—*

11 “(A) *assign responsibility for the coordina-*
12 *tion and integration of explosive ordnance dis-*
13 *posal to a single office or entity in the Office of*
14 *the Secretary of Defense;*

15 “(B) *designate the Secretary of the Navy, or*
16 *a designee of the Secretary’s choice, as the execu-*
17 *tive agent for the Department of Defense to co-*
18 *ordinate and integrate research, development,*
19 *test, and evaluation activities and procurement*
20 *activities of the military departments with re-*
21 *spect to explosive ordnance disposal; and*

22 “(C) *exercise oversight over explosive ord-*
23 *nance disposal through the Defense Acquisition*
24 *Board process; and*

25 “(2) *the Secretary of each military department*
26 *shall assess the needs of the military department con-*

1 *cerned with respect to explosive ordnance disposal*
2 *and may carry out research, development, test, and*
3 *evaluation activities and procurement activities to*
4 *address such needs.*

5 *“(c) ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—*

6 *(1) The Secretary of Defense shall submit to Congress, as*
7 *a part of the defense budget materials for each fiscal year*
8 *after fiscal year 2017, a consolidated budget justification*
9 *display, in classified and unclassified form, that covers all*
10 *activities of Department of Defense relating to the Program.*

11 *“(2) The budget display under paragraph (1) for a fis-*
12 *cal year shall include a single program element for each*
13 *of the following:*

14 *“(A) Research, development, test, and evaluation.*

15 *“(B) Procurement.*

16 *“(C) Military construction.*

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

23 *“(A) research, development, test, and evaluation;*

24 *“(B) procurement;*

25 *“(C) doctrine development;*

1 “(D) *policy*;

2 “(E) *training*;

3 “(F) *development of requirements*;

4 “(G) *readiness*; and

5 “(H) *risk assessment*.

6 “(2) *Not later than May 1, 2018, the Secretary shall*
7 *provide to the Committees on Armed Services of the Senate*
8 *and the House of Representatives a briefing that includes—*

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 actuated
 5 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, re-
 12 covery and exploitation, and final disposition of the
 13 ordnance.”.

14 (b) *CLERICAL AMENDMENT.*—The table of sections at
 15 the beginning of such chapter is amended by adding at the
 16 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 prescribed
8 by the Secretary, if the Secretary decides that con-
9 structing or altering a structure may result in an ob-
10 struction of the navigable airspace, an interference
11 with air navigation facilities and equipment or the
12 navigable airspace, or, after consultation with the
13 Secretary of Defense, an unacceptable risk to the na-
14 tional security of the United States, the Secretary
15 shall conduct an aeronautical study to decide the ex-
16 tent of such impacts on the safe and efficient use of
17 the airspace, facilities, or equipment. In conducting
18 the study, the Secretary shall—

19 “(A) consider factors relevant to the efficient
20 and effective use of the navigable airspace, in-
21 cluding—

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 alteration
10 of a structure when combined with the im-
11 pact of other existing or proposed struc-
12 tures; and

13 “(vi) other factors relevant to the effi-
14 cient and effective use of navigable airspace;
15 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 secu-
2 rity of the United States, as determined by the
3 Secretary of Defense under subsection (f).”.

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

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

10 “(1) make a finding on whether the construction,
11 alteration, establishment, or expansion of a structure
12 or sanitary landfill included in the study would re-
13 sult in an unacceptable risk to the national security
14 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 OF
19 UNITED STATES DEFINED.—In this section, the term ‘un-
20 acceptable risk to the national security of the United States’
21 has the meaning given the term in section 211.3 of title
22 32, Code of Federal Regulations, as in effect on January
23 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 following:

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

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

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

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

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

1 *pendent study on the space-available travel system of the*
2 *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 commit-*
7 *tees a report summarizing the results of the study conducted*
8 *under such subsection.*

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

12 (1) *A determination of—*

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

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

18 (C) *the projected number of reserve retirees,*
19 *active duty retirees, and dependents of such re-*
20 *tirees that will exist by the end of such 10-year*
21 *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 re-*

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

3 *(4) A description of the effect on system capacity*
4 *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 retirees*
10 *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-available*
24 *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 for*
7 *retired pay under chapter 1223 of such title; and*

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

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

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

17 (1) *analyze the methods used to prioritize among*
18 *the categories of individuals eligible for space-avail-*
19 *able travel and make recommendations for—*

20 (A) *re-ordering the priority of such cat-*
21 *egories; and*

22 (B) *adding additional categories of eligible*
23 *individuals; and*

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 estab-*
12 *lishes and implements the process by which members of the*
13 *Armed Forces may carry an appropriate firearm on a mili-*
14 *tary installation, as required by section 526 of the National*
15 *Defense Authorization Act for Fiscal Year 2016 (Public*
16 *Law 114-92; 129 Stat. 813; 10 U.S.C. 2672 note).*

17 **TITLE IV—MILITARY PERSONNEL**
18 **AUTHORIZATIONS**

19 **Subtitle A—Active Forces**

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

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

23 *(1) The Army, 480,000.*

24 *(2) The Navy, 324,615.*

25 *(3) The Marine Corps, 185,000.*

26 *(4) The Air Force, 321,000.*

1 **SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END**
 2 **STRENGTH MINIMUM LEVELS.**

3 *Section 691(b) of title 10, United States Code, is*
 4 *amended by striking paragraphs (1) through (4) and insert-*
 5 *ing the following new paragraphs:*

6 “(1) *For the Army, 480,000.*

7 “(2) *For the Navy, 322,900.*

8 “(3) *For the Marine Corps, 185,000.*

9 “(4) *For the Air Force, 321,000.”.*

10 ***Subtitle B—Reserve Forces***

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

12 *(a) IN GENERAL.—The Armed Forces are authorized*
 13 *strengths for Selected Reserve personnel of the reserve com-*
 14 *ponents as of September 30, 2017, as follows:*

15 (1) *The Army National Guard of the United*
 16 *States, 350,000.*

17 (2) *The Army Reserve, 205,000.*

18 (3) *The Navy Reserve, 58,000.*

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

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

22 (6) *The Air Force Reserve, 69,000.*

23 (7) *The Coast Guard Reserve, 7,000.*

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

1 *of organizing, administering, recruiting, instructing, or*
2 *training the reserve components:*

3 (1) *The Army National Guard of the United*
4 *States, 30,155.*

5 (2) *The Army Reserve, 16,261.*

6 (3) *The Navy Reserve, 9,955.*

7 (4) *The Marine Corps Reserve, 2,261.*

8 (5) *The Air National Guard of the United*
9 *States, 14,764.*

10 (6) *The Air Force Reserve, 2,955.*

11 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**

12 **(DUAL STATUS).**

13 *The minimum number of military technicians (dual*
14 *status) as of the last day of fiscal year 2017 for the reserve*
15 *components of the Army and the Air Force (notwith-*
16 *standing section 129 of title 10, United States Code) shall*
17 *be the following:*

18 (1) *For the Army National Guard of the United*
19 *States, 25,507.*

20 (2) *For the Army Reserve, 7,570.*

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

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

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

3 (a) *LIMITATIONS.—*

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

9 (A) *For the Army National Guard of the*
10 *United States, 1,600.*

11 (B) *For the Air National Guard of the*
12 *United States, 350.*

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

16 (3) *AIR FORCE RESERVE.—The number of non-*
17 *dual status technicians employed by the Air Force*
18 *Reserve as of September 30, 2017, may not exceed 90.*

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

1 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
2 **THORIZED TO BE ON ACTIVE DUTY FOR**
3 **OPERATIONAL SUPPORT.**

4 *During fiscal year 2017, the maximum number of*
5 *members of the reserve components of the Armed Forces who*
6 *may be serving at any time on full-time operational sup-*
7 *port duty under section 115(b) of title 10, United States*
8 *Code, is the following:*

9 (1) *The Army National Guard of the United*
10 *States, 17,000.*

11 (2) *The Army Reserve, 13,000.*

12 (3) *The Navy Reserve, 6,200.*

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

14 (5) *The Air National Guard of the United*
15 *States, 16,000.*

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

17 **SEC. 416. SENSE OF CONGRESS ON FULL-TIME SUPPORT**
18 **FOR THE ARMY NATIONAL GUARD.**

19 *It is the sense of Congress that—*

20 (1) *an adequately supported, full-time support*
21 *force consisting of active and reserve personnel and*
22 *military technicians for the Army National Guard is*
23 *essential to maintaining the readiness of the Army*
24 *National Guard;*

25 (2) *the full-time support force for the Army Na-*
26 *tional Guard is the primary mechanism through*

1 *which the programs of the Army and the Department*
2 *of Defense are delivered to all 350,000 soldiers of the*
3 *Army National Guard;*

4 (3) *reductions in active and reserve personnel*
5 *and military technicians since 2014, totaling 2401,*
6 *have adversely impacted the readiness of the Army*
7 *National Guard;*

8 (4) *the growth in the full-time support force for*
9 *the Army National Guard since 2014 is due solely to*
10 *validated requirements originating before September*
11 *11, 2001, and not war-time growth;*

12 (5) *funding for the full-time support force for the*
13 *Army National Guard has never exceeded 72 percent*
14 *of the validated requirement of the headquarters of the*
15 *Department of the Army;*

16 (6) *the current size of the full-time support force*
17 *for the Army National Guard is the minimum re-*
18 *quired to maintain foundational readiness require-*
19 *ments; and*

20 (7) *further reducing the size of the full-time sup-*
21 *port force for the Army National Guard will have ad-*
22 *verse and long-lasting impacts on readiness.*

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

3 **SEC. 421. MILITARY PERSONNEL.**

4 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
5 hereby authorized to be appropriated for fiscal year 2017
6 for the use of the Armed Forces and other activities and
7 agencies of the Department of Defense for expenses, not oth-
8 erwise provided for, for military personnel, as specified in
9 the funding table in section 4401.

10 (b) *CONSTRUCTION OF AUTHORIZATION.*—The author-
11 ization of appropriations in subsection (a) supersedes any
12 other authorization of appropriations (definite or indefi-
13 nite) for such purpose for fiscal year 2017.

14 **TITLE V—MILITARY PERSONNEL**
15 **POLICY**

16 **Subtitle A—Officer Personnel Policy**

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

18 (a) *DISTRIBUTION OF COMMISSIONED OFFICERS ON*
19 *ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER*
20 *GRADES.*—Section 525(a)(4) of title 10, United States
21 Code, is amended—

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

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

1 (b) *GENERAL AND FLAG OFFICERS ON ACTIVE*
 2 *DUTY.*—Section 526(a)(4) of such title is amended by strik-
 3 ing “61” and inserting “62”.

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

6 **SEC. 502. EQUAL CONSIDERATION OF OFFICERS FOR EARLY**
 7 **RETIREMENT OR DISCHARGE.**

8 Section 638a of title 10, United States Code, is amend-
 9 ed—

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

12 “(4) Convening selection boards under section
 13 611(b) of this title to consider for early retirement or
 14 discharge regular officers on the active-duty list in a
 15 grade below lieutenant colonel or commander—

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

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

20 (2) by redesignating subsection (e) as subsection
 21 (f); and

22 (3) by inserting after subsection (d) the following
 23 new subsection (e):

24 “(e)(1) In the case of action under subsection (b)(4),
 25 the Secretary of the military department concerned shall

1 *specify the total number of officers described in that sub-*
2 *section that a selection board convened under section 611(b)*
3 *of this title pursuant to the authority of that subsection may*
4 *recommend for early retirement or discharge. Officers who*
5 *are eligible, or are within two years of becoming eligible,*
6 *to be retired under any provision of law (other than by rea-*
7 *son of eligibility pursuant to section 4403 of the National*
8 *Defense Authorization Act for Fiscal Year 1993 (Public*
9 *Law 102-484)), if selected by the board, shall be retired*
10 *or retained until becoming eligible to retire under sections*
11 *3911, 6323, or 8911 of this title, and those officers who are*
12 *otherwise ineligible to retire under any provision of law*
13 *shall, if selected by the board, be discharged.*

14 “(2) *In the case of action under subsection (b)(4), the*
15 *Secretary of the military department concerned may submit*
16 *to a selection board convened pursuant to that subsection—*

17 “(A) *the names of all eligible officers described in*
18 *that subsection, whether or not they are eligible to be*
19 *retired under any provision of law, in a particular*
20 *grade and competitive category; or*

21 “(B) *the names of all eligible officers described in*
22 *that subsection in a particular grade and competitive*
23 *category, whether or not they are eligible to be retired*
24 *under any provision of law, who are also in par-*
25 *ticular year groups, specialties, or retirement cat-*

1 egories, or any combination thereof, with that com-
2 petitive category.

3 “(3) The number of officers specified under paragraph
4 (1) may not be more than 30 percent of the number of offi-
5 cers considered.

6 “(4) An officer who is recommended for discharge by
7 a selection board convened pursuant to the authority of sub-
8 section (b)(4) and whose discharge is approved by the Sec-
9 retary concerned shall be discharged on a date specified by
10 the Secretary concerned.

11 “(5) Selection of officers for discharge under this sub-
12 section shall be based on the needs of the service.”.

13 **SEC. 503. MODIFICATION OF AUTHORITY TO DROP FROM**
14 **ROLLS A COMMISSIONED OFFICER.**

15 Section 1161(b) of title 10, United States Code, is
16 amended by inserting “or the Secretary of Defense, or in
17 the case of a commissioned officer of the Coast Guard, the
18 Secretary of the department in which the Coast Guard is
19 operating when it is not operating in the Navy,” after
20 “President”.

1 **Subtitle B—Reserve Component**
2 **Management**

3 **SEC. 511. EXTENSION OF REMOVAL OF RESTRICTIONS ON**
4 **THE TRANSFER OF OFFICERS BETWEEN THE**
5 **ACTIVE AND INACTIVE NATIONAL GUARD.**

6 *Section 512 of the National Defense Authorization Act*
7 *for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 752;*
8 *32 U.S.C. prec. 301 note) is amended—*

9 (1) *in subsection (a) in the matter preceding*
10 *paragraph (1), by striking “December 31, 2016” and*
11 *inserting “December 31, 2019”; and*

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

15 **SEC. 512. EXTENSION OF TEMPORARY AUTHORITY TO USE**
16 **AIR FORCE RESERVE COMPONENT PER-**
17 **SONNEL TO PROVIDE TRAINING AND IN-**
18 **STRUCTION REGARDING PILOT TRAINING.**

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

1 **SEC. 513. LIMITATIONS ON ORDERING SELECTED RESERVE**
2 **TO ACTIVE DUTY FOR PREPLANNED MIS-**
3 **SIONS IN SUPPORT OF THE COMBATANT COM-**
4 **MANDS.**

5 *Section 12304b(b) of title 10, United States Code, is*
6 *amended—*

7 *(1) in paragraph (1), by striking “only” in the*
8 *matter preceding subparagraph (A);*

9 *(2) by redesignating paragraph (2) as para-*
10 *graph (3); and*

11 *(3) by inserting after paragraph (1) the fol-*
12 *lowing new paragraph:*

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

15 *“(A) the manpower and associated costs of such*
16 *active duty has been identified by the Secretary con-*
17 *cerned as an emerging requirement in the year of exe-*
18 *cution; and*

19 *“(B) the Secretary concerned provides 30-day*
20 *advance notification to the congressional defense com-*
21 *mittees that identifies the funds required to support*
22 *the order, a description of the mission for which the*
23 *units will be ordered to active duty, and the antici-*
24 *ipated length of time of the order of such units to ac-*
25 *tive duty on an involuntary basis.”.*

1 **SEC. 514. EXEMPTION OF MILITARY TECHNICIANS (DUAL**
 2 **STATUS) FROM CIVILIAN EMPLOYEE FUR-**
 3 **LOUGHS.**

4 *Section 10216(b)(3) of title 10, United States Code, is*
 5 *amended by inserting after “reductions” the following: “(in-*
 6 *cluding temporary reductions by furlough or otherwise)”.*

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

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

11 *Section 115 of title 10, United States Code, is amend-*
 12 *ed—*

13 *(1) in subsection (b)(1)—*

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

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

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

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

22 *Section 701(i) of title 10, United States Code, is*
 23 *amended—*

24 *(1) in paragraph (1), by inserting “except as*
 25 *provided in paragraph (3),” after “the Secretary of*
 26 *Defense,”;* and

1 (2) *in paragraph (3), by striking “only one such*
2 *member shall be allowed leave under this subsection”*
3 *and inserting “one of the members shall be allowed up*
4 *to 21 days of leave under this subsection and the other*
5 *member shall be allowed up to 14 days of leave under*
6 *this subsection”.*

7 **SEC. 523. REVISION OF DEPLOYABILITY RATING SYSTEM**
8 **AND PLANNING REFORM.**

9 (a) *DEPLOYMENT PRIORITIZATION AND READINESS.—*

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

13 **“§ 10102a. Deployment prioritization and readiness of**
14 **army components**

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

19 “(b) *DEPLOYABILITY READINESS RATING.—The Sec-*
20 *retary of the Army shall maintain a readiness rating sys-*
21 *tem for units of all components of the Army that provides*
22 *an accurate assessment of the deployability of a unit and*
23 *those shortfalls of a unit that require the provision of addi-*
24 *tional resources. The system shall ensure—*

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

3 “(A) both the percentage of the overall per-
4 sonnel requirement of the unit that is manned
5 and deployable and the fill and deployability
6 rate for critical occupational specialties nec-
7 essary for the unit to carry out its basic mission
8 requirements; and

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

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

14 “(A) documents all equipment required for
15 deployment;

16 “(B) reflects only that equipment that is di-
17 rectly possessed by the unit;

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

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

23 (2) *CLERICAL AMENDMENT.*—The table of sec-
24 tions at the beginning of chapter 1003 of such title is

1 (2) *CLARIFICATION.*—Paragraph (3) of such sec-
2 tion is amended by striking “presiding attorney” and
3 inserting “person notarizing the instrument in ac-
4 cordance with paragraph (2)”.

5 (b) *EXPANSION OF AUTHORITY TO NOTARIZE DOCU-*
6 *MENTS TO CIVILIANS SERVING IN MILITARY LEGAL ASSIST-*
7 *ANCE OFFICES.*—

8 (1) *IN GENERAL.*—Subsection (b) of section
9 1044a of title 10, United States Code, is amended by
10 adding at the end the following new paragraph:

11 “(6) All civilian paralegals serving at military
12 legal assistance offices, supervised by a military legal
13 assistance counsel (as defined in section 1044d(g) of
14 this title).”.

15 **SEC. 525. TECHNICAL CORRECTION TO VOLUNTARY SEPA-**
16 **RATION PAY AND BENEFITS.**

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

19 (1) in paragraph (2)—

20 (A) by striking “or 12304” and inserting
21 “12304, 12304a, or 12304b”; and

22 (B) by striking “502(f)(1)” and inserting
23 “502(f)(1)(A)”; and

24 (2) in paragraph (3), by striking “502(f)(2)”
25 and inserting “502(f)(1)(B)”.

1 **SEC. 526. ANNUAL NOTICE TO MEMBERS OF THE ARMED**
2 **FORCES REGARDING CHILD CUSTODY PRO-**
3 **TECTIONS GUARANTEED BY THE**
4 **SERVICEMEMBERS CIVIL RELIEF ACT.**

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

11 **SEC. 527. PILOT PROGRAM ON CONSOLIDATED ARMY RE-**
12 **CRUITING.**

13 *(a) PILOT PROGRAM.—*

14 *(1) IN GENERAL.—Not later than 180 days after*
15 *the date of the enactment of this Act, the Secretary of*
16 *the Army shall carry out a pilot program to consoli-*
17 *date the recruiting efforts of the Regular Army, Army*
18 *Reserve, and Army National Guard under which a*
19 *recruiter in one of the components participating in*
20 *the pilot program may recruit individuals to enlist in*
21 *any of the components regardless of the funding*
22 *source of the recruiting activity. Under the pilot pro-*
23 *gram, the recruiter shall receive credit toward peri-*
24 *odic enlistment goals for each enlistment regardless of*
25 *the component in which the individual enlists.*

1 (2) *DURATION.*—*The Secretary shall carry out*
2 *the pilot program for a period of not less than three*
3 *years.*

4 **(b) *REPORTS.***—

5 **(1) *INTERIM REPORT.***—

6 **(A) *IN GENERAL.***—*Not later than one year*
7 *after the date on which the pilot program under*
8 *subsection (a) commences, the Secretary shall*
9 *submit to the Committee on Armed Services of*
10 *the House of Representatives a report on the*
11 *pilot program.*

12 **(B) *ELEMENTS.***—*The report under sub-*
13 *paragraph (A) shall include each of the fol-*
14 *lowing:*

15 **(i)** *An analysis of the effects that con-*
16 *solidated recruiting efforts has on the over-*
17 *all ability of recruiters to attract and place*
18 *qualified candidates.*

19 **(ii)** *A determination of the extent to*
20 *which consolidating recruiting efforts affects*
21 *efficiency and recruiting costs.*

22 **(iii)** *An analysis of any challenges as-*
23 *sociated with a recruiter working to recruit*
24 *individuals to enlist in a component in*
25 *which the recruiter has not served.*

1 (iv) *An analysis of the satisfaction of*
2 *recruiters and the component recruiting*
3 *commands with the pilot program.*

4 (2) *FINAL REPORT.*—*Not later than 180 days*
5 *after the date on which the pilot program under sub-*
6 *section (a) is completed, the Secretary shall submit to*
7 *the committees specified in paragraph (1)(A) a final*
8 *report on the pilot program. Such final report shall*
9 *include any recommendations of the Secretary with*
10 *respect to extending or making permanent the pilot*
11 *program and a description of any related legislative*
12 *actions that the Secretary considers appropriate.*

13 **SEC. 528. APPLICATION OF MILITARY SELECTIVE SERVICE**
14 **REGISTRATION AND CONSCRIPTION RE-**
15 **QUIREMENTS TO FEMALE CITIZENS AND**
16 **RESIDENTS OF THE UNITED STATES BE-**
17 **TWEEN THE AGES OF 18 AND 26.**

18 (a) *APPLICABILITY TO FEMALE CITIZENS AND RESI-*
19 *DENTS WITHIN SPECIFIED AGE RANGE.*—*Section 3(a) of*
20 *the Military Selective Service Act (50 U.S.C. 3802(a)) is*
21 *amended—*

22 (1) *in the first sentence—*

23 (A) *by striking “every male citizen” and in-*
24 *serting “all citizens”;*

1 *becomes a parent as a result of the member's spouse giving*
2 *birth.*

3 “(b) *AMOUNT OF LEAVE.*—*Leave under this section*
4 *shall be at least 14 days, under regulations prescribed under*
5 *this section by the Secretary concerned.*

6 “(c) *DURATION OF AVAILABILITY OF LEAVE.*—*Leave*
7 *under this section is lost as follows:*

8 “(1) *If not used within one year of the date of*
9 *the birth giving rise to the leave.*

10 “(2) *If the member having the leave becomes en-*
11 *titled to leave under this section with respect to a dif-*
12 *ferent child.*

13 “(3) *If not used before separation from active*
14 *service.*

15 “(d) *COORDINATION WITH OTHER LEAVE AUTHORI-*
16 *TIES.*—*Leave under this section is in addition to any other*
17 *leave and may not be deducted or charged against other*
18 *leave authorized by this chapter.*

19 “(e) *REGULATIONS.*—*This section shall be carried out*
20 *under regulations prescribed by the Secretary concerned.*
21 *Regulations prescribed under this section by the Secretaries*
22 *of the military departments shall be as uniform as prac-*
23 *ticable and shall be subject to approval by the Secretary*
24 *of Defense.”.*

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
2 *tions at the beginning of chapter 40 of title 10,*
3 *United States Code, is amended by inserting after the*
4 *item relating to section 701 the following new item:*

“701a. Parental leave.”.

5 (3) *CONFORMING AMENDMENT.*—*Subsection (j) of*
6 *section 701 of title 10, United States Code, is re-*
7 *pealed.*

8 (b) *ADOPTIONS BY DUAL-SERVICE COUPLES.*—*Section*
9 *701(i) of title 10, United States Code, is amended by strik-*
10 *ing paragraph (3) and inserting the following new para-*
11 *graph:*

12 *“(3) In the event that two members of the armed forces*
13 *who are married to each other adopt a child in a qualifying*
14 *child adoption, the two members shall be allowed a total*
15 *of at least 36 days of leave under this subsection, to be*
16 *shared between the two members. The Secretary concerned*
17 *shall permit the transfer of such leave between the two mem-*
18 *bers to accommodate individual family circumstances.”.*

19 (c) *COVERAGE OF COMMISSIONED OFFICERS OF THE*
20 *PUBLIC HEALTH SERVICE.*—*Section 221(a) of the Public*
21 *Health Service Act (42 U.S.C. 213a(a)) is amended by add-*
22 *ing at the end the following new paragraph:*

23 *“(19) Section 701(i) and 701a, Adoption Leave*
24 *and Parental Leave.”.*

1 ***Subtitle D—Military Justice, In-***
2 ***cluding Sexual Assault and Do-***
3 ***mestic Violence Prevention and***
4 ***Response***

5 ***SEC. 541. EXPEDITED REPORTING OF CHILD ABUSE AND***
6 ***NEGLECT TO STATE CHILD PROTECTIVE***
7 ***SERVICES.***

8 *(a) REPORTING BY MILITARY AND CIVILIAN PER-*
9 *SONNEL OF THE DEPARTMENT OF DEFENSE.—Section 1787*
10 *of title 10, United States Code, is amended—*

11 *(1) by redesignating subsections (a) and (b) as*
12 *subsections (c) and (d), respectively; and*

13 *(2) by inserting before subsection (c), as so redес-*
14 *ignated, the following new subsections:*

15 *“(a) REPORTING BY MILITARY AND CIVILIAN PER-*
16 *SONNEL.—A member of the armed forces, civilian employee*
17 *of the Department of Defense, or contractor employee work-*
18 *ing on a military installation who is mandated by Federal*
19 *regulation or State law to report known or suspected in-*
20 *stances of child abuse and neglect shall provide the report*
21 *directly to State Child Protective Services or another appro-*
22 *priate State agency in addition to the member’s or employ-*
23 *ee’s chain of command or any designated Department point*
24 *of contact.*

1 “(b) *TRAINING FOR MANDATED REPORTERS.*—The
2 *Secretary of Defense shall ensure that individuals referred*
3 *to in subsection (a) who are mandated by State law to re-*
4 *port known or suspected instances of child abuse and neglect*
5 *receive appropriate training, in accordance with State*
6 *guidelines, intended to improve their—*

7 “(1) *ability to recognize evidence of child abuse*
8 *and neglect; and*

9 “(2) *understanding of the mandatory reporting*
10 *requirements imposed by law.”.*

11 “(b) *CONFORMING AND CLERICAL AMENDMENTS.*—Sec-
12 *tion 1787 of title 10, United States Code, is further amend-*
13 *ed—*

14 (1) *in subsection (c), as redesignated by sub-*
15 *section (a)(1), by striking “IN GENERAL.—” and in-*
16 *serting “REPORTING BY STATES.—”; and*

17 (2) *in subsection (d), as redesignated by sub-*
18 *section (a)(1)—*

19 (A) *by striking “(d) DEFINITION.—In this*
20 *section, the term” and inserting the following:*

21 “(d) *DEFINITIONS.*—*In this section:*

22 “(1) *The term*”; *and*

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

1 “(2) The term ‘State’ includes the District of Co-
2 lumbia, the Commonwealth of Puerto Rico, the Com-
3 monwealth of the Northern Mariana Islands, Guam,
4 the Virgin Islands, American Samoa, the Federated
5 States of Micronesia, the Republic of the Marshall Is-
6 lands, and the Republic of Palau.”.

7 **SEC. 542. EXTENSION OF THE REQUIREMENT FOR ANNUAL**
8 **REPORT REGARDING SEXUAL ASSAULTS AND**
9 **COORDINATION WITH RELEASE OF FAMILY**
10 **ADVOCACY REPORT.**

11 Section 1631 of the Ike Skelton National Defense Au-
12 thorization Act for Fiscal Year 2011 (Public Law 111–383;
13 124 Stat. 4433; 10 U.S.C. 1561 note) is amended—

14 (1) in subsection (a) by striking “March 1,
15 2017” and inserting “January 31, 2021”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(g) **COORDINATION OF RELEASE DATE BETWEEN AN-**
19 **NUAL REPORT REGARDING SEXUAL ASSAULTS AND FAMILY**
20 **ADVOCACY REPORT.**—The Secretary of Defense shall ensure
21 that the report required under subsection (a) for a year is
22 delivered to the Committees on Armed Services of the Senate
23 and House of Representatives simultaneously with the De-
24 partment of Defense Family Advocacy Report for that year

1 *required by section 543 of the National Defense Authoriza-*
2 *tion Act for Fiscal Year 2017.”.*

3 **SEC. 543. REQUIREMENT FOR ANNUAL FAMILY ADVOCACY**
4 **PROGRAM REPORT REGARDING CHILD ABUSE**
5 **AND DOMESTIC VIOLENCE.**

6 (a) *ANNUAL REPORT ON CHILD ABUSE AND DOMESTIC*
7 *VIOLENCE.—Not later than January 31, 2017, and annu-*
8 *ally thereafter through January 31, 2021, the Secretary of*
9 *Defense shall submit to the Committees on Armed Services*
10 *of the House of Representatives and the Senate a report on*
11 *the child abuse and domestic abuse incident data from the*
12 *Department of Defense Family Advocacy Program central*
13 *registry of child abuse and domestic abuse incidents for the*
14 *preceding calendar year.*

15 (b) *CONTENTS.—The report shall contain each of the*
16 *following:*

17 (1) *The number of incidents reported during the*
18 *year covered by the report involving—*

19 (A) *spouse physical or sexual abuse;*

20 (B) *intimate partner physical or sexual*
21 *abuse;*

22 (C) *child physical or sexual abuse; and*

23 (D) *child or domestic abuse resulting in a*
24 *fatality.*

1 (2) *An analysis of the number of such incidents*
2 *that met the criteria for substantiation.*

3 (3) *An analysis of—*

4 (A) *the types of abuse reported;*

5 (B) *for cases involving children as the re-*
6 *ported victims of the abuse, the ages of the*
7 *abused children; and*

8 (C) *other relevant characteristics of the re-*
9 *ported victims.*

10 (4) *An analysis of the military status, sex, and*
11 *pay grade of the alleged perpetrator of the child or do-*
12 *mestic abuse.*

13 (5) *An analysis of the effectiveness of the Family*
14 *Advocacy Program.*

15 (c) *COORDINATION OF RELEASE DATE BETWEEN AN-*
16 *NUAL REPORT REGARDING SEXUAL ASSAULTS AND FAMILY*
17 *ADVOCACY PROGRAM REPORT.—The Secretary of Defense*
18 *shall ensure that the sexual assault report required under*
19 *section 1631 of the Ike Skelton National Defense Authoriza-*
20 *tion Act for Fiscal Year 2011 (Public Law 111–383; 10*
21 *U.S.C. 1561 note) is delivered to the Committees on Armed*
22 *Services of the House of Representatives and the Senate si-*
23 *multaneously with the report required under this section.*

1 **SEC. 544. IMPROVED DEPARTMENT OF DEFENSE PREVEN-**
2 **TION OF AND RESPONSE TO HAZING IN THE**
3 **ARMED FORCES.**

4 (a) *ANTI-HAZING DATABASE.*—*The Secretary of De-*
5 *fense shall provide for the establishment and use of a com-*
6 *prehensive and consistent data-collection system for the col-*
7 *lection of reports, including anonymous reports, of inci-*
8 *dents of hazing involving a member of the Armed Forces.*
9 *The Secretary shall issue department-wide guidance regard-*
10 *ing the availability and use of the database, including in-*
11 *formation on protected classes, such as race and religion,*
12 *who are often the victims of hazing.*

13 (b) *IMPROVED TRAINING.*—*The Secretary of each mili-*
14 *tary department, in consultation with the Chief of Staff of*
15 *each Armed Force under the jurisdiction of such Secretary,*
16 *shall seek to improve training to assist members of the*
17 *Armed Forces better recognize, prevent, and respond to haz-*
18 *ing at all command levels.*

19 (c) *ANNUAL SURVEY.*—*The Secretary of each military*
20 *department, in consultation with the Chief of Staff of each*
21 *Armed Force under the jurisdiction of such Secretary, shall*
22 *conduct an annual survey among members of each Armed*
23 *Force under the jurisdiction of such Secretary to determine*
24 *the following:*

25 (1) *The prevalence of hazing in the Armed Force.*

1 (2) *The effectiveness of training provided mem-*
2 *bers of the Armed Force to recognize and prevent haz-*
3 *ing.*

4 (3) *The extent to which members of the Armed*
5 *Force report, including anonymously report, incidents*
6 *of hazing.*

7 (d) *ANNUAL REPORTS ON HAZING.—*

8 (1) *REPORT REQUIRED.—Not later than Janu-*
9 *ary 31 of each year through January 31, 2021, the*
10 *Secretary of each military department, in consulta-*
11 *tion with the Chief of Staff of each Armed Force*
12 *under the jurisdiction of such Secretary, shall submit*
13 *to the Committees on Armed Services of the Senate*
14 *and the House of Representatives a report containing*
15 *a description of efforts during the previous year—*

16 (A) *to prevent and to respond to incidents*
17 *of hazing involving members of the Armed*
18 *Forces;*

19 (B) *to track and encourage reporting, in-*
20 *cluding reporting anonymously, incidents of haz-*
21 *ing in the Armed Force; and*

22 (C) *to ensure the consistent implementation*
23 *of anti-hazing policies.*

24 (2) *ADDITIONAL ELEMENTS.—Each report re-*
25 *quired by this subsection also shall address the same*

1 *elements originally addressed in the anti-hazing re-*
2 *ports required by section 534 of the National Defense*
3 *Authorization Act for Fiscal Year 2013 (Public Law*
4 *112–239; 126 Stat. 1726).*

5 **SEC. 545. BURDENS OF PROOF APPLICABLE TO INVESTIGA-**
6 **TIONS AND REVIEWS RELATED TO PRO-**
7 **TECTED COMMUNICATIONS OF MEMBERS OF**
8 **THE ARMED FORCES AND PROHIBITED RE-**
9 **TALIATORY ACTIONS.**

10 *(a) BURDENS OF PROOF.—Section 1034 of title 10,*
11 *United States Code, is amended—*

12 *(1) by redesignating subsections (i) and (j) as*
13 *subsections (j) and (k), respectively; and*

14 *(2) by inserting after subsection (h) the following*
15 *new subsection (i):*

16 *“(i) BURDENS OF PROOF.—The burdens of proof speci-*
17 *fied in section 1221(e) of title 5 shall apply in any inves-*
18 *tigation conducted by an Inspector General under sub-*
19 *section (c) or (d), any review performed by a board for the*
20 *correction of military records under subsection (g), and any*
21 *review conducted by the Secretary of Defense under sub-*
22 *section (h).”.*

23 *(b) EFFECTIVE DATE.—The amendments made by sub-*
24 *section (a) shall take effect on the date that is 30 days after*
25 *the date of the enactment of this Act, and shall apply with*

1 *respect to allegations pending or submitted under section*
2 *1034 of title 10, United States Code, on or after that date.*

3 **SEC. 546. IMPROVED INVESTIGATION OF ALLEGATIONS OF**
4 **PROFESSIONAL RETALIATION.**

5 *Section 1034(c)(4) of title 10, United States Code, is*
6 *amended by adding at the end the following new subpara-*
7 *graph:*

8 *“(F) The Secretary concerned shall ensure that any in-*
9 *dividual investigating an allegation as described in para-*
10 *graph (1) must have training in the definition and charac-*
11 *teristics of retaliation. In addition, if the investigation in-*
12 *volves alleged retaliation in response to a communication*
13 *regarding a violation of a law or regulation prohibiting*
14 *rape, sexual assault, or other sexual misconduct in violation*
15 *of sections 920 through 920c of this title (articles 120*
16 *through 120c of the Uniform Code of Military Justice), the*
17 *training shall include specific instruction regarding such*
18 *violations.”.*

19 **Subtitle E—Member Education,**
20 **Training, and Transition**

21 **SEC. 561. REVISION TO QUALITY ASSURANCE OF CERTIFI-**
22 **CATION PROGRAMS AND STANDARDS.**

23 *Section 2015(c) of title 10, United States Code, is*
24 *amended—*

1 (1) *in paragraph (1), by striking “is accredited*
2 *by an accreditation body that” and all that follows*
3 *and inserting “meets one of the requirements specified*
4 *in paragraph (2).”;* and

5 (2) *by striking paragraph (2) and inserting the*
6 *following new paragraph:*

7 “(2) *The requirements for a credentialing pro-*
8 *gram specified in this paragraph are that the*
9 *credentialing program—*

10 “(A) *is accredited by a nationally-recog-*
11 *nized third-party personnel certification pro-*
12 *gram accreditor;*

13 “(B)(i) *is sought or accepted by employers*
14 *within the industry or sector involved as a recog-*
15 *nized, preferred, or required credential for re-*
16 *ruitment, screening, hiring, retention, or ad-*
17 *vancement purposes; and*

18 “(ii) *where appropriate, is endorsed by a*
19 *nationally-recognized trade association or orga-*
20 *nization representing a significant part of the*
21 *industry or sector;*

22 “(C) *grants licenses that are recognized by*
23 *the Federal Government or a State government;*
24 *or*

1 “(D) meets credential standards of a Fed-
2 eral agency.”.

3 **SEC. 562. ESTABLISHMENT OF ROTC CYBER INSTITUTES AT**
4 **SENIOR MILITARY COLLEGES.**

5 (a) *IN GENERAL.*—Chapter 103 of title 10, United
6 States Code, is amended by adding at the end the following
7 new section:

8 **“§2111c. Senior military colleges: ROTC cyber insti-**
9 **tutes**

10 “(a) *PROGRAM AUTHORIZED.*—The Secretary of De-
11 fense may establish cyber institutes at each of the senior
12 military colleges for the purpose of accelerating the develop-
13 ment of foundational expertise in critical cyber operational
14 skills for future military and civilian leaders of the armed
15 forces and the Department of Defense, including such lead-
16 ers of the reserve components.

17 “(b) *ELEMENTS.*—Each cyber institute established
18 under this section shall include each of the following:

19 “(1) *Training for members of the program who*
20 *possess cyber operational expertise from beginning*
21 *through advanced skill levels, including instruction*
22 *and practical experiences that lead to cyber certifi-*
23 *cations recognized in the field.*

24 “(2) *Training in targeted strategic foreign lan-*
25 *guage proficiency designed to significantly enhance*

1 *critical cyber operational capabilities and tailored to*
2 *current and anticipated readiness requirements.*

3 “(3) *Training related to mathematical founda-*
4 *tions of cryptography and cryptographic theory and*
5 *practice designed to complement and reinforce cyber*
6 *education along with the strategic language programs*
7 *critical to cyber operations.*

8 “(4) *Training designed to expand the pool of*
9 *qualified cyber instructors necessary to support cyber*
10 *education in regional school systems.*

11 “(c) *PARTNERSHIPS WITH DEPARTMENT OF DEFENSE*
12 *AND THE ARMED FORCES.—Any cyber institute established*
13 *under this section may enter into a partnership with any*
14 *active or reserve component of the armed forces or any agen-*
15 *cy of the Department of Defense to facilitate the develop-*
16 *ment of critical cyber skills.*

17 “(d) *PARTNERSHIPS WITH OTHER SCHOOLS.—Any*
18 *cyber institute established under this section may enter into*
19 *a partnership with one or more local educational agencies*
20 *to facilitate the development of critical cyber skills under*
21 *the program among students attending the elementary and*
22 *secondary schools of such agencies who may pursue a mili-*
23 *tary career.*

1 “(e) *SENIOR MILITARY COLLEGES.*—*The senior mili-*
2 *tary colleges are the senior military colleges in section*
3 *2111a(f) of this title.*”.

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

 “2111c. *Senior military colleges: ROTC cyber institutes.*”.

7 **SEC. 563. MILITARY-TO-MARINER TRANSITION.**

8 (a) *REPORT.*—*Not later than 180 days after the date*
9 *of the enactment of this Act, the Secretary of Defense and*
10 *the Secretary of the department in which the Coast Guard*
11 *is operating shall jointly report to the Committee on Armed*
12 *Services and the Committee on Transportation and Infra-*
13 *structure of the House of Representatives and the Committee*
14 *on Armed Services and the Committee on Commerce,*
15 *Science, and Transportation of the Senate on steps the De-*
16 *partments of Defense and Homeland Security have taken*
17 *or intend to take to—*

18 (1) *maximize the extent to which United States*
19 *armed forces service, training, and qualifications are*
20 *creditable toward meeting the laws and regulations*
21 *governing United States merchant mariner license,*
22 *certification, and document laws and the Inter-*
23 *national Convention on Standards of Training, Cer-*
24 *tification and Watchkeeping for Seafarers, 1978, in-*

1 *cluding steps to enhance interdepartmental coordina-*
2 *tion; and*

3 *(2) to promote better awareness among armed*
4 *forces personnel who serve in vessel operating posi-*
5 *tions of the requirements for post-service use of armed*
6 *forces training, education, and practical experience in*
7 *satisfaction of requirements for merchant mariner*
8 *credentials under section 11.213 of title 46, Code of*
9 *Federal Regulation, and the need to document such*
10 *service in a manner suitable for post-service use.*

11 *(b) LIST OF TRAINING PROGRAMS.—The report under*
12 *subsection (a) shall include a list of Army, Navy, and Coast*
13 *Guard training programs open to Army, Navy, and Coast*
14 *Guard vessel operators, respectively, that shows—*

15 *(1) which programs have been approved for cred-*
16 *it toward merchant mariner credentials;*

17 *(2) which programs are under review for such*
18 *approval;*

19 *(3) which programs are not relevant to the train-*
20 *ing needed for merchant mariner credentials; and*

21 *(4) which programs could become eligible for*
22 *credit toward merchant mariner credentials with*
23 *minor changes.*

1 **SEC. 564. EMPLOYMENT AUTHORITY FOR CIVILIAN FAC-**
2 **ULTY AT CERTAIN MILITARY DEPARTMENT**
3 **SCHOOLS.**

4 (a) *ADDITION OF ARMY UNIVERSITY AND ADDITIONAL*
5 *FACULTY.*—

6 (1) *IN GENERAL.*—Section 4021 of title 10,
7 *United States Code, is amended—*

8 (A) *by striking subsection (a) and inserting*
9 *the following new subsection:*

10 “(a) *AUTHORITY OF SECRETARY.*—*The Secretary of*
11 *the Army may employ as many civilians as professors, in-*
12 *structors, lecturers, researchers, and administrative faculty*
13 *at the Army War College, the United States Army Com-*
14 *mand and General Staff College, and the Army University*
15 *as the Secretary considers necessary.”; and*

16 (B) *by striking subsection (c).*

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

19 “§4021. *Army War College, United States Army Com-*
20 *mand and General Staff College, and*
21 *Army University: civilian faculty mem-*
22 *bers”.*

23 (b) *NAVAL WAR COLLEGE AND MARINE CORPS UNI-*
24 *VERSITY.*—*Section 7478 of title 10, United States Code, is*
25 *amended—*

1 **SEC. 566. DIRECT EMPLOYMENT PILOT PROGRAM FOR MEM-**
2 **BERS OF THE NATIONAL GUARD AND RE-**
3 **SERVE.**

4 (a) *PROGRAM AUTHORITY.*—*The Secretary of Defense*
5 *may carry out a pilot program to enhance the efforts of*
6 *the Department of Defense to provide job placement assist-*
7 *ance and related employment services directly to members*
8 *in the National Guard and Reserves.*

9 (b) *ADMINISTRATION.*—*The pilot program shall be of-*
10 *fered to, and administered by, the adjutants general ap-*
11 *pointed under section 314 of title 32, United States Code.*

12 (c) *COST-SHARING REQUIREMENT.*—*As a condition on*
13 *the provision of funds under this section to a State to sup-*
14 *port the operation of the pilot program in the State, the*
15 *State must agree to contribute an amount, derived from*
16 *non-Federal sources, equal to at least 30 percent of the funds*
17 *provided by the Secretary of Defense under this section.*

18 (d) *DIRECT EMPLOYMENT PROGRAM MODEL.*—*The*
19 *pilot program should follow a job placement program model*
20 *that focuses on working one-on-one with a member of a re-*
21 *serve component to cost-effectively provide job placement*
22 *services, including services such as identifying unemployed*
23 *and under employed members, job matching services, re-*
24 *sume editing, interview preparation, and post-employment*
25 *follow up. Development of the pilot program should be in-*
26 *formed by State direct employment programs for members*

1 *of the reserve components, such as the programs conducted*
2 *in California and South Carolina.*

3 (e) *EVALUATION.*—*The Secretary of Defense shall de-*
4 *velop outcome measurements to evaluate the success of the*
5 *pilot program.*

6 (f) *REPORTING REQUIREMENTS.*—

7 (1) *REPORT REQUIRED.*—*Not later than Janu-*
8 *ary 31, 2021, the Secretary of Defense shall submit to*
9 *the Committees on Armed Services of the Senate and*
10 *the House of Representatives a report describing the*
11 *results of the pilot program. The Secretary shall pre-*
12 *pare the report in coordination with the Chief of the*
13 *National Guard Bureau.*

14 (2) *ELEMENTS OF REPORT.*—*A report under*
15 *paragraph (1) shall include the following:*

16 (A) *A description and assessment of the ef-*
17 *fectiveness and achievements of the pilot pro-*
18 *gram, including the number of members of the*
19 *reserve components hired and the cost-per-place-*
20 *ment of participating members.*

21 (B) *An assessment of the impact of the pilot*
22 *program and increased reserve component em-*
23 *ployment levels on the readiness of members of*
24 *the reserve components.*

1 (C) *Any other matters considered appro-*
2 *priate by the Secretary.*

3 (g) *DURATION OF AUTHORITY.—*

4 (1) *IN GENERAL.—The authority to carry out the*
5 *pilot program expires September 30, 2019.*

6 (2) *EXTENSION.—Upon the expiration of the au-*
7 *thority under paragraph (1), the Secretary of Defense*
8 *may extend the pilot program for not more than two*
9 *additional fiscal years.*

10 **SEC. 567. PROHIBITION ON ESTABLISHMENT, MAINTENANCE, OR SUPPORT OF SENIOR RESERVE OFFICERS' TRAINING CORPS UNITS AT EDUCATIONAL INSTITUTIONS THAT DISPLAY CONFEDERATE BATTLE FLAG.**

15 (a) *PROHIBITION.—Section 2102 of title 10, United*
16 *States Code, is amended by adding at the end the following*
17 *new subsection:*

18 “(e) *PROHIBITION RELATED TO DISPLAY OF CONFED-*
19 *ERATE BATTLE FLAG.—(1) The Secretary of a military de-*
20 *partment may not establish, maintain, or support a unit*
21 *of the program at any educational institution, including*
22 *any senior military college specified in section 2111a of this*
23 *title, that displays, in a location other than in a museum*
24 *exhibit, the Confederate battle flag.*

1 “(2)(A) Upon making a determination under para-
2 graph (1) that an educational institution displays, in a lo-
3 cation other than in a museum exhibit, the Confederate bat-
4 tle flag, the Secretary of the military department concerned
5 shall terminate, in accordance with subparagraph (B), any
6 unit of the program at that educational institution in exist-
7 ence as of the date of the determination.

8 “(B) The termination of a unit of the program at an
9 educational institution pursuant to this paragraph shall
10 take effect on the date on which—

11 “(i) each member of the program who, as of the
12 date of the determination, is enrolled in the edu-
13 cational institution is no longer so enrolled; and

14 “(ii) each student who, as of the date of the de-
15 termination, is enrolled in the educational institution
16 but not yet a member of the program, is no longer so
17 enrolled.

18 “(3) Not later than January 31, 2017, and each Janu-
19 ary 31 thereafter through January 31, 2021, the Secretary
20 of Defense shall submit to the congressional defense commit-
21 tees a report—

22 “(A) identifying each unit of the program lo-
23 cated at an educational institution that displays, in
24 a location other than in a museum exhibit, the Con-
25 federate battle flag; and

1 “(B) describing the implementation of this sub-
2 section with respect to that educational institution.

3 “(4) In this subsection, the term ‘Confederate battle
4 flag’ means the battle flag of the Army of Northern Virginia,
5 the battle flag of the Army of Tennessee, the battle flag of
6 Forrest’s Cavalry Corps, the Second Confederate Navy Jack,
7 the Second Confederate Navy Ensign, or other flag with a
8 like design.”.

9 (b) CONFORMING AMENDMENTS.—(1) Section 2102(d)
10 of title 10, United States Code, is amended by striking “The
11 President” and inserting “Subject to subsection (e), the
12 President”.

13 (2) Section 2111a of title 10, United States Code, is
14 amended—

15 (A) in subsection (d), by striking “The Sec-
16 retary” and inserting “Except as provided in section
17 2102(e) of this title, the Secretary”; and

18 (B) in subsection (e)(1), by striking “The Sec-
19 retary” and inserting “Except in the case of a senior
20 miliary college at which a unit of the program is ter-
21 minated pursuant to section 2102(e) of this title, the
22 Secretary”.

23 (c) EXCEPTION.—Section 2102 of title 10, United
24 States Code, is further amended by adding at the end the
25 following:

1 “(f) *EXCEPTION.*—*The prohibition under subsection*
 2 *(e) shall not apply to an educational institution if the board*
 3 *of visitors of such institution has voted to take down the*
 4 *flag described in such subsection.*”.

5 ***Subtitle F—Defense Dependents’***
 6 ***Education and Military Family***
 7 ***Readiness Matters***

8 ***SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL***
 9 ***EDUCATIONAL AGENCIES THAT BENEFIT DE-***
 10 ***PENDENTS OF MEMBERS OF THE ARMED***
 11 ***FORCES AND DEPARTMENT OF DEFENSE CI-***
 12 ***VILIAN EMPLOYEES.***

13 (a) *ASSISTANCE TO SCHOOLS WITH SIGNIFICANT*
 14 *NUMBERS OF MILITARY DEPENDENT STUDENTS.*—*Of the*
 15 *amount authorized to be appropriated for fiscal year 2017*
 16 *by section 301 and available for operation and maintenance*
 17 *for Defense-wide activities as specified in the funding table*
 18 *in division D, \$30,000,000 shall be available only for the*
 19 *purpose of providing assistance to local educational agen-*
 20 *cies under subsection (a) of section 572 of the National De-*
 21 *fense Authorization Act for Fiscal Year 2006 (Public Law*
 22 *109–163; 20 U.S.C. 7703b).*

23 (b) *LOCAL EDUCATIONAL AGENCY DEFINED.*—*In this*
 24 *section, the term “local educational agency” has the mean-*

1 *ing given that term in section 8013(9) of the Elementary*
2 *and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).*

3 **SEC. 572. SUPPORT FOR PROGRAMS PROVIDING CAMP EX-**
4 **PERIENCE FOR CHILDREN OF MILITARY FAMI-**
5 **LIES.**

6 (a) *IN GENERAL.—The Secretary of Defense may pro-*
7 *vide financial or non-monetary support to qualified non-*
8 *profit organizations in order to assist such organizations*
9 *in carrying out programs to support the attendance at a*
10 *camp or camp-like setting of children of military families*
11 *who have experienced the death of a family member or other*
12 *loved one or who have another family member living with*
13 *a substance use disorder or post-traumatic stress disorder.*

14 (b) *APPLICATION FOR SUPPORT.—*

15 (1) *IN GENERAL.—Each organization seeking*
16 *support pursuant to subsection (a) shall submit to the*
17 *Secretary an application therefor containing such in-*
18 *formation as the Secretary shall specify for purposes*
19 *of this section.*

20 (2) *CONTENTS.—Each application submitted*
21 *under paragraph (1) shall include the following:*

22 (A) *A description of the program for which*
23 *support is being sought, including the location of*
24 *the setting or settings under the program, the du-*
25 *ration of such setting or setting, any local part-*

1 *ners participating in or contributing to the pro-*
2 *gram, and the ratio of counselors, trained volun-*
3 *teers, or both to children at such setting or set-*
4 *tings.*

5 *(B) An estimate of the number of children*
6 *of military families to be supported using the*
7 *support sought.*

8 *(C) A description of the type of activities*
9 *that will be conducted using the support sought,*
10 *including the manner in which activities are*
11 *particularly supportive to children of military*
12 *families described in subsection (a).*

13 *(D) A description of the outreach conducted*
14 *or to be conducted by the organization to mili-*
15 *tary families regarding the program.*

16 *(c) PREFERENCE IN APPROVAL OF APPLICATIONS.—*
17 *The Secretary shall accord a preference in the approval of*
18 *applications submitted pursuant to subsection (b) to appli-*
19 *cations submitted by organizations that—*

20 *(1) provide a traditional camp or camp-like en-*
21 *vironment setting that is hosted by an accredited*
22 *service provider or facility;*

23 *(2) offer activities in that setting that—*

24 *(A) includes a continued care model;*

1 (B) is tailored to the needs of children and
2 uses recognized best practices;

3 (C) exhibits an adequate understanding and
4 recognition of appropriate military culture and
5 traditions; and

6 (D) places a focus on peer-to-peer support
7 and activities;

8 (3) offers post-camp and continuing bereavement
9 or addiction-prevention support, as applicable;

10 (4) offer support services for children and fami-
11 lies; and

12 (5) provides for evaluations of the camp experi-
13 ence by children and their families after camp.

14 (d) *USE OF SUPPORT.*—Support provided by the Sec-
15 retary to an organization pursuant to subsection (a) shall
16 be used by the organization to support attendance at a
17 camp or camp-like setting of children of military families
18 described in subsection (a).

1 ***Subtitle G—Decorations and***
2 ***Awards***

3 **SEC. 581. REVIEW REGARDING AWARD OF MEDAL OF**
4 ***HONOR TO CERTAIN ASIAN AMERICAN AND***
5 ***NATIVE AMERICAN PACIFIC ISLANDER WAR***
6 ***VETERANS.***

7 (a) *REVIEW REQUIRED.*—*The Secretary of each mili-*
8 *tary department shall review the service records of each*
9 *Asian American and Native American Pacific Islander war*
10 *veteran described in subsection (b) to determine whether*
11 *that veteran should be awarded the Medal of Honor.*

12 (b) *COVERED VETERANS.*—*The Asian American and*
13 *Native American Pacific Islander war veterans whose serv-*
14 *ice records are to be reviewed under subsection (a) are the*
15 *following:*

16 (1) *Any Asian American or Native American*
17 *Pacific Islander war veteran who was awarded the*
18 *Distinguished-Service Cross, the Navy Cross, or the*
19 *Air Force Cross during the Korean War or the Viet-*
20 *nam War.*

21 (2) *Any other Asian American or Native Amer-*
22 *ican Pacific Islander war veteran whose name is sub-*
23 *mitted to the Secretary concerned for such purpose be-*
24 *fore the end of the one-year period beginning on the*
25 *date of the enactment of this Act.*

1 (c) *CONSULTATIONS.*—*In carrying out the review*
2 *under subsection (a), the Secretary of each military depart-*
3 *ment shall consult with such veterans service organizations*
4 *as the Secretary considers appropriate.*

5 (d) *RECOMMENDATIONS BASED ON REVIEW.*—*If the*
6 *Secretary concerned determines, based upon the review*
7 *under subsection (a) of the service records of any Asian*
8 *American or Native American Pacific Islander war veteran,*
9 *that the award of the Medal of Honor to that veteran is*
10 *warranted, the Secretary shall submit to the President a*
11 *recommendation that the President award the Medal of*
12 *Honor to that veteran.*

13 (e) *AUTHORITY TO AWARD MEDAL OF HONOR.*—*A*
14 *Medal of Honor may be awarded to an Asian American*
15 *or Native American Pacific Islander war veteran in accord-*
16 *ance with a recommendation of the Secretary concerned*
17 *under subsection (d).*

18 (f) *CONGRESSIONAL NOTIFICATION.*—*No Medal of*
19 *Honor may be awarded pursuant to subsection (e) until the*
20 *Secretary of Defense submits to the Committee on Armed*
21 *Services of the Senate and House of Representatives notice*
22 *of the recommendations under subsection (d), including the*
23 *name of each Asian American or Native American Pacific*
24 *Islander war veteran recommended to be awarded a Medal*
25 *of Honor and the rationale for such recommendation.*

1 (g) *WAIVER OF TIME LIMITATIONS.*—*An award of the*
2 *Medal of Honor may be made under subsection (e) without*
3 *regard to—*

4 (1) *section 3744, 6248, or 8744 of title 10,*
5 *United States Code, as applicable; and*

6 (2) *any regulation or other administrative re-*
7 *striction on—*

8 (A) *the time for awarding the Medal of*
9 *Honor; or*

10 (B) *the awarding of the Medal of Honor for*
11 *service for which a Distinguished-Service Cross,*
12 *Navy Cross, or Air Force Cross has been award-*
13 *ed.*

14 (h) *DEFINITION.*—*In this section the term “Native*
15 *American Pacific Islander” means a Native Hawaiian or*
16 *Native American Pacific Islander, as those terms are de-*
17 *finied in section 815 of the Native American Programs Act*
18 *of 1974 (42 U.S.C. 2992c).*

19 **SEC. 582. AUTHORIZATION FOR AWARD OF MEDALS FOR**
20 **ACTS OF VALOR.**

21 (a) *AUTHORIZATION.*—*Notwithstanding the time limi-*
22 *tations specified in sections 3744, 6248, 8744 of title 10,*
23 *United States Code, or any other time limitation with re-*
24 *spect to the awarding of certain medals to persons who*
25 *served in the United States Armed Forces, the President*

1 *may award a medal referred to in subsection (c) to a mem-*
2 *ber or former member of the United States Armed Forces*
3 *identified as warranting award of that medal pursuant to*
4 *the review of valor award nominations for Operation En-*
5 *during Freedom, Operation Iraqi Freedom, Operation New*
6 *Dawn, Operation Freedom's Sentinel, and Operation In-*
7 *herent Resolve that was directed by the Secretary of Defense*
8 *on January 7, 2016.*

9 **(b) AWARD OF MEDAL OF HONOR.**—*If, pursuant to the*
10 *review referred to in subsection (a), the President decides*
11 *to award to a member or former member of the Armed*
12 *Forces the Medal of Honor, the medal may only be awarded*
13 *after the Secretary of Defense submits to the Committee on*
14 *Armed Services of the Senate and the Committee on Armed*
15 *Services of the House of Representatives a letter identifying*
16 *the intended recipient of the Medal of Honor and the ration-*
17 *ale for awarding the medal of honor to such intended recipi-*
18 *ent.*

19 **(c) MEDALS.**—*The medals referred to in this subsection*
20 *are any of the following:*

21 **(1)** *The Medal of Honor under section 3741,*
22 *6241, or 8741 of title 10, United States Code;*

23 **(2)** *The Distinguished-Service Cross under sec-*
24 *tion 3742 of title 10, United States Code.*

1 (3) *The Navy Cross under section 6242 of title*
2 *10, United States Code.*

3 (4) *The Air Force Cross under section 8742 of*
4 *title 10, United States Code.*

5 (5) *The Silver Star under section 3746, 6244, or*
6 *8746 of title 10, United States Code.*

7 (d) *TERMINATION.—No medal may be awarded under*
8 *this section after December 31, 2019.*

9 **SEC. 583. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
10 **HONOR TO GARY M. ROSE FOR ACTS OF**
11 **VALOR DURING THE VIETNAM WAR.**

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

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

1 **SEC. 584. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
2 **HONOR TO CHARLES S. KETTLES FOR ACTS**
3 **OF VALOR DURING THE VIETNAM WAR.**

4 (a) *WAIVER OF TIME LIMITATIONS.*—Notwithstanding
5 the time limitations specified in section 3744 of title 10,
6 United States Code, or any other time limitation with re-
7 spect to the awarding of certain medals to persons who
8 served in the Armed Forces, the President may award the
9 Medal of Honor under section 3741 of such title to Charles
10 S. Kettles for the acts of valor during the Vietnam War
11 described in subsection (b).

12 (b) *ACTS OF VALOR DESCRIBED.*—The acts of valor
13 referred to in subsection (a) are the actions of Charles S.
14 Kettles during combat operations on May 15, 1967, while
15 serving as Flight Commander, 176th Aviation Company,
16 14th Aviation Battalion, Task Force Oregon, Republic of
17 Vietnam, for which he was previously awarded the Distin-
18 guished-Service Cross.

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 following*
9 *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 (2)*
13 *are eligible for inurnment in Arlington National Cemetery*
14 *with military honors in accordance with section 1491 of*
15 *title 10.*

16 *“(2) A person described in this paragraph is a person*
17 *whose service has been determined to be active duty service*
18 *pursuant to section 401 of the GI Bill Improvement Act*
19 *of 1977 (Public Law 95–202; 38 U.S.C. 106 note) as of the*
20 *date of the enactment of this paragraph.”.*

21 *(b) APPLICABILITY.—*

22 *(1) IN GENERAL.—The amendment made by sub-*
23 *section (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 the*
3 *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 the*
13 *enactment of this Act, the Secretary of the Army shall sub-*
14 *mit to the Committees on Veterans’ Affairs and the Commit-*
15 *tees on Armed Services of the House of Representatives and*
16 *the Senate a report on the interment and inurnment capac-*
17 *ity of Arlington National Cemetery, including—*

18 (1) *the estimated date that the Secretary deter-*
19 *mines the cemetery will reach maximum interment*
20 *and inurnment capacity; and*

21 (2) *in light of the unique and iconic meaning of*
22 *the cemetery to the United States, recommendations*
23 *for legislative actions and nonlegislative options that*
24 *the Secretary determines necessary to ensure that the*
25 *maximum interment and inurnment capacity of the*

1 cemetery is not reached until well into the future, in-
2 cluding such actions and options with respect to—

3 (A) redefining eligibility criteria for inter-
4 ment and inurnment in the cemetery; and

5 (B) considerations for additional expansion
6 opportunities beyond the current boundaries of
7 the cemetery.

8 **SEC. 592. REPRESENTATION FROM MEMBERS OF THE**
9 **ARMED FORCES ON BOARDS, COUNCILS, AND**
10 **COMMITTEES MAKING RECOMMENDATIONS**
11 **RELATING TO MILITARY PERSONNEL ISSUES.**

12 (a) *IN GENERAL.*—Chapter 7 of title 10, United States
13 Code, is amended by adding at the end the following new
14 section:

15 **“§ 190. Representation on boards, councils, and com-**
16 **mittees making recommendations relating**
17 **to military personnel issues**

18 “(a) *REPRESENTATION REQUIRED.*—Notwithstanding
19 any other provision of law, any board, council, or com-
20 mittee established under this chapter that is responsible for
21 making any recommendation relating to any military per-
22 sonnel issue affecting enlisted members of the armed forces
23 shall include representation on the board, council, or com-
24 mittee from enlisted members of the armed forces or retired
25 enlisted members of the armed forces.

1 “(b) *MILITARY PERSONNEL ISSUES.*—For purposes of
2 *this section, military personnel issues include issues relat-*
3 *ing to health care, retirement benefits, pay, direct and indi-*
4 *rect compensation, and entitlements for members of the*
5 *armed forces.*”.

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

“190. *Representation on boards, councils, and committees making recommenda-*
tions relating to military personnel issues.”.

9 **SEC. 593. BODY MASS INDEX TEST.**

10 (a) *REVIEW.*—The Secretary of Defense shall review—

11 (1) *the current body mass index test procedure*
12 *used by the Armed Forces; and*

13 (2) *other methods to measure body fat with a*
14 *more holistic health and wellness approach.*

15 (b) *ELEMENTS.*—The review under subsection (a)
16 *shall—*

17 (1) *address nutrition counseling;*

18 (2) *determine the best methods to be used by the*
19 *Armed Forces to assess body fat percentages; and*

20 (3) *improve the accuracy of body fat measure-*
21 *ments.*

1 **SEC. 594. PRESEPARATION COUNSELING REGARDING OP-**
2 **TIONS FOR DONATING BRAIN TISSUE AT TIME**
3 **OF DEATH FOR RESEARCH.**

4 *Section 1142(b)(11) of title 10, United States Code, is*
5 *amended by inserting before the period at the end the fol-*
6 *lowing: “, and information concerning options available to*
7 *the member for registering at or following separation to do-*
8 *nate brain tissue at time of the member’s death for research*
9 *regarding traumatic brain injury and chronic traumatic*
10 *encephalopathy”.*

11 **SEC. 595. RECOGNITION OF THE EXPANDED SERVICE OP-**
12 **PORTUNITIES AVAILABLE TO FEMALE MEM-**
13 **BERS OF THE ARMED FORCES AND THE LONG**
14 **SERVICE OF WOMEN IN THE ARMED FORCES.**

15 *Congress—*

16 *(1) honors women who have served, and who are*
17 *currently serving, as members of the Armed Forces;*

18 *(2) commends female members of the Armed*
19 *Forces who have sacrificed their lives in defense of the*
20 *United States;*

21 *(3) recognizes that female members of the Armed*
22 *Forces are an integral and invaluable part of the*
23 *Armed Forces;*

24 *(4) urges the Secretary of Defense to ensure that*
25 *female members of the Armed Forces receive adequate,*

1 *well-fitted equipment in order to ensure optimal safe-*
2 *ty and protection;*

3 *(5) urges the Secretary of Defense to ensure that*
4 *female members of the Armed Forces have access to*
5 *adequate health services that fully address their spe-*
6 *cific medical needs;*

7 *(6) encourages the Secretary of Defense to de-*
8 *velop new initiatives focused on recruiting and re-*
9 *taining more women in the officer corps; and*

10 *(7) recognizes that the United States must con-*
11 *tinue to encourage and support female members of the*
12 *Armed Forces as they fight for and defend the United*
13 *States.*

14 **SEC. 596. SENSE OF CONGRESS REGARDING PLIGHT OF**
15 **MALE VICTIMS OF MILITARY SEXUAL TRAU-**
16 **MA.**

17 *(a) FINDING.—Congress finds that the plight of male*
18 *victims of military sexual trauma remains in the shadows*
19 *due a lack of social awareness on the issue of male victim-*
20 *ization.*

21 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
22 *that the Secretary of Defense should—*

23 *(1) enhance victims' access to intensive medical*
24 *and mental health treatment for military sexual trau-*
25 *ma treatment;*

1 (2) look for opportunities to utilize male sur-
2 vivors of sexual assault as presenters during annual
3 Sexual Assault Preventions and Response training;
4 and

5 (3) ensure Department of Defense medical and
6 mental health providers are adequately trained to
7 meet the needs of male survivors of military sexual
8 trauma.

9 **SEC. 597. SENSE OF CONGRESS REGARDING SECTION 504**
10 **OF TITLE 10, UNITED STATES CODE, ON EX-**
11 **ISTING AUTHORITY OF THE DEPARTMENT OF**
12 **DEFENSE TO ENLIST INDIVIDUALS, NOT OTH-**
13 **ERWISE ELIGIBLE FOR ENLISTMENT, WHOSE**
14 **ENLISTMENT IS VITAL TO THE NATIONAL IN-**
15 **TEREST.**

16 *It is the sense of Congress that a statute currently ex-*
17 *ists, specifically paragraph (2) of section 504(b) of title 10,*
18 *United States Code, which states that “the Secretary con-*
19 *cerned may authorize the enlistment of a person not de-*
20 *scribed in paragraph (1) [of that section] if the Secretary*
21 *determines that such enlistment is vital to the national in-*
22 *terest”.*

1 **SEC. 598. PROTECTION OF SECOND AMENDMENT RIGHTS**
2 **OF MILITARY FAMILIES.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*
4 *“Protect Our Military Families’ 2nd Amendment Rights*
5 *Act”.*

6 (b) *RESIDENCY OF SPOUSES OF MEMBERS OF THE*
7 *ARMED FORCES TO BE DETERMINED ON THE SAME BASIS*
8 *AS THE RESIDENCY OF SUCH MEMBERS FOR PURPOSES OF*
9 *FEDERAL FIREARMS LAWS.*—*Section 921(b) of title 18,*
10 *United States Code, is amended to read as follows:*

11 “(b) *For purposes of this chapter:*

12 “(1) *A member of the Armed Forces on active*
13 *duty and the spouse of such a member are residents*
14 *of the State in which the permanent duty station of*
15 *the member is located.*

16 “(2) *The spouse of such a member may satisfy*
17 *the identification document requirements of this chap-*
18 *ter by presenting—*

19 “(A) *the military identification card issued*
20 *to the spouse; and*

21 “(B) *the official Permanent Change of Sta-*
22 *tion Orders annotating the spouse as being au-*
23 *thorized for collocation, or an official letter from*
24 *the commanding officer of the member verifying*
25 *that the member and the spouse are collocated at*
26 *the permanent duty station of the member.”.*

1 (c) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (b) shall apply to conduct engaged in after the 6-*
3 *month period that begins with the date of the enactment*
4 *of this Act.*

5 **SEC. 599. PILOT PROGRAM ON ADVANCED TECHNOLOGY**
6 **FOR ALCOHOL ABUSE PREVENTION.**

7 (a) *IN GENERAL.*—*Not later than 90 days after the*
8 *date of the enactment of this Act, the Secretary of Defense,*
9 *in consultation with the Secretaries of the military depart-*
10 *ments, shall establish a pilot program to demonstrate the*
11 *feasibility of using portable, disposable alcohol*
12 *breathalyzers and a cloud based server platform to collect*
13 *data and monitor the progress of alcohol abuse prevention*
14 *programs through the use of digital applications.*

15 (b) *ELEMENTS.*—*In carrying out the pilot program*
16 *under subsection (a), the Secretary shall—*

17 (1) *select at least three locations at which to*
18 *carry out the program, including at least one mili-*
19 *tary service initial training location;*

20 (2) *at each location selected under paragraph*
21 *(1), include at least one active duty unit with no less*
22 *than 300 personnel and one reserve unit with no less*
23 *than 300 personnel; and*

24 (3) *offer participation in the pilot program on*
25 *a voluntary basis.*

1 (c) *DURATION.*—*The pilot program under subsection*
2 *(a) shall be operational for a minimum of 6 months and*
3 *shall terminate not later than September 30, 2018.*

4 (d) *REPORTS REQUIRED.*—*The Secretary of Defense*
5 *shall submit to the Committees on Armed Services of the*
6 *Senate and the House of Representatives—*

7 (1) *not later than 120 days after the date of the*
8 *implementation of the pilot program under subsection*
9 *(a), a report on the implementation of the program;*
10 *and*

11 (2) *not later than one year after the date of the*
12 *implementation of the program, a report on the pro-*
13 *gram, including findings and recommendations of the*
14 *Secretary with respect to the benefits of using ad-*
15 *vanced technology as part of alcohol abuse prevention*
16 *efforts within the military services.*

17 (e) *FUNDING.*—*The Secretary of Defense may carry*
18 *out the pilot program under subsection (a) using amounts*
19 *authorized to be appropriated for Alcohol Abuse Prevention*
20 *Programs as specified in the funding tables in division D.*

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

4 **SEC. 601. ANNUAL ADJUSTMENT OF MONTHLY BASIC PAY.**

5 *The adjustment in the rates of monthly basic pay re-*
6 *quired by subsection (a) of section 1009 of title 37, United*
7 *States Code, to be made on January 1, 2017, shall take*
8 *effect, notwithstanding any determination made by the*
9 *President under subsection (e) of such section with respect*
10 *to an alternative pay adjustment to be made on such date.*

11 **SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEM-**
12 **PORARY INCREASE IN RATES OF BASIC AL-**
13 **LOWANCE FOR HOUSING UNDER CERTAIN**
14 **CIRCUMSTANCES.**

15 *Section 403(b)(7)(E) of title 37, United States Code,*
16 *is amended by striking “December 31, 2016” and inserting*
17 *“December 31, 2017”.*

18 **SEC. 603. PROHIBITION ON PER DIEM ALLOWANCE REDUC-**
19 **TIONS BASED ON THE DURATION OF TEM-**
20 **PORARY DUTY ASSIGNMENT OR CIVILIAN**
21 **TRAVEL .**

22 *(a) MEMBERS.—Section 474(d)(3) of title 37, United*
23 *States Code, is amended by adding at the end the following*
24 *new sentence: “The Secretary of a military department*
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 temporary duty assignment*
3 *in the locality of a member of the armed forces under the*
4 *jurisdiction of the Secretary.”.*

5 (b) *CIVILIAN EMPLOYEES.*—*Section 5702(a)(2) of title*
6 *5, United States Code, is amended by adding at the end*
7 *the following new sentence: “The Secretary of Defense shall*
8 *not alter the amount of the per diem allowance, or the max-*
9 *imum amount of reimbursement, for a locality based on the*
10 *duration of the travel in the locality of an employee of the*
11 *Department.”.*

12 (c) *REPEAL OF POLICY AND REGULATIONS.*—*The pol-*
13 *icy, and any regulations issued pursuant to such policy,*
14 *implemented by the Secretary of Defense on November 1,*
15 *2014, with respect to reductions in per diem allowances*
16 *based on duration of temporary duty assignment or civilian*
17 *travel shall have no force or effect.*

18 ***Subtitle B—Bonuses and Special***
19 ***and Incentive Pays***

20 ***SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND***
21 ***SPECIAL PAY AUTHORITIES FOR RESERVE***
22 ***FORCES.***

23 *The following sections of title 37, United States Code,*
24 *are amended by striking “December 31, 2016” and insert-*
25 *ing “December 31, 2017”:*

1 (1) *Section 308b(g), relating to Selected Reserve*
2 *reenlistment bonus.*

3 (2) *Section 308c(i), relating to Selected Reserve*
4 *affiliation or enlistment bonus.*

5 (3) *Section 308d(c), relating to special pay for*
6 *enlisted members assigned to certain high-priority*
7 *units.*

8 (4) *Section 308g(f)(2), relating to Ready Reserve*
9 *enlistment bonus for persons without prior service.*

10 (5) *Section 308h(e), relating to Ready Reserve*
11 *enlistment and reenlistment bonus for persons with*
12 *prior service.*

13 (6) *Section 308i(f), relating to Selected Reserve*
14 *enlistment and reenlistment bonus for persons with*
15 *prior service.*

16 (7) *Section 478a(e), relating to reimbursement of*
17 *travel expenses for inactive-duty training outside of*
18 *normal commuting distance.*

19 (8) *Section 910(g), relating to income replace-*
20 *ment payments for reserve component members expe-*
21 *riencing extended and frequent mobilization for active*
22 *duty service.*

1 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
2 **SPECIAL PAY AUTHORITIES FOR HEALTH**
3 **CARE PROFESSIONALS.**

4 (a) *TITLE 10 AUTHORITIES.*—*The following sections*
5 *of title 10, United States Code, are amended by striking*
6 *“December 31, 2016” and inserting “December 31, 2017”:*

7 (1) *Section 2130a(a)(1), relating to nurse officer*
8 *candidate accession program.*

9 (2) *Section 16302(d), relating to repayment of*
10 *education loans for certain health professionals who*
11 *serve in the Selected Reserve.*

12 (b) *TITLE 37 AUTHORITIES.*—*The following sections of*
13 *title 37, United States Code, are amended by striking “De-*
14 *cember 31, 2016” and inserting “December 31, 2017”:*

15 (1) *Section 302c-1(f), relating to accession and*
16 *retention bonuses for psychologists.*

17 (2) *Section 302d(a)(1), relating to accession*
18 *bonus for registered nurses.*

19 (3) *Section 302e(a)(1), relating to incentive spe-*
20 *cial pay for nurse anesthetists.*

21 (4) *Section 302g(e), relating to special pay for*
22 *Selected Reserve health professionals in critically*
23 *short wartime specialties.*

24 (5) *Section 302h(a)(1), relating to accession*
25 *bonus for dental officers.*

1 (6) *Section 302j(a), relating to accession bonus*
2 *for pharmacy officers.*

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

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

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

12 *The following sections of title 37, United States Code,*
13 *are amended by striking “December 31, 2016” and insert-*
14 *ing “December 31, 2017”:*

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

18 (2) *Section 312b(c), relating to nuclear career*
19 *accession bonus.*

20 (3) *Section 312c(d), relating to nuclear career*
21 *annual incentive bonus.*

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

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

8 (1) *Section 331(h), relating to general bonus au-*
9 *thority for enlisted members.*

10 (2) *Section 332(g), relating to general bonus au-*
11 *thority for officers.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (5) *Section 316a(g), relating to incentive pay for*
20 *members of precommissioning programs pursuing for-*
21 *oreign language proficiency.*

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

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

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

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

8 **SEC. 616. INCREASE IN MAXIMUM AMOUNT OF AVIATION**
9 **SPECIAL PAYS FOR FLYING DUTY.**

10 *Section 334(c)(1) of title 37, United States Code, is*
11 *amended by striking subparagraphs (A) and (B) and in-*
12 *serting the following new subparagraphs:*

13 “(A) *aviation incentive pay under sub-*
14 *section (a) shall be paid at a monthly rate not*
15 *to exceed \$1,000 per month; and*

16 “(B) *an aviation bonus under subsection (b)*
17 *may not exceed \$60,000 for each 12-month pe-*
18 *riod of obligated service agreed to under sub-*
19 *section (d).”.*

20 **SEC. 617. CONFORMING AMENDMENT TO CONSOLIDATION**
21 **OF SPECIAL PAY, INCENTIVE PAY, AND BONUS**
22 **AUTHORITIES.**

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

1 **SEC. 618. TECHNICAL AND CLERICAL AMENDMENTS RELAT-**
2 **ING TO 2008 CONSOLIDATION OF CERTAIN**
3 **SPECIAL PAY AUTHORITIES.**

4 (a) *FAMILY CARE PLANS.*—Section 586 of the National
5 *Defense Authorization Act for Fiscal Year 2008 (Public*
6 *Law 110–181; 10 U.S.C. 991 note)* is amended by inserting
7 “or 351” after “section 310”.

8 (b) *DEPENDENTS’ MEDICAL CARE.*—Section
9 1079(g)(1) of title 10, United States Code, is amended by
10 inserting “or 351” after “section 310”.

11 (c) *RETENTION ON ACTIVE DUTY DURING DISABILITY*
12 *EVALUATION PROCESS.*—Section 1218(d)(1) of title 10,
13 United States Code, is amended by inserting “or 351” after
14 “section 310”.

15 (d) *STORAGE SPACE.*—Section 362(1) of the John
16 Warner National Defense Authorization Act for Fiscal Year
17 2007 (Public Law 109–364; 10 U.S.C. 2825 note) is amend-
18 ed by inserting “, or paragraph (1) or (3) of section
19 351(a),” after “section 310”.

20 (e) *STUDENT ASSISTANCE PROGRAMS.*—Sections
21 455(o)(3)(B) and 465(a)(2)(D) of the Higher Education Act
22 of 1965 (20 U.S.C. 1087e(o)(3)(B), 1087ee(a)(2)(D)) are
23 amended by inserting “or paragraph (1) or (3) of section
24 351(a).” after “section 310”.

25 (f) *ARMED FORCES RETIREMENT HOME.*—Section
26 1512(a)(3)(A) of the Armed Forces Retirement Home Act

1 of 1991 (24 U.S.C. 412(a)(3)(A)) is amended by inserting
2 “or 351” after “section 310”.

3 (g) *VETERANS OF FOREIGN WARS MEMBERSHIP*.—
4 Section 230103(3) of title 36, United States Code, is amend-
5 ed by inserting “or 351” after “section 310”.

6 (h) *MILITARY PAY AND ALLOWANCES*.—Title 37,
7 United States Code, is amended—

8 (1) in section 212(a), by inserting “, or para-
9 graph (1) or (3) of section 351(a),” after “section
10 310”;

11 (2) in section 402a(b)(3)(B), by inserting “or
12 351” after “section 310”;

13 (3) in section 481a(a), by inserting “or 351”
14 after “section 310”;

15 (4) in section 907(d)(1)(H), by inserting “or
16 351” after “section 310”; and

17 (5) in section 910(b)(2)(B), by inserting “, or
18 paragraph (1) or (3) of section 351(a),” after “section
19 310”.

20 (i) *EXCLUSIONS FROM INCOME FOR PURPOSE OF SUP-*
21 *PLEMENTAL SECURITY INCOME*.—Section 1612(b)(20) of
22 the Social Security Act (42 U.S.C. 1382a(b)(20)) is amend-
23 ed by inserting “, or paragraph (1) or (3) of section
24 351(a),” after “section 310”.

1 (j) *EXCLUSIONS FROM INCOME FOR PURPOSE OF*
 2 *HEAD START PROGRAM.*—Section 645(a)(3)(B)(i) of the
 3 *Head Start Act (42 U.S.C. 9840(a)(3)(B)(i))* is amended
 4 by inserting “or 351” after “section 310”.

5 (k) *EXCLUSIONS FROM GROSS INCOME FOR FEDERAL*
 6 *INCOME TAX PURPOSES.*—Section 112(c)(5)(B) of the *In-*
 7 *ternal Revenue Code of 1986* is amended by inserting “,
 8 or paragraph (1) or (3) of section 351(a),” after “section
 9 310”.

10 **SEC. 619. COMBAT-RELATED SPECIAL COMPENSATION CO-**
 11 **ORDINATING AMENDMENT.**

12 Subparagraph (B) of section 1413a(b)(3) of title 10,
 13 *United States Code*, is amended by striking “the amount
 14 equal to” and all that follows through “creditable service
 15 multiplied” and inserting the following: “the amount equal
 16 to the retired pay multiplier determined for the member
 17 under section 1409 of this title multiplied”.

18 ***Subtitle C—Disability, Retired Pay,***
 19 ***and Survivor Benefits***

20 **SEC. 621. SEPARATION DETERMINATIONS FOR MEMBERS**
 21 ***PARTICIPATING IN THRIFT SAVINGS PLAN.***

22 The amendment to be made by section 632(c)(2) of the
 23 *National Defense Authorization Act for Fiscal Year 2016*
 24 (*Public Law 114–92; 129 Stat. 847*) shall not take effect.

1 **SEC. 622. CONTINUATION PAY FOR FULL THRIFT SAVINGS**
2 **PLAN MEMBERS WHO HAVE COMPLETED 8 TO**
3 **12 YEARS OF SERVICE.**

4 (a) *CONTINUATION PAY.*—Section 356 of title 37,
5 United States Code, which shall take effect on January 1,
6 2018, pursuant to section 635 of the National Defense Au-
7 thorization Act for Fiscal Year 2016 (Public Law 114–92;
8 129 Stat. 851), is amended—

9 (1) in the heading, by striking “**12 years**” and
10 inserting “**8 to 12 years**”;

11 (2) in subsection (a)—

12 (A) by striking paragraph (1) and inserting
13 the following:

14 “(1) has completed not less than 8 and not more
15 than 12 years of service in a uniformed service; and”;
16 and

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

20 (3) by amending subsection (b) to read as fol-
21 lows:

22 “(b) *PAYMENT AMOUNT.*—The Secretary concerned
23 shall determine the payment amount under this section as
24 a multiple of a full TSP member’s monthly basic pay but
25 shall not be less than 2.5 times the member’s monthly basic

1 *pay. The maximum amount the Secretary concerned may*
2 *pay the member under this section is—*

3 “(1) *in the case of a member of a regular compo-*
4 *nent or in a reserve component if the member is per-*
5 *forming active Guard and Reserve duty (as defined in*
6 *section 101(d)(6) of title 10), 13 times the amount of*
7 *the monthly basic pay payable to the member for the*
8 *month during which the agreement under subsection*
9 *(a)(2) is entered into; and*

10 “(2) *in the case of any member not covered by*
11 *paragraph (1), 6 times the amount of monthly basic*
12 *pay to which the member would be entitled for the*
13 *month during which the agreement under subsection*
14 *(a)(2) is entered into if the member were serving on*
15 *active duty at the time the agreement is entered*
16 *into.”; and*

17 (4) *by amending subsection (d) to read as fol-*
18 *lows:*

19 “(d) *TIMING OF PAYMENT.—The Secretary concerned*
20 *shall pay continuation pay under subsection (a) to a full*
21 *TSP member when the member has completed not less than*
22 *8 and not more than 12 years of service in a uniformed*
23 *service.”.*

24 (b) *CLERICAL AMENDMENT.—The item relating to sec-*
25 *tion 356 in the table of sections at the beginning of chapter*

1 5 of title 37, United States Code, which shall take effect
2 on January 1, 2018, pursuant to section 635 of the Na-
3 tional Defense Authorization Act for Fiscal Year 2016 (Pub-
4 lic Law 114–92; 129 Stat. 851), is amended by striking
5 “12 years” and inserting “8 to 12 years”.

6 **SEC. 623. SPECIAL SURVIVOR INDEMNITY ALLOWANCE.**

7 (a) *PAYMENT AMOUNT PER FISCAL YEAR.*—Para-
8 graph (2)(I) of section 1450(m) of title 10, United States
9 Code, is amended by striking “fiscal year 2017” and insert-
10 ing “each of fiscal years 2017 and 2018”.

11 (b) *DURATION.*—Paragraph (6) of such section is
12 amended—

13 (1) by striking “September 30, 2017” and insert-
14 ing “September 30, 2018”; and

15 (2) by striking “October 1, 2017” both places it
16 appears and inserting “October 1, 2018”.

17 **SEC. 624. EQUAL BENEFITS UNDER SURVIVOR BENEFIT**
18 **PLAN FOR SURVIVORS OF RESERVE COMPO-**
19 **NENT MEMBERS WHO DIE IN THE LINE OF**
20 **DUTY DURING INACTIVE-DUTY TRAINING.**

21 (a) *TREATMENT OF INACTIVE-DUTY TRAINING IN*
22 *SAME MANNER AS ACTIVE DUTY.*—Section 1451(c)(1)(A)
23 of title 10, United States Code, is amended—

24 (1) in clause (i)—

1 (A) by inserting “or 1448(f)” after “section
2 1448(d)”; and

3 (B) by inserting “or (iii)” after “clause
4 (ii)”; and
5 (2) in clause (iii)—

6 (A) by striking “section 1448(f) of this
7 title” and inserting “section 1448(f)(1)(A) of this
8 title by reason of the death of a member or
9 former member not in line of duty”; and

10 (B) by striking “active service” and insert-
11 ing “service”.

12 (b) *CONSISTENT TREATMENT OF DEPENDENT CHIL-*
13 *DREN.—Paragraph (2) of section 1448(f) of title 10, United*
14 *States Code, is amended to read as follows:*

15 “(2) *DEPENDENT CHILDREN ANNUITY.—*

16 “(A) *ANNUITY WHEN NO ELIGIBLE SUR-*
17 *VIVING SPOUSE.—In the case of a person de-*
18 *scribed in paragraph (1), the Secretary con-*
19 *cerned shall pay an annuity under this sub-*
20 *chapter to the dependent children of that person*
21 *under section 1450(a)(2) of this title as applica-*
22 *ble.*

23 “(B) *OPTIONAL ANNUITY WHEN THERE IS*
24 *AN ELIGIBLE SURVIVING SPOUSE.—The Secretary*
25 *may pay an annuity under this subchapter to*

1 *the dependent children of a person described in*
2 *paragraph (1) under section 1450(a)(3) of this*
3 *title, if applicable, instead of paying an annuity*
4 *to the surviving spouse under paragraph (1), if*
5 *the Secretary concerned, in consultation with the*
6 *surviving spouse, determines it appropriate to*
7 *provide an annuity for the dependent children*
8 *under this paragraph instead of an annuity for*
9 *the surviving spouse under paragraph (1).”.*

10 *(c) DEEMED ELECTIONS.—Section 1448(f) of title 10,*
11 *United States Code, is further amended by adding at the*
12 *end the following new paragraph:*

13 *“(5) DEEMED ELECTION TO PROVIDE AN ANNU-*
14 *ITY FOR DEPENDENT.—Paragraph (6) of subsection*
15 *(d) shall apply in the case of a member described in*
16 *paragraph (1) who dies after November 23, 2003,*
17 *when no other annuity is payable on behalf of the*
18 *member under this subchapter.”.*

19 *(d) AVAILABILITY OF SPECIAL SURVIVOR INDEMNITY*
20 *ALLOWANCE.—Section 1450(m)(1)(B) of title 10, United*
21 *States Code, is amended by inserting “or (f)” after “sub-*
22 *section (d)”.*

23 *(e) APPLICATION OF AMENDMENTS.—*

24 *(1) PAYMENT.—No annuity benefit under sub-*
25 *chapter II of chapter 73 of title 10, United States*

1 Code, shall accrue to any person by reason of the
 2 amendments made by this section for any period be-
 3 fore the date of the enactment of this Act.

4 (2) *ELECTIONS.*—For any death that occurred
 5 before the date of the enactment of this Act with re-
 6 spect to which an annuity under such subchapter is
 7 being paid (or could be paid) to a surviving spouse,
 8 the Secretary concerned may, within six months of
 9 that date and in consultation with the surviving
 10 spouse, determine it appropriate to provide an annu-
 11 ity for the dependent children of the decedent under
 12 paragraph 1448(f)(2)(B) of title 10, as added by sub-
 13 section (b)(1), instead of an annuity for the surviving
 14 spouse. Any such determination and resulting change
 15 in beneficiary shall be effective as of the first day of
 16 the first month following the date of the determina-
 17 tion.

18 **SEC. 625. USE OF MEMBER'S CURRENT PAY GRADE AND**
 19 **YEARS OF SERVICE, RATHER THAN FINAL RE-**
 20 **TIREMENT PAY GRADE AND YEARS OF SERV-**
 21 **ICE, IN A DIVISION OF PROPERTY INVOLVING**
 22 **DISPOSABLE RETIRED PAY.**

23 (a) *USE OF CURRENT PAY GRADE REQUIRED.*—Sec-
 24 tion 1408(a)(4) of title 10, United States Code, is amended
 25 in the matter preceding subparagraph (A) by inserting after

1 “member is entitled” the following: “(to be determined using
2 the member’s pay grade and years of service at the time
3 of the court order, rather than the member’s pay grade and
4 years of service at the time of retirement, unless the same)”.

5 (b) *APPLICATION OF AMENDMENT.*—The amendment
6 made by subsection (a) shall apply with respect to any divi-
7 sion of property as part of a final decree of divorce, dissolu-
8 tion, annulment, or legal separation involving a member
9 of the Armed Forces to which section 1408 of title 10,
10 United States Code, applies that becomes final after the date
11 of the enactment of this Act.

12 **Subtitle D—Commissary and Non-**
13 **appropriated Fund Instrumen-**
14 **tality Benefits and Operations**

15 **SEC. 631. PROTECTION AND ENHANCEMENT OF ACCESS TO**
16 **AND SAVINGS AT COMMISSARIES AND EX-**
17 **CHANGES.**

18 (a) *OPTIMIZATION STRATEGY.*—Section 2481(c) of
19 title 10, United States Code, is amended by adding at the
20 end the following paragraph:

21 “(3)(A) The Secretary of Defense shall develop and im-
22 plement a comprehensive strategy to optimize management
23 practices across the defense commissary system and the ex-
24 change system that reduce reliance of those systems on ap-
25 propriated funding without reducing benefits to the patrons

1 of those systems or the revenue generated by non-
2 appropriated fund entities or instrumentalities of the De-
3 partment of Defense for the morale, welfare, and recreation
4 of members of the armed forces.

5 “(B) The Secretary shall ensure that savings generated
6 due to such optimization practices are shared by the defense
7 commissary system and the exchange system through con-
8 tracts or agreements that appropriately reflect the partici-
9 pation of the systems in the development and implementa-
10 tion of such practices.

11 “(C) If the Secretary determines that the reduced reli-
12 ance on appropriated funding pursuant to subparagraph
13 (A) is insufficient to maintain the benefits to the patrons
14 of the defense commissary system, and if the Secretary con-
15 verts the defense commissary system to a nonappropriated
16 fund entity or instrumentality pursuant to paragraph (1)
17 of section 2484(j) of this title, the Secretary shall transfer
18 appropriated funds pursuant to paragraph (2) of such sec-
19 tion to ensure the maintenance of such benefits.

20 “(4) On not less than a quarterly basis, the Secretary
21 shall provide to the congressional defense committees a
22 briefing on the defense commissary system, including—

23 “(A) an assessment of the savings the system
24 provides patrons;

1 “(B) the status of implementing section 2484(i)
2 of this title;

3 “(C) the status of implementing section 2484(j),
4 including whether the system requires any appro-
5 priated funds pursuant to paragraph (2) of such sec-
6 tion;

7 “(D) the status of carrying out a program for
8 such system to sell private label merchandise; and

9 “(E) any other matters the Secretary considers
10 appropriate.”.

11 (b) *AUTHORIZATION TO SUPPLEMENT APPROPRIA-*
12 *TIONS THROUGH BUSINESS OPTIMIZATION.*—Section
13 2483(c) of such title is amended by adding at the end the
14 following new sentence: “Such appropriated amounts may
15 also be supplemented with additional funds derived from
16 improved management practices implemented pursuant to
17 sections 2481(c)(3) and 2487(c) of this title and the variable
18 pricing program implemented pursuant to section 2484(i)
19 of this title.”.

20 (c) *VARIABLE PRICING PILOT PROGRAM.*—Section
21 2484 of such title is amended by adding at the end the fol-
22 lowing new subsections:

23 “(i) *VARIABLE PRICING PROGRAM.*—(1) *Notwith-*
24 *standing subsection (e), and subject to subsection (k), the*
25 *Secretary may establish a variable pricing program pursu-*

1 *ant to which prices may be established in response to mar-*
2 *ket conditions and customer demand, in accordance with*
3 *the requirements of this subsection. Notwithstanding the*
4 *amount of the uniform surcharge assessed in subsection (d),*
5 *the Secretary may provide for an alternative surcharge of*
6 *not more than five percent of sales proceeds under such vari-*
7 *able pricing program to be made available for the purposes*
8 *specified in subsection (h).*

9 “(2) *Subject to subsection (k), before establishing a*
10 *variable pricing program under this subsection, the Sec-*
11 *retary shall establish the following:*

12 “(A) *Specific, measurable benchmarks for success*
13 *in the provision of high quality grocery merchandise,*
14 *discount savings to patrons, and levels of customer*
15 *satisfaction while achieving savings for the Depart-*
16 *ment of Defense.*

17 “(B) *A baseline of overall savings to patrons*
18 *achieved by commissary stores prior to the initiation*
19 *of the variable pricing program, based on a compari-*
20 *son of prices charged by those stores on a regional*
21 *basis with prices charged by relevant local competi-*
22 *tors for a representative market basket of goods.*

23 “(3) *The Secretary shall ensure that the defense com-*
24 *missary system implements the variable pricing program*
25 *by conducting price comparisons using the methodology es-*

1 *established for paragraph (2)(B) and adjusting pricing as*
2 *necessary to ensure that pricing in the variable pricing pro-*
3 *gram achieves overall savings to patrons that are consistent*
4 *with the baseline savings established for the relevant region*
5 *pursuant to such paragraph.*

6 “(j) *CONVERSION TO NONAPPROPRIATED FUND ENTI-*
7 *TY OR INSTRUMENTALITY.—(1) Subject to subsection (k), if*
8 *the Secretary determines that the variable pricing program*
9 *has met the benchmarks for success established pursuant to*
10 *paragraph (2)(A) of subsection (i) and the savings require-*
11 *ments established pursuant to paragraph (3) of such sub-*
12 *section over a period of at least six months, the Secretary*
13 *may convert the defense commissary system to a non-*
14 *appropriated fund entity or instrumentality, with oper-*
15 *ating expenses financed in whole or in part by receipts from*
16 *the sale of products and the sale of services. Upon such con-*
17 *version, appropriated funds shall be transferred to the de-*
18 *fense commissary system only in accordance with para-*
19 *graph (2) or section 2491 of this title. The requirements*
20 *of section 2483 shall not apply to the defense commissary*
21 *system operating as a nonappropriated fund entity or in-*
22 *strumentality.*

23 “(2) *If the Secretary determines that the defense com-*
24 *missary system operating as a nonappropriated fund entity*
25 *or instrumentality is likely to incur a loss in any fiscal*

1 *year as a result of compliance with the savings requirement*
2 *established in subsection (i), the Secretary shall authorize*
3 *a transfer of appropriated funds available for such purpose*
4 *to the commissary system in an amount sufficient to offset*
5 *the anticipated loss. Any funds so transferred shall be con-*
6 *sidered to be nonappropriated funds for such purpose.*

7 “(3)(A) *The Secretary of Defense may identify posi-*
8 *tions of employees in the defense commissary system who*
9 *are paid with appropriated funds whose status may be con-*
10 *verted to the status of an employee of a nonappropriated*
11 *fund entity or instrumentality.*

12 “(B) *The status and conversion of employees in a posi-*
13 *tion identified by the Secretary under subparagraph (A)*
14 *shall be addressed as provided in section 2491(c) for em-*
15 *ployees in morale, welfare, and recreation programs, in-*
16 *cluding with respect to requiring the consent of such em-*
17 *ployee to be so converted.*

18 “(C) *No individual who is an employee of the defense*
19 *commissary system as of the date of the enactment of this*
20 *subsection shall suffer any loss of or decrease in pay as a*
21 *result of a conversion made under this paragraph.*

22 “(k) *OVERSIGHT REQUIRED TO ENSURE CONTINUED*
23 *BENEFIT TO PATRONS.—(1) With respect to each action de-*
24 *scribed in paragraph (2), the Secretary may not carry out*
25 *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 bas-
9 ket 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 subsection*
18 *(d); and*

19 (2) *by inserting after subsection (b) the following*
20 *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 re-
4 tail systems as a whole and the benefits provided by
5 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 by
10 the defense commissary system and the exchange sys-
11 tem; and

12 “(B) for the acquisition of supplies, resale goods,
13 and services on behalf of both the defense commissary
14 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 section
18 2483 of this title to reimburse a nonappropriated
19 fund entity or instrumentality for the portion of the
20 cost of a contract or agreement entered by the non-
21 appropriated fund entity or instrumentality that is
22 attributable to the defense commissary system; and

23 “(B) authorize the defense commissary system to
24 accept reimbursement from a nonappropriated fund
25 entity or instrumentality for the portion of the cost

1 of a contract or agreement entered by the defense com-
2 missary system that is attributable to the non-
3 appropriated fund entity or instrumentality.”.

4 (e) *AUTHORITY FOR EXPERT COMMERCIAL ADVICE.*—
5 Section 2485 of such title is amended by adding at the end
6 the following new subsection:

7 “(h) *EXPERT COMMERCIAL ADVICE.*—The Secretary of
8 Defense may enter into a contract with an entity to obtain
9 expert commercial advice, commercial assistance, or other
10 similar services not otherwise carried out by the Defense
11 Commissary Agency, to implement section 2481(c), sub-
12 sections (i) and (j) of section 2484, and section 2487(c) of
13 this title.”.

14 (f) *CLARIFICATION OF REFERENCES TO “THE EX-*
15 *CHANGE SYSTEM”.*—Section 2481(a) of title 10, United
16 States Code, is amended by adding at the end the following
17 new sentence: “Any reference in this chapter to ‘the ex-
18 change system’ shall be treated as referring to each separate
19 administrative entity within the Department of Defense
20 through which the Secretary of Defense has implemented the
21 requirement under this subsection for a world-wide system
22 of exchange stores.”.

23 (g) *OPERATION OF DEFENSE COMMISSARY SYSTEM AS*
24 *A NONAPPROPRIATED FUND ENTITY.*—In the event that the
25 defense commissary system is converted to a non-

1 *appropriated fund entity or instrumentality as authorized*
 2 *by section 2484(j)(1) of title 10, United States Code, as*
 3 *added by subsection (c) of this section, the Secretary may—*

4 *(1) provide for the transfer of commissary assets,*
 5 *including inventory and available funds, to the non-*
 6 *appropriated fund entity or instrumentality; and*

7 *(2) ensure that revenues accruing to the defense*
 8 *commissary system are appropriately credited to the*
 9 *nonappropriated fund entity or instrumentality.*

10 *(h) CONFORMING CHANGE.—Section 2643(b) of such*
 11 *title is amended by adding at the end the following new*
 12 *sentence: “Such appropriated funds may be supplemented*
 13 *with additional funds derived from improved management*
 14 *practices implemented pursuant to sections 2481(c)(3) and*
 15 *2487(c) of this title.”.*

16 ***Subtitle E—Travel and Transpor-***
 17 ***tation Allowances and Other***
 18 ***Matters***

19 ***SEC. 641. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAV-***
 20 ***EL EXPENSES OF MEMBERS OF THE RE-***
 21 ***SERVES ATTENDING INACTIVE DUTY TRAIN-***
 22 ***ING OUTSIDE OF NORMAL COMMUTING DIS-***
 23 ***TANCES.***

24 *Section 478a(c) of title 37, United States Code, is*
 25 *amended—*

1 (1) by striking “The amount” and inserting the
2 following: “(1) Except as provided by paragraph (2),
3 the amount”; and

4 (2) by adding at the end the following new para-
5 graph:

6 “(2) The Secretary concerned may authorize, on a
7 case-by-case basis, a higher reimbursement amount for a
8 member under subsection (a) when the member—

9 “(A) resides—

10 “(i) in the same State as the training loca-
11 tion; and

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

15 “(B) is required to commute to a training loca-
16 tion—

17 “(i) using an aircraft or boat on account of
18 limited or nonexistent vehicular routes to the
19 training location or other geographical chal-
20 lenges; or

21 “(ii) from a permanent residence located
22 more than 75 miles from the training location.”.

1 **SEC. 642. STATUTE OF LIMITATIONS ON DEPARTMENT OF**
2 **DEFENSE RECOVERY OF AMOUNTS OWED TO**
3 **THE UNITED STATES BY MEMBERS OF THE**
4 **UNIFORMED SERVICES, INCLUDING RETIRED**
5 **AND FORMER MEMBERS.**

6 *Section 1007(c)(3) of title 37, United States Code, is*
7 *amended by adding at the end the following new subpara-*
8 *graphs:*

9 *“(C)(i) In accordance with clause (ii), if the indebted-*
10 *ness of a member of the uniformed services to the United*
11 *States occurs, through no fault of the member, as a result*
12 *of the overpayment of pay or allowances to the member or*
13 *upon the settlement of the member’s accounts, the Secretary*
14 *concerned may not recover the indebtedness from the mem-*
15 *ber, including a retired or former member, using deductions*
16 *from the pay of the member, deductions from retired or sep-*
17 *aration pay, or any other collection method unless recovery*
18 *of the indebtedness commences before the end of the 10-year*
19 *period beginning on the date on which the indebtedness was*
20 *incurred.*

21 *“(ii) Clause (i) applies with respect to cases of indebt-*
22 *edness that incur on or after October 1, 2027.*

23 *“(D)(i) Not later than January 1 of each of years 2017*
24 *through 2027, the Director of the Defense Finance and Ac-*
25 *counting Service shall review all cases occurring during the*
26 *10-year period prior to the date of the review of indebt-*

1 *ness of a member of the uniformed services, including a re-*
 2 *tired or former member, to the United States in which—*

3 “(I) *the recovery of the indebtedness commenced*
 4 *after the end of the 10-year period beginning on the*
 5 *date on which the indebtedness was incurred; or*

6 “(II) *the Director did not otherwise notify the*
 7 *member of such indebtedness during such 10-year pe-*
 8 *riod.*

9 “(ii) *The Director shall submit to the congressional de-*
 10 *fense committees and the Committees on Veterans’ Affairs*
 11 *of the House of Representatives and the Senate each review*
 12 *conducted under clause (i), including the amounts owed to*
 13 *the United States by the members included in such review.”.*

14 ***TITLE VII—HEALTH CARE***
 15 ***PROVISIONS***

16 ***Subtitle A—Reform of TRICARE***
 17 ***and Military Health System***

18 ***SEC. 701. TRICARE PREFERRED AND OTHER TRICARE RE-***
 19 ***FORM.***

20 *(a) ESTABLISHMENT.—*

21 *(1) TRICARE PREFERRED.—Chapter 55 of title*
 22 *10, United States Code, is amended by inserting after*
 23 *section 1074n the following new section:*

1 **“§ 1075. TRICARE Preferred**

2 “(a) *ESTABLISHMENT.*—(1) *Not later than January 1,*
3 *2018, the Secretary of Defense shall establish a self-man-*
4 *aged, preferred-provider network option under the*
5 *TRICARE program. Such option shall be known as*
6 *‘TRICARE Preferred’.*

7 “(2) *The Secretary shall establish TRICARE Preferred*
8 *in all areas. Under TRICARE Preferred, eligible bene-*
9 *ficiaries will not have restrictions on the freedom of choice*
10 *of the beneficiary with respect to health care providers.*

11 “(b) *ENROLLMENT ELIGIBILITY.*—(1) *The beneficiary*
12 *categories for purposes of eligibility to enroll in TRICARE*
13 *Preferred and cost sharing requirements applicable to such*
14 *category are as follows:*

15 “(A) *An ‘active-duty family member’ category*
16 *that consists of beneficiaries who are covered by sec-*
17 *tion 1079 of this title (as dependents of active duty*
18 *members).*

19 “(B) *A ‘retired’ category that consists of bene-*
20 *ficiaries covered by subsection (c) of section 1086 of*
21 *this title, other than Medicare-eligible beneficiaries de-*
22 *scribed in subsection (d)(2) of such section.*

23 “(C) *A ‘reserve and young adult’ category that*
24 *consists of beneficiaries who are covered by—*

25 “(i) *section 1076d of this title;*

26 “(ii) *section 1076e; or*

1 “(iii) section 1110b.

2 “(2) A covered beneficiary who elects to participate in
3 TRICARE Preferred shall enroll in such option under sec-
4 tion 1099 of this title.

5 “(c) COST-SHARING REQUIREMENTS.—The cost shar-
6 ing requirements under TRICARE Preferred are as follows:

7 “(1) With respect to beneficiaries in the active-
8 duty family member category or the retired category
9 by reason of being a member or former member of the
10 uniformed services who originally enlists or is ap-
11 pointed in the uniformed services on or after January
12 1, 2018, or by reason of being a dependent of such a
13 member, the cost sharing requirements shall be cal-
14 culated pursuant to subsection (d)(1).

15 “(2)(A) Except as provided by subsection (e),
16 with respect to beneficiaries described in subpara-
17 graph (B) in the active-duty family member category
18 or the retired category, the cost sharing requirements
19 shall be calculated as if the beneficiary were enrolled
20 in TRICARE Extra or TRICARE Standard as if
21 TRICARE Extra or TRICARE Standard, as the case
22 may be, were still being carried out by the Secretary.

23 “(B) Beneficiaries described in this subpara-
24 graph are beneficiaries who are eligible to enroll in
25 the TRICARE program by reason of being a member

1 or former member of the uniformed services who origi-
 2 nally enlists or is appointed in the uniformed services
 3 before January 1, 2018, or by reason of being a de-
 4 pendent of such a member.

5 “(3) With respect to beneficiaries in the reserve
 6 and young adult category, the cost sharing require-
 7 ments shall be calculated pursuant to subsection
 8 (d)(1) as if the beneficiary were in the active-duty
 9 family member category or the retired category, as
 10 applicable, except that the premiums calculated pur-
 11 suant to sections 1076d, 1076e, or 1110b of this title,
 12 as the case may be, shall apply instead of any enroll-
 13 ment fee required under this section.

14 “(d) **COST-SHARING AMOUNTS FOR CERTAIN BENE-**
 15 **FICIARIES.**—(1) Beneficiaries described in subsection (c)(1)
 16 enrolled in TRICARE Preferred shall be subject to cost-
 17 sharing requirements in accordance with the amounts and
 18 percentages under the following table during calendar year
 19 2018 and as such amounts are adjusted under paragraph
 20 (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

“TRICARE Preferred	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Outpatient visit civilian network	\$15 primary care \$25 specialty care Out of network: 20%	\$25 primary care \$40 specialty care 25% of out of network
ER visit civilian network	\$40 network 20% out of network	\$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 annually
4 indexed to the amount by which retired pay is increased
5 under section 1401a of this title, rounded to the next lower
6 multiple of \$1. The remaining amount above such multiple
7 of \$1 shall be carried over to, and accumulated with, the
8 amount of the increase for the subsequent year or years and

1 *made when the aggregate amount of increases carried over*
2 *under this clause for a year is \$1 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 accordance*
9 *with subsection (d)(2), the Secretary shall establish an an-*
10 *nual enrollment fee for beneficiaries described in subsection*
11 *(c)(2)(B) in the retired category who enroll in TRICARE*
12 *Preferred (other than such beneficiaries covered by para-*
13 *graph (2)). Such enrollment fee shall be \$100 for an indi-*
14 *vidual and \$200 for a family.*

15 “(2) *The enrollment fee established pursuant to para-*
16 *graph (1) for beneficiaries described in subsection (c)(2)(B)*
17 *in the retired category shall not apply with respect to the*
18 *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 such*
25 *section 1086(c).*

1 “(3) *The Secretary may not establish an annual en-*
2 *rollment fee under paragraph (1) until 90 days has elapsed*
3 *following the date on which the Comptroller General of the*
4 *United States is required to submit the review under para-*
5 *graph (4).*

6 “(4) *Not later than February 1, 2020, the Comptroller*
7 *General of the United States shall submit to the Committees*
8 *on Armed Services of the House of Representatives and the*
9 *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 ob-*
14 *tain appointments for health care according to the ac-*
15 *cess standards established by the Secretary of Defense.*

16 “(C) *The percent of network providers that ac-*
17 *cept new patients under the TRICARE program.*

18 “(D) *The satisfaction of beneficiaries under*
19 *TRICARE Preferred.*

20 “(f) *PUBLICATION OF MEASURES.—As part of the ad-*
21 *ministration of TRICARE Prime and TRICARE Preferred,*
22 *the Secretary shall publish on a publically available Inter-*
23 *net website of the Department of Defense data on all meas-*
24 *ures required by section 711 of the National Defense Author-*

1 ization Act for Fiscal Year 2017. The published measures
2 shall be updated not less frequently than quarterly.

3 “(g) CONSTRUCTION.—Nothing in this section may be
4 construed as affecting the availability of TRICARE Prime
5 and TRICARE for Life.

6 “(h) DEFINITIONS.—In this section, terms ‘active-duty
7 family member category’, ‘retired category’, and ‘reserve
8 and young adult category’ mean the respective categories
9 of TRICARE Preferred enrollment described in subsection
10 (b).”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 55 of title 10,
13 United States Code, is amended by inserting after the
14 item relating to section 1074n, the following new
15 item:

“1075. TRICARE Preferred.”.

16 (b) TRICARE PRIME COST SHARING.—

17 (1) IN GENERAL.—Chapter 55 of title 10, United
18 States Code, is amended by inserting after section
19 1075, as added by subsection (a), the following new
20 section:

21 **“§ 1075a. TRICARE Prime: cost sharing**

22 “(a) COST-SHARING REQUIREMENTS.—The cost shar-
23 ing requirements under TRICARE Prime are as follows:

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 January*
10 *1, 2018, or by reason of being a dependent of such a*
11 *member, the cost-sharing requirements shall be cal-*
12 *culated pursuant to subsection (b)(1).*

13 “(3)(A) *With respect to beneficiaries described in*
14 *subparagraph (B) in the active-duty family member*
15 *category or the retired category (as described in sec-*
16 *tion 1075(b)(1) of this title), the cost-sharing require-*
17 *ments shall be calculated in accordance with the other*
18 *provisions of this chapter without regard to subsection*
19 *(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 member*
23 *or former member of the uniformed services who origi-*
24 *nally enlists or is appointed in the uniformed services*

1 before January 1, 2018, or by reason of being a de-
 2 pendent of such a member.

3 “(b) *COST-SHARING AMOUNTS.*—(1) *Beneficiaries de-*
 4 *scribed in subsection (a)(2) enrolled in TRICARE Prime*
 5 *shall be subject to cost-sharing requirements in accordance*
 6 *with the amounts and percentages under the following table*
 7 *during calendar year 2018 and as such amounts are ad-*
 8 *justed under paragraph (2) for subsequent years:*

“TRICARE Prime	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
<i>Annual Enrollment</i>	<i>\$180 / \$360</i>	<i>\$325 / \$650</i>
<i>Annual deductible</i>	<i>No¹</i>	<i>No¹</i>
<i>Annual catastrophic cap</i>	<i>\$1,000</i>	<i>\$3,000 per family</i>
<i>Outpatient visit civilian network</i>	<i>\$0 with authorization</i>	<i>\$20 primary care</i>
		<i>\$30 specialty care</i>
<i>ER visit civilian network</i>	<i>\$0</i>	<i>\$50 network</i>
<i>Urgent care civilian network</i>	<i>\$0</i>	<i>\$30 network</i>
<i>Ambulatory surgery civilian network</i>	<i>\$0 with authorization</i>	<i>\$60 network with authorization</i>
<i>Ambulance civilian network</i>	<i>\$0</i>	<i>\$20</i>
<i>Durable medical equipment civilian network</i>	<i>\$0 with authorization</i>	<i>20%</i>
<i>Inpatient visit civilian network</i>	<i>\$0 with authorization</i>	<i>\$100 network per admission with authorization</i>
<i>Inpatient skilled nursing/rehab civilian</i>	<i>\$0 with authorization</i>	<i>\$30 per day network with authorization</i>

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 an-*
3 *nually indexed to the amount by which retired pay is in-*
4 *creased under section 1401a of this title, rounded to the next*
5 *lower multiple of \$1. The remaining amount above such*
6 *multiple of \$1 shall be carried over to, and accumulated*
7 *with, the amount of the increase for the subsequent year*
8 *or years and made when the aggregate amount of increases*
9 *carried over under this clause for a year is \$1 or more.*

10 “(3) *Enrollment fees, deductible amounts, and cata-*
11 *strophic caps under this section are on a calendar-year*
12 *basis.*”.

13 (2) *CLERICAL AMENDMENT.—The table of sec-*
14 *tions at the beginning of chapter 55 of title 10,*
15 *United States Code, is amended by inserting after the*
16 *item relating to section 1075, as added by subsection*
17 *(a), the following new item:*

 “1075a. *TRICARE Prime: cost sharing.*”.

18 (c) *PORTABILITY.—Section 1073 of title 10, United*
19 *States Code, is amended by adding at the end the following*
20 *new subsection:*

21 “(c) *PORTABILITY IN PROGRAM.—The Secretary of De-*
22 *fense shall ensure that the enrollment status of covered bene-*
23 *ficiaries is portable between or among TRICARE program*
24 *regions of the United States and that effective procedures*
25 *are in place for automatic electronic transfer of information*

1 *between or among contractors responsible for administra-*
2 *tion in such regions and prompt communication with such*
3 *beneficiaries. Each covered beneficiary enrolled in*
4 *TRICARE Prime who has relocated the beneficiary's pri-*
5 *mary residence to a new area in which enrollment in*
6 *TRICARE Prime is available shall be able to obtain a new*
7 *primary health care manager or provider within 10 days*
8 *of the relocation and associated request for such manager*
9 *or provider.”.*

10 (d) *TERMINATION OF TRICARE STANDARD AND*
11 *TRICARE EXTRA.—Beginning on January 1, 2018, the*
12 *Secretary of Defense may not carry out TRICARE Stand-*
13 *ard and TRICARE Extra under the TRICARE program.*
14 *The Secretary shall ensure that any individual who is cov-*
15 *ered under TRICARE Standard or TRICARE Extra as of*
16 *December 31, 2017, enrolls in TRICARE Prime, TRICARE*
17 *Preferred, or TRICARE for Life, as the case may be, as*
18 *of January 1, 2018, for the individual to continue coverage*
19 *under the TRICARE program.*

20 (e) *IMPLEMENTATION PLAN.—*

21 (1) *IN GENERAL.—Not later than June 1, 2017,*
22 *the Secretary of Defense shall submit to the Commit-*
23 *tees on Armed Services of the House of Representa-*
24 *tives and the Senate an implementation plan to im-*

1 *prove access to health care for TRICARE beneficiaries*
2 *pursuant to the amendments made by this section.*

3 (2) *ELEMENTS.—The plan under paragraph (1)*
4 *shall—*

5 (A) *ensure that at least 85 percent of the*
6 *beneficiary population under TRICARE Pre-*
7 *ferred is covered by the network by January 1,*
8 *2018;*

9 (B) *establish access standards for appoint-*
10 *ments for health care;*

11 (C) *establish mechanisms for monitoring*
12 *compliance with access standards;*

13 (D) *establish health care provider-to-bene-*
14 *ficiary ratios;*

15 (E) *monitor on a monthly basis complaints*
16 *by beneficiaries with respect to network adequacy*
17 *and the availability of health care providers;*

18 (F) *establish requirements for mechanisms*
19 *to monitor the responses to complaints by bene-*
20 *ficiaries;*

21 (G) *mechanisms to evaluate the quality*
22 *metrics of the network providers established*
23 *under section 711;*

1 (H) any recommendations for legislative ac-
2 tion the Secretary determines necessary to carry
3 out the plan; and

4 (I) any other elements the Secretary deter-
5 mines appropriate.

6 (f) GAO REVIEWS.—

7 (1) IMPLEMENTATION PLAN.—Not later than De-
8 cember 1, 2017, the Comptroller General of the United
9 States shall submit to the Committees on Armed Serv-
10 ices of the House of Representatives and the Senate a
11 review of the implementation plan of the Secretary
12 under paragraph (1) of subsection (e), including an
13 assessment of the adequacy of the plan in meeting the
14 elements specified in paragraph (2) of such sub-
15 section.

16 (2) NETWORK.—Not later than September 1,
17 2017, the Comptroller General shall submit to the
18 Committees on Armed Services of the House of Rep-
19 resentatives and the Senate a review of the network
20 established under TRICARE Extra, including the fol-
21 lowing:

22 (A) An identification of the percent of bene-
23 ficiaries who are covered by the network.

1 (B) *An assessment of the extent to which*
2 *beneficiaries are able to obtain appointments*
3 *under TRICARE extra.*

4 (C) *The percent of network providers under*
5 *TRICARE Extra that accept new patients under*
6 *the TRICARE program.*

7 (D) *An assessment of the satisfaction of*
8 *beneficiaries under TRICARE Extra.*

9 (g) *DEFINITIONS.—In this section:*

10 (1) *The terms “uniformed services”, “covered*
11 *beneficiary”, “TRICARE Extra”, “TRICARE for*
12 *Life”, “TRICARE Prime”, and “TRICARE Stand-*
13 *ard” have the meaning given those terms in section*
14 *1072 of title 10, United States Code, as amended by*
15 *subsection (h).*

16 (2) *The term “TRICARE Preferred” means the*
17 *self-managed, preferred-provider network option*
18 *under the TRICARE program established by section*
19 *1075 of such title, as added by subsection (a).*

20 (h) *CONFORMING AMENDMENTS.—*

21 (1) *IN GENERAL.—Title 10, United States Code,*
22 *is amended as follows:*

23 (A) *Section 1072 is amended—*

24 (i) *by striking paragraph (7) and in-*
25 *serting the following:*

1 “(7) *The term ‘TRICARE program’ means the*
2 *various programs carried out by the Secretary of De-*
3 *fense under this chapter and any other provision of*
4 *law providing for the furnishing of medical and den-*
5 *tal care and health benefits to members and former*
6 *members of the uniformed services and their depend-*
7 *ents, including the following health plan options:*

8 “(A) *TRICARE Prime.*

9 “(B) *TRICARE Preferred.*

10 “(C) *TRICARE for Life.*”; and

11 *(ii) by adding at the end the following*
12 *new paragraphs:*

13 “(11) *The term ‘TRICARE Extra’ means the*
14 *preferred provider option of the TRICARE program*
15 *made available prior to January 1, 2018, under*
16 *which TRICARE Standard beneficiaries may obtain*
17 *discounts on cost-sharing as a result of using*
18 *TRICARE network providers.*

19 “(12) *The term ‘TRICARE Preferred’ the self-*
20 *managed, preferred-provider network option under the*
21 *TRICARE program established by section 1075 of*
22 *this title.*

23 “(13) *The term ‘TRICARE for Life’ means the*
24 *Medicare wraparound coverage option of the*

1 *TRICARE* program made available to the beneficiary
2 by reason of section 1086(d) of this title.

3 “(14) The term ‘*TRICARE Prime*’ means the
4 managed care option of the *TRICARE* program.

5 “(15) The term ‘*TRICARE Standard*’ means the
6 *TRICARE* program made available prior to January
7 1, 2018, covering—

8 “(A) medical care to which a dependent de-
9 scribed in section 1076(a)(2) of this title is enti-
10 tled; and

11 “(B) health benefits contracted for under the
12 authority of section 1079(a) of this title and sub-
13 ject to the same rates and conditions as apply to
14 persons covered under that section.”.

15 (B) Section 1076d 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 sec-
20 tion.”; and

21 (ii) in subsection (f), by striking para-
22 graph (2) and inserting the following new
23 paragraph:

24 “(2) The term ‘*TRICARE Reserve Select*’ means
25 the *TRICARE Preferred self-managed, preferred-pro-*

1 *vider network option under section 1075 made avail-*
2 *able to beneficiaries by reason of this section and in*
3 *accordance with subsection (d)(1).”; and*

4 *(iii) by striking “TRICARE Stand-*
5 *ard” each place it appears (including in the*
6 *heading of such section) and inserting*
7 *“TRICARE Reserve Select”.*

8 *(C) Section 1076e is amended—*

9 *(i) in subsection (d)(1), by inserting*
10 *after “coverage.” the following: “Such pre-*
11 *mium shall apply instead of any enrollment*
12 *fees required under section 1075 of this sec-*
13 *tion.”; and*

14 *(ii) in subsection (f), by striking para-*
15 *graph (2) and inserting the following new*
16 *paragraph:*

17 *“(2) The term ‘TRICARE Retired Reserve’*
18 *means the TRICARE Preferred self-managed, pre-*
19 *ferred-provider network option under section 1075*
20 *made available to beneficiaries by reason of this sec-*
21 *tion and in accordance with subsection (d)(1).”;*

22 *(iii) in subsection (b), by striking*
23 *“TRICARE Standard coverage at” and in-*
24 *serting “TRICARE coverage at”; and*

1 (iv) by striking “*TRICARE Standard*”
2 each place it appears (including in the
3 heading of such section) and inserting
4 “*TRICARE Retired Reserve*”.

5 (D) Section 1079a is amended—

6 (i) in the section heading, by striking
7 “**CHAMPUS**” and inserting
8 “**TRICARE program**”; and

9 (ii) by striking “*the Civilian Health*
10 *and Medical Program of the Uniformed*
11 *Services*” and inserting “*the TRICARE*
12 *program*”.

13 (E) Section 1099(c) is amended by striking
14 paragraph (2) and inserting the following new
15 paragraph:

16 “(2) A plan under the *TRICARE* program.”.

17 (F) Section 1110b(c)(1) is amended by in-
18 serting after “(b).” the following: “Such pre-
19 mium shall apply instead of any enrollment fees
20 required under section 1075 of this section.”.

21 (2) *CLERICAL AMENDMENTS.*—The table of sec-
22 tions at the beginning of chapter 55 of title 10,
23 United States Code, is further amended—

1 (A) in the item relating to section 1076d, by
2 striking “TRICARE Standard” and inserting
3 “TRICARE Reserve Select”;

4 (B) in the item relating to section 1076e, by
5 striking “TRICARE Standard” and inserting
6 “TRICARE Retired Reserve”; and

7 (C) in the item relating to section 1079a, by
8 striking “CHAMPUS” and inserting
9 “TRICARE program”.

10 (3) *CONFORMING STYLE.*—Any new language in-
11 serted or added to title 10, United States Code, by an
12 amendment made by this subsection shall conform to
13 the typeface and typestyle of the matter in which the
14 language is so inserted or added.

15 (i) *APPLICATION.*—The amendments made by this sec-
16 tion shall apply with respect to the provision of health care
17 under the TRICARE program beginning on January 1,
18 2018.

19 **SEC. 702. REFORM OF ADMINISTRATION OF THE DEFENSE**
20 **HEALTH AGENCY AND MILITARY MEDICAL**
21 **TREATMENT FACILITIES.**

22 (a) *ADMINISTRATION.*—

23 (1) *IN GENERAL.*—Chapter 55 of title 10, United
24 States Code, is amended by inserting after section
25 1073b the following new section:

1 **“§ 1073c. Administration of Defense Health Agency**
2 **and military medical treatment facilities**

3 “(a) ADMINISTRATION OF MILITARY MEDICAL TREAT-
4 MENT FACILITIES.—(1) Beginning October 1, 2018, the Di-
5 rector of the Defense Health Agency shall be responsible for
6 the administration of each military medical treatment fa-
7 cility, including with respect to—

8 “(A) budgetary matters;

9 “(B) information technology;

10 “(C) health care administration and manage-
11 ment;

12 “(D) administrative policy and procedure; and

13 “(E) any other matters the Secretary of Defense
14 determines appropriate.

15 “(2) The commander of each military medical treat-
16 ment facility shall be responsible for—

17 “(A) ensuring the readiness of the members of the
18 armed forces and civilian employees at such facility;
19 and

20 “(B) furnishing the health care and medical
21 treatment provided at such facility.

22 “(3) The Secretary of Defense shall establish within the
23 Defense Health Agency a professional staff serving in senior
24 executive service positions to carry out this subsection. The
25 Secretary may carry out this paragraph by appointing the
26 positions specified in subsections (b) and (c).

1 “(b) *DHA ASSISTANT DIRECTOR.*—(1) *The Secretary*
2 *of Defense may establish in the Defense Health Agency an*
3 *Assistant Director for Health Care Administration. If so*
4 *established, the Assistant Director shall—*

5 “(A) *be a career appointee within the senior ex-*
6 *ecutive service of the Department; and*

7 “(B) *report directly to the Director of the De-*
8 *fense Health Agency.*

9 “(2) *If established under paragraph (1), the Assistant*
10 *Director shall be appointed from among individuals who*
11 *have equivalent education and experience as a chief execu-*
12 *tive officer leading a large, civilian health care system.*

13 “(3) *If established under paragraph (1), the Assistant*
14 *Director shall be responsible for the following:*

15 “(A) *Establishing priorities for health care ad-*
16 *ministration and management.*

17 “(B) *Establishing policies and procedures for the*
18 *provision of direct care at military medical treatment*
19 *facilities.*

20 “(C) *Establishing priorities for budgeting mat-*
21 *ters with respect to the provision of direct care at*
22 *military medical treatment facilities.*

23 “(D) *Establishing policies and procedures for*
24 *clinic management and operations at military med-*
25 *ical treatment facilities.*

1 “(E) *Establishing priorities for information*
2 *technology at and between the military medical treat-*
3 *ment facilities.*

4 “(c) *DHA DEPUTY ASSISTANT DIRECTORS.—(1)(A)*
5 *The Secretary of Defense may establish in the Defense*
6 *Health Agency a Deputy Assistant Director for Information*
7 *Operations.*

8 “(B) *If established under subparagraph (A), the Dep-*
9 *uty Assistant Director for Information Operations shall be*
10 *responsible for management and execution of information*
11 *technology operations at and between the military medical*
12 *treatment facilities.*

13 “(2)(A) *The Secretary of Defense may establish in the*
14 *Defense Health Agency a Deputy Assistant Director for Fi-*
15 *nancial Operations.*

16 “(B) *If established under subparagraph (A), the Dep-*
17 *uty Assistant Director for Financial Operations shall be re-*
18 *sponsible for the management and execution of budgeting*
19 *matters and financial management with respect to the pro-*
20 *vision of direct care at military medical treatment facili-*
21 *ties.*

22 “(3)(A) *The Secretary of Defense may establish in the*
23 *Defense Health Agency a Deputy Assistant Director for*
24 *Health Care Operations.*

1 “(B) If established under subparagraph (A), the Dep-
2 uty Assistant Director for Health Care Operations shall be
3 responsible for the execution of health care administration
4 and management in the military medical treatment facili-
5 ties.

6 “(4)(A) The Secretary of Defense may establish in the
7 Defense Health Agency a Deputy Assistant Director for
8 Medical Affairs.

9 “(B) If established under subparagraph (A), the Dep-
10 uty Assistant Director for Medical Affairs shall be respon-
11 sible for the management and leadership of clinical quality
12 and process improvement, patient safety, infection control,
13 graduate medical education, clinical integration, utiliza-
14 tion review, risk management, patient experience, and civil-
15 ian physician recruiting.

16 “(5) Each Deputy Assistant Director appointed under
17 paragraphs (1) through (4) shall—

18 “(A) be a career appointee within the senior ex-
19 ecutive service of the Department; and

20 “(B) report directly to the Assistant Director for
21 Health Care Administration.

22 “(d) DHA DEPUTY DIRECTOR.—(1) In addition to the
23 other duties of the Joint Staff Surgeon, the Joint Staff Sur-
24 geon shall serve as the Deputy Director for Combat Support
25 of the Defense Health Agency.

1 “(2) *The responsibilities of the Deputy Director shall*
2 *include the following:*

3 “(A) *Ensuring that the Defense Health Agency*
4 *meets the operational needs of the commanders of the*
5 *combatant commands.*

6 “(B) *Coordinating with the military depart-*
7 *ments to ensure that the staffing at the military med-*
8 *ical treatment facilities support readiness require-*
9 *ments for members of the armed forces and health*
10 *care personnel.*

11 “(C) *Serving as the link between the commanders*
12 *of the combatant commands and the Defense Health*
13 *Agency.*

14 “(e) *APPOINTMENTS.—In carrying out subsection*
15 *(a)(3), including with respect to establishing positions*
16 *under subsections (b) and (c), the Secretary shall make ap-*
17 *pointments under such subsections—*

18 “(1) *by not later than October 1, 2018; and*

19 “(2) *by not increasing the number of full-time*
20 *equivalent employees of the Defense Health Agency.*

21 “(f) *DEFINITIONS.—In this section:*

22 “(1) *The term ‘career appointee’ has the mean-*
23 *ing given that term in section 3132(a)(4) of title 5.*

24 “(2) *The term ‘Defense Health Agency’ means*
25 *the Defense Agency established pursuant to Depart-*

1 *ment of Defense Directive 5136.13, or such successor*
2 *Defense Agency.*

3 “(3) *The term ‘senior executive service’ has the*
4 *meaning given that term in section 2101a of title 5.”.*

5 (2) *CLERICAL AMENDMENT.—The table of sec-*
6 *tions at the beginning of such chapter is amended by*
7 *inserting after the item relating to section 1073b the*
8 *following new item:*

 “1073c. *Administration of Defense Health Agency and military medical treatment*
 facilities.”.

9 (b) *IMPLEMENTATION PLAN.—*

10 (1) *IN GENERAL.—The Secretary of Defense shall*
11 *develop a plan to implement section 1073c of title 10,*
12 *United States Code, as added by subsection (a).*

13 (2) *ELEMENTS.—The plan developed under*
14 *paragraph (1) shall include the following:*

15 (A) *How the Secretary will carry out sub-*
16 *section (a) of such section 1073c.*

17 (B) *Efforts to minimize potentially duplica-*
18 *tive activities carried out by the elements of the*
19 *Defense Health Agency.*

20 (C) *Efforts to maximize efficiencies in the*
21 *activities carried out by the Defense Health*
22 *Agency.*

23 (D) *How the Secretary will implement such*
24 *section 1073 in a manner that does not increase*

1 *the number of full-time equivalent employees of*
2 *the headquarters activities of the military health*
3 *system as of the date of the enactment of this*
4 *Act.*

5 *(c) REPORTS.—*

6 *(1) INTERIM REPORT.—Not later than March 1,*
7 *2017, the Secretary shall submit to the congressional*
8 *defense committees a report containing—*

9 *(A) a preliminary draft of the plan devel-*
10 *oped under subsection (b)(1); and*

11 *(B) any recommendations for legislative ac-*
12 *tions the Secretary determines necessary to carry*
13 *out the plan.*

14 *(2) FINAL REPORT.—Not later than March 1,*
15 *2018, the Secretary shall submit to the congressional*
16 *defense committees a report containing the final*
17 *version of the plan developed under subsection (b)(1).*

18 *(3) COMPTROLLER GENERAL REVIEWS.—*

19 *(A) The Comptroller General of the United*
20 *States shall submit to the congressional defense*
21 *committees—*

22 *(i) a review of the preliminary draft of*
23 *the plan submitted under paragraph (1) by*
24 *not later than September 1, 2017; and*

1 (ii) a review of the final version of the
2 plan submitted under paragraph (2) by not
3 later than September 1, 2018.

4 (B) Each review of the plan conducted
5 under paragraph (A) shall determine whether the
6 Secretary has addressed the required elements for
7 the plan under subsection (b)(2).

8 **SEC. 703. MILITARY MEDICAL TREATMENT FACILITIES.**

9 (a) ADMINISTRATION.—

10 (1) IN GENERAL.—Chapter 55 of title 10, United
11 States Code, as amended by section 702, is further
12 amended by inserting after section 1073c the fol-
13 lowing new section:

14 **“§ 1073d. Military medical treatment facilities**

15 “(a) IN GENERAL.—To support the medical readiness
16 of the armed forces and the readiness of medical personnel,
17 the Secretary of Defense, in consultation with the Secre-
18 taries of the military departments, shall maintain the mili-
19 tary medical treatment facilities described in subsections
20 (b), (c), and (d).

21 “(b) MEDICAL CENTERS.—(1) The Secretary of De-
22 fense shall maintain medical centers in areas with a large
23 population of members of the armed forces and covered
24 beneficiaries.

1 “(2) *Medical centers shall serve as referral facilities for*
2 *members and covered beneficiaries who require comprehen-*
3 *sive health care services that support medical readiness.*

4 “(3) *Medical centers shall consist of the following:*

5 “(4) *Inpatient and outpatient tertiary care fa-*
6 *cilities that incorporate specialty and subspecialty*
7 *care.*

8 “(5) *Graduate medical education programs.*

9 “(6) *Residency training programs.*

10 “(7) *Level one or level two trauma care capabili-*
11 *ties.*

12 “(c) *HOSPITALS.—(1) The Secretary of Defense shall*
13 *maintain hospitals in areas where civilian health care fa-*
14 *cilities are unable to support the health care needs of mem-*
15 *bers of the armed forces and covered beneficiaries.*

16 “(2) *Hospitals shall provide—*

17 “(A) *inpatient and outpatient health services to*
18 *maintain medical readiness; and*

19 “(B) *such other programs and functions as the*
20 *Secretary determines appropriate.*

21 “(3) *Hospitals shall consist of inpatient and out-*
22 *patient care facilities with limited specialty care that the*
23 *Secretary determines—*

24 “(A) *is cost effective; or*

1 “(B) is not available at civilian health care fa-
2 cilities in the area of the hospital.

3 “(d) *AMBULATORY CARE CENTERS.*—(1) *The Sec-*
4 *retary of Defense shall maintain ambulatory care centers*
5 *in areas where civilian health care facilities are able to sup-*
6 *port the health care needs of members of the armed forces*
7 *and covered beneficiaries.*

8 “(2) *Ambulatory care centers shall provide the out-*
9 *patient health services required to maintain medical readi-*
10 *ness, including with respect to partnerships established pur-*
11 *suant to section 707 of the National Defense Authorization*
12 *Act for Fiscal Year 2017.*

13 “(3) *Ambulatory care centers shall consist of out-*
14 *patient care facilities with limited specialty care that the*
15 *Secretary determines—*

16 “(A) *is cost effective; or*

17 “(B) *is not available at civilian health care fa-*
18 *cilities in the area of the ambulatory care center.”.*

19 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
20 *tions at the beginning of such chapter, as amended by*
21 *section 702, is further amended by inserting after the*
22 *item relating to section 1073c the following new item:*

“1073d. Military medical treatment facilities.”.

23 (b) *UPDATE OF STUDY.*—

24 (1) *IN GENERAL.*—*The Secretary of Defense, in*
25 *collaboration with the Secretaries of the military de-*

1 *partments, shall update the report described in para-*
2 *graph (2) to address the restructuring or realignment*
3 *of military medical treatment facilities pursuant to*
4 *section 1073d of title 10, United States Code, as*
5 *added by subsection (a), including with respect to any*
6 *expansions or consolidations of such facilities.*

7 (2) *REPORT DESCRIBED.*—*The report described*
8 *in this paragraph is the Military Health System*
9 *Modernization Study dated May 29th, 2015, required*
10 *by section 713(a)(2) of the Carl Levin and Howard*
11 *P. “Buck” McKeon National Defense Authorization*
12 *Act for Fiscal Year 2015 (Public Law 113–291; 128*
13 *Stat. 3414).*

14 (3) *SUBMISSION.*—*Not later than 270 days after*
15 *the date of the enactment of this Act, the Secretary of*
16 *Defense shall submit to the congressional defense com-*
17 *mittees the updated report under paragraph (1).*

18 (c) *IMPLEMENTATION PLAN.*—

19 (1) *IN GENERAL.*—*Not later than two years after*
20 *the date of the enactment of this Act, the Secretary of*
21 *Defense shall submit to the congressional defense com-*
22 *mittees an implementation plan to restructure or re-*
23 *align the military medical treatment facilities pursu-*
24 *ant to section 1073d of title 10, United States Code,*
25 *as added by subsection (a).*

1 (2) *ELEMENTS.*—*The implementation plan*
2 *under paragraph (1) shall include the following:*

3 (A) *With respect to each military medical*
4 *treatment facility—*

5 (i) *whether the facility will be re-*
6 *aligned or restructured under the plan;*

7 (ii) *whether the functions of such facil-*
8 *ity will be expanded or consolidated;*

9 (iii) *the costs of such realignment or*
10 *restructuring;*

11 (iv) *a description of any changes to the*
12 *military and civilian personnel assigned to*
13 *such facility as of the date of the plan;*

14 (v) *a timeline for such realignment or*
15 *restructuring; and*

16 (vi) *the justifications for such realign-*
17 *ment or restructuring, including an assess-*
18 *ment of the capacity of the civilian health*
19 *care facilities located near such facility.*

20 (B) *A description of the relocation of the*
21 *graduate medical education programs and the*
22 *residency programs.*

1 **SEC. 704. ACCESS TO URGENT CARE UNDER TRICARE PRO-**
2 **GRAM.**

3 (a) *IN GENERAL.*—Chapter 55 of title 10, United
4 States Code, is amended by inserting after section 1077 the
5 following new section:

6 **“§ 1077a. Access to military medical treatment facili-**
7 **ties and other facilities**

8 “(a) *URGENT CARE.*—(1) *Beginning not later than*
9 *one year after the date of the enactment of this section, the*
10 *Secretary of Defense shall ensure that military medical*
11 *treatment facilities, at locations the Secretary determines*
12 *appropriate, provide urgent care services for members of the*
13 *armed forces and covered beneficiaries until 11:00 p.m each*
14 *day.*

15 “(2) *With respect to areas in which a military medical*
16 *treatment facility covered by paragraph (1) is not located,*
17 *the Secretary shall ensure that members of the armed forces*
18 *and covered beneficiaries may access urgent care clinics*
19 *that are open during the hours specified in such paragraph*
20 *through the health care provider network under the*
21 *TRICARE program.*

22 “(3) *A covered beneficiary may access urgent care serv-*
23 *ices without the need for preauthorization for such services.*

24 “(4) *The Secretary shall—*

25 “(A) *publish information about changes in access*
26 *to urgent care under the TRICARE program—*

1 “(i) on the primary publicly available
2 Internet website of the Department; and

3 “(ii) on the primary publicly available
4 website of each military treatment facility; and

5 “(B) ensure that such information is made
6 available on the publically available Internet website
7 of each current managed care contractor that has es-
8 tablished a health care provider network under the
9 TRICARE program.

10 “(b) NURSE ADVICE LINE.—The Secretary shall en-
11 sure that the nurse advice line of the Department directs
12 covered beneficiaries seeking access to care to the source of
13 the most appropriate level of health care required to treat
14 the medical conditions of the beneficiaries, including urgent
15 care services described in subsection (a).”.

16 (b) CLERICAL AMENDMENT.—The table of sections at
17 the beginning of such chapter is amended by inserting after
18 the item relating to section 1077 the following new item:
 “1077a. Access to military medical treatment facilities and other facilities”.

19 **SEC. 705. ACCESS TO PRIMARY CARE CLINICS AT MILITARY**
20 **MEDICAL TREATMENT FACILITIES.**

21 (a) IN GENERAL.—Section 1077a of title 10, United
22 States Code, as added by section 704, is amended by adding
23 at the end the following new subsection:

24 “(c) PRIMARY CARE CLINICS.—(1) The Secretary shall
25 ensure that primary care clinics at military medical treat-

1 *ment facilities are available for members of the armed forces*
2 *and covered beneficiaries between the hours determined ap-*
3 *propriate under paragraph (2), including with respect to*
4 *expanded hours described in subparagraph (B) of such*
5 *paragraph.*

6 “(2)(A) *The Secretary shall determine the hours that*
7 *each primary care clinic at a military medical treatment*
8 *facility is available for members of the armed forces and*
9 *covered beneficiaries based on—*

10 “(i) *the needs of the military treatment facility*
11 *to meet the access standards under the TRICARE*
12 *Prime program; and*

13 “(ii) *the primary care usage patterns of members*
14 *and covered beneficiaries at such military medical*
15 *treatment facility.*

16 “(B) *The primary care clinic hours at a military med-*
17 *ical treatment facility determined under subparagraph (A)*
18 *shall include expanded hours beyond regular business hours*
19 *during weekdays and the weekend if the Secretary deter-*
20 *mines under such subparagraph that sufficient demand ex-*
21 *ists at the military medical treatment facility for such ex-*
22 *panded primary care clinic hours.”.*

23 (b) *IMPLEMENTATION.—The Secretary of Defense shall*
24 *implement subsection (c) of section 1077a of title 10, United*

1 *States Code, as added by subsection (a), by not later than*
2 *180 days after the date of the enactment of this Act.*

3 **SEC. 706. INCENTIVES FOR VALUE-BASED HEALTH UNDER**
4 **TRICARE PROGRAM.**

5 *(a) IN GENERAL.—Chapter 55 of title 10, United*
6 *States Code, is amended by inserting after section 1095g*
7 *the following new section:*

8 **“§ 1095h. TRICARE program: value-based health care**

9 *“(a) IN GENERAL.—The Secretary of Defense may de-*
10 *velop and implement value-based incentive programs as*
11 *part of any contract awarded under this chapter for the*
12 *provision of health care services to covered beneficiaries to*
13 *encourage health care providers under the TRICARE pro-*
14 *gram (including physicians, hospitals, and other persons*
15 *and facilities involved in providing such health care serv-*
16 *ices) to improve the following:*

17 *“(1) The quality of health care provided to cov-*
18 *ered beneficiaries under the TRICARE program.*

19 *“(2) The experience of covered beneficiaries in re-*
20 *ceiving health care under the TRICARE program.*

21 *“(3) The health of covered beneficiaries.*

22 *“(b) VALUE-BASED INCENTIVE PROGRAMS.—(1) In de-*
23 *veloping value-based incentive programs under subsection*
24 *(a), the Secretary shall—*

1 “(A) link payments to health care providers
2 under the *TRICARE* program to improved perform-
3 ance with respect to quality, cost, and reducing the
4 provision of inappropriate care;

5 “(B) consider the characteristics of the popu-
6 lation of covered beneficiaries affected by the value-
7 based incentive program;

8 “(C) consider how the value-based incentive pro-
9 gram would affect the receipt of health care under the
10 *TRICARE* program by such covered beneficiaries;

11 “(D) establish or maintain an assurance that
12 such covered beneficiaries will have timely access to
13 health care during the operation of the value-based in-
14 centive program;

15 “(E) ensure that such covered beneficiaries do
16 not incur any additional costs by reason of the value-
17 based incentive program; and

18 “(F) consider such other factors as the Secretary
19 considers appropriate.

20 “(2) With respect to a value-based incentive program
21 developed and implemented under subsection (a), the Sec-
22 retary shall ensure that—

23 “(A) the size, scope, and duration of the value-
24 based incentive program is reasonable in relation to
25 the purpose of the value-based incentive program; and

1 “(B) the value-based incentive program relies on
2 the core quality performance metrics pursuant to sec-
3 tion 711 of the National Defense Authorization Act
4 for Fiscal Year 2017.

5 “(c) *USE OF EXISTING MODELS.*—In developing a
6 value-based incentive program under subsection (a), the
7 Secretary may adapt a value-based incentive program con-
8 ducted by a *TRICARE* managed care support contractor,
9 the Centers for Medicare & Medicaid Services, or any other
10 governmental or commercial health care program.”.

11 (b) *CLERICAL AMENDMENT.*—The table of sections at
12 the beginning of such chapter is amended by inserting after
13 the item relating to section 1095g the following new item:
 “1095h. *TRICARE* program: value-based health care.”.

14 (c) *BRIEFINGS.*—

15 (1) *PRIOR TO CERTAIN CONTRACT MODIFICA-*
16 *TIONS.*—Not later than 60 days before the date on
17 which the Secretary of Defense modifies a contract
18 awarded under chapter 55 of title 10, United States
19 Code, to implement a value-based incentive program
20 under section 1095h of such title, as added by sub-
21 section (a), the Secretary shall provide to the Com-
22 mittees on Armed Services of the House of Represent-
23 atives and the Senate (and any other appropriate
24 congressional committee upon request) a briefing on

1 *any implementation plan of the Secretary with re-*
2 *spect to such a value-based incentive program.*

3 (2) *ANNUAL BRIEFING.*—*Not later than one year*
4 *after the date of the enactment of this Act, and annu-*
5 *ally thereafter through 2022, the Secretary shall pro-*
6 *vide to the Committees on Armed Services of the*
7 *House of Representatives and the Senate (and any*
8 *other appropriate congressional committee upon re-*
9 *quest) a briefing on the quality performance metrics*
10 *and expenditures relating to a value-based incentive*
11 *program developed and implemented under section*
12 *1095h of title 10, United States Code, as added by*
13 *subsection (a).*

14 (3) *APPROPRIATE CONGRESSIONAL COMMIT-*
15 *TEES.*—*In this subsection, the term “appropriate con-*
16 *gressional committees” means—*

17 (A) *the congressional defense committees;*

18 *and*

19 (B) *the Committee on Transportation and*
20 *Infrastructure of the House of Representatives*
21 *and the Committee on Commerce, Science, and*
22 *Transportation of the Senate.*

1 **SEC. 707. IMPROVEMENTS TO MILITARY-CIVILIAN PARTNER-**
2 **SHIPS TO INCREASE ACCESS TO HEALTH**
3 **CARE AND READINESS.**

4 (a) *PARTNERSHIP AGREEMENTS.*—Subsection (a) of
5 section 1096 of title 10, United States Code, is amended
6 to read as follows:

7 “(a) *PARTNERSHIP AGREEMENTS.*—The Secretary of
8 Defense may enter into a partnership agreement between
9 facilities of the uniformed services and local or regional
10 health care systems if the Secretary determines that such
11 an agreement would—

12 “(1) result in the delivery of health care to which
13 covered beneficiaries are entitled under this chapter
14 in a more effective, efficient, or economical manner;
15 or

16 “(2) provide members of the armed forces with
17 additional training opportunities to maintain readi-
18 ness requirements.”.

19 (b) *IN GENERAL.*—Such section 1096 is further
20 amended—

21 (1) by redesignating subsections (c) and (d) as
22 subsections (f) and (g), respectively; and

23 (2) by inserting after subsection (b) the following
24 new subsections:

25 “(c) *CRITERIA.*—In entering into an agreement under
26 subsection (a) between a facility of the uniformed services

1 *and a local or regional health care system, the Secretary*
2 *shall—*

3 *“(1) identify and analyze—*

4 *“(A) the health care delivery options pro-*
5 *vided by the local or regional health care system;*
6 *and*

7 *“(B) the health care services provided by the*
8 *facility;*

9 *“(2) assess—*

10 *“(A) how such agreement affects the delivery*
11 *of health care at the facility and the readiness of*
12 *the members of the uniformed services;*

13 *“(B) the viability of the agreement with re-*
14 *spect to succeeding on a long-term basis in the*
15 *local community of the facility; and*

16 *“(C) the cost efficiency and effectiveness of*
17 *the agreement; and*

18 *“(3) consult with—*

19 *“(A) the Secretary concerned;*

20 *“(B) representatives from such facility, in-*
21 *cluding the leadership of the installation at*
22 *which the facility is located, the leadership of the*
23 *facility, and covered beneficiaries at such instal-*
24 *lation;*

1 “(C) the TRICARE managed care support
2 contractor with responsibility for such facility;

3 “(D) officials of the Federal, State, and
4 local governments, as appropriate; and

5 “(E) representatives from the local or re-
6 gional health care system.

7 “(d) LOCAL CONSORTIUM.—The Secretary shall ensure
8 that an agreement entered into under subsection (a) between
9 a facility of the uniformed services and a local or regional
10 health care system is developed by a consortium rep-
11 resenting the community of the facility and such health care
12 system.

13 “(e) BIENNIAL EVALUATION.—The Secretary of De-
14 fense shall evaluate each agreement entered into under sub-
15 section (a) on a biennial basis to—

16 “(1) assess whether the agreement provides in-
17 creased access to health care for covered beneficiaries;

18 “(2) assess the training opportunities to main-
19 tain readiness requirements provided pursuant to
20 such agreement; and

21 “(3) determine whether such agreement should
22 continue.”.

23 “(c) REMOVAL OF REIMBURSEMENT LIMIT FOR LICENS-
24 ING FEES.—Subsection (g) of such section 1096, as redesi-

1 *nated by subsection (a), is amended by striking “up to \$500*
2 *of”.*

3 **SEC. 708. JOINT TRAUMA SYSTEM.**

4 *(a) PLAN.—*

5 *(1) IN GENERAL.—Not later than 180 days after*
6 *the date of the enactment of this Act, the Secretary of*
7 *Defense shall submit to the Committees on Armed*
8 *Services of the House of Representatives and the Sen-*
9 *ate an implementation plan to establish a Joint*
10 *Trauma System within the Defense Health Agency*
11 *that promotes improved trauma care to members of*
12 *the Armed Forces and other individuals who are eligi-*
13 *ble to be treated for trauma at a military medical*
14 *treatment facility.*

15 *(2) IMPLEMENTATION.—The Secretary shall im-*
16 *plement the plan under paragraph (1) after a 90-day*
17 *period has elapsed following the date on which the*
18 *Comptroller General of the United States is required*
19 *to submit to the Committees on Armed Services of the*
20 *House of Representatives and the Senate the review*
21 *under subsection (c). In implementing such plan, the*
22 *Secretary shall take into account any recommenda-*
23 *tion made by the Comptroller General under such re-*
24 *view.*

1 **(b) ELEMENTS.**—*The Joint Trauma System described*
2 *in subsection (a)(1) shall include the following elements:*

3 (1) *Serve as the reference body for all trauma*
4 *care provided across the military health system.*

5 (2) *Establish standards of care for trauma serv-*
6 *ices provided at military medical treatment facilities.*

7 (3) *Coordinate the translation of research from*
8 *the centers of excellence of the Department of Defense*
9 *into standards of clinical trauma care.*

10 (4) *Coordinate the incorporation of lessons*
11 *learned from the trauma education and training*
12 *partnerships pursuant to section 709 into clinical*
13 *practice.*

14 **(c) REVIEW.**—*Not later than 120 days after the date*
15 *on which the Secretary submits to the Committees on Armed*
16 *Services of the House of Representatives and the Senate the*
17 *implementation plan under subsection (a)(1), the Comp-*
18 *troller General of the United States shall submit to such*
19 *committees a review of such plan to determine if each ele-*
20 *ment under subsection (b) is included in such plan.*

21 **(d) REVIEW OF MILITARY TRAUMA SYSTEM.**—*In es-*
22 *tablishing a Joint Trauma System, the Secretary of Defense*
23 *may seek to enter into an agreement with a non-govern-*
24 *mental entity with subject matter experts to—*

1 (1) *conduct a system-wide review of the military*
2 *trauma system; and*

3 (2) *make publicly available a report containing*
4 *such review and recommendations to establish a com-*
5 *prehensive trauma system for the Armed Forces.*

6 **SEC. 709. JOINT TRAUMA EDUCATION AND TRAINING DI-**
7 **RECTORATE.**

8 (a) *ESTABLISHMENT.*—*The Secretary of Defense shall*
9 *establish a Joint Trauma Education and Training Direc-*
10 *torate (in this section referred to as the “Directorate”) to*
11 *ensure that the traumatologists of the Armed Forces main-*
12 *tain readiness and are able to be rapidly deployed for future*
13 *armed conflicts. The Secretary shall carry out this section*
14 *in collaboration with the Secretaries of the military depart-*
15 *ments.*

16 (b) *DUTIES.*—*The duties of the Directorate are as fol-*
17 *lows:*

18 (1) *To enter into and coordinate the partner-*
19 *ships under subsection (c).*

20 (2) *To establish the goals of such partnerships*
21 *necessary for trauma combat casualty care teams led*
22 *by traumatologists to maintain professional com-*
23 *petency in trauma care.*

1 (3) *To establish metrics for measuring the per-*
2 *formance of such partnerships in achieving such*
3 *goals.*

4 (4) *To develop methods of data collection and*
5 *analysis for carrying out paragraph (3).*

6 (5) *To communicate and coordinate lessons*
7 *learned from such partnerships with the Joint Trau-*
8 *ma System established under section 708.*

9 (c) *PARTNERSHIPS.—*

10 (1) *IN GENERAL.—The Secretary shall enter into*
11 *partnerships with civilian academic medical centers*
12 *and large metropolitan teaching hospitals that have*
13 *level I civilian trauma centers.*

14 (2) *TRAUMA COMBAT CASUALTY CARE TEAMS.—*
15 *Under the partnerships entered into with civilian*
16 *academic medical centers and large metropolitan*
17 *teaching hospitals under paragraph (1), trauma com-*
18 *bat casualty care teams of the Armed Forces led by*
19 *traumatologists of the Armed Forces shall embed*
20 *within the trauma centers of the medical centers and*
21 *hospitals on an enduring basis.*

22 (3) *SELECTION.—The Secretary shall select civil-*
23 *ian academic medical centers and large metropolitan*
24 *teaching hospitals to enter into partnerships under*
25 *paragraph (1) based on patient volume, acuity, and*

1 *other factors the Secretary determines necessary to en-*
2 *sure that the traumatologists of the Armed Forces and*
3 *the associated clinical support teams have adequate*
4 *and continuous exposure to critically injured pa-*
5 *tients.*

6 (4) *CONSIDERATION.*—*In entering into partner-*
7 *ships under paragraph (1), the Secretary may con-*
8 *sider the experiences and lessons learned by the mili-*
9 *tary departments that have entered into memoranda*
10 *of understanding with civilian medical centers for*
11 *trauma care.*

12 (d) *ANALYSIS.*—*The Secretary of Defense shall conduct*
13 *an analysis to determine the number of traumatologists of*
14 *the Armed Forces, by specialty, that must be maintained*
15 *within the Department of Defense to meet the requirements*
16 *of the combatant commands.*

17 (e) *IMPLEMENTATION PLAN.*—*Not later than July 1,*
18 *2017, the Secretary shall submit to the Committees on*
19 *Armed Services of the House of Representatives and the*
20 *Senate an implementation plan for establishing the Joint*
21 *Trauma Education and Training Directorate under sub-*
22 *section (a) and entering into partnerships under subsection*
23 *(c).*

24 (f) *LEVEL I CIVILIAN TRAUMA CENTER DEFINED.*—
25 *In this section, the term “level I civilian trauma center”*

1 *means a comprehensive regional resource that is a tertiary*
2 *care facility central to the trauma system and is capable*
3 *of providing total care for every aspect of injury from pre-*
4 *vention through rehabilitation.*

5 **SEC. 710. IMPROVEMENTS TO ACCESS TO HEALTH CARE IN**
6 **MILITARY MEDICAL TREATMENT FACILITIES.**

7 (a) *FIRST CALL RESOLUTION.*—

8 (1) *IN GENERAL.*—*The Secretary of Defense shall*
9 *implement standard processes to ensure that, in the*
10 *case of a beneficiary contacting a military medical*
11 *treatment facility over the telephone for, at a min-*
12 *imum, scheduling an appointment, requesting a pre-*
13 *scription drug refill, and other matters determined*
14 *appropriate by the Secretary, the needs of the bene-*
15 *ficiary are met during the first such telephone call.*

16 (2) *METRICS.*—*The Secretary shall—*

17 (A) *develop metrics, collect data, and evalu-*
18 *ate the performance of the processes implemented*
19 *under paragraph (1); and*

20 (B) *carry out satisfaction surveys to mon-*
21 *itor the satisfaction of beneficiaries with such*
22 *processes, including with respect to the satisfac-*
23 *tion regarding access to appointments and pa-*
24 *tient care.*

25 (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 request*
13 *for the appointment.*

14 (B) *A process to remind a beneficiary of fu-*
15 *ture 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 speci-*
20 *fied 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 of*
3 *appointments (patient contact hours) required to*
4 *maintain access according to the standards developed*
5 *by the Secretary, and readiness requirements.*

6 (2) *MANAGING USE OF FACE-TO-FACE APPOINT-*
7 *MENTS.—The Secretary shall implement strategies for*
8 *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 dis-*
13 *cretion of the health care provider and the bene-*
14 *ficiary;*

15 (B) *the implementation of remote patient*
16 *monitoring of chronic conditions to improve out-*
17 *comes and reduce the number of follow-up ap-*
18 *pointments for beneficiaries; and*

19 (C) *maximizing the use of secure messaging*
20 *between health care providers and beneficiaries*
21 *to improve the access of beneficiaries to health*
22 *care and reduce the number of visits for health*
23 *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 Sec-*
5 *retary shall provide the Committees on Armed Services of*
6 *the House of Representatives and the Senate a briefing on*
7 *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) of*
11 *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 after*
16 *the date of the enactment of this Act, the Secretary of*
17 *Defense shall adopt the core quality performance*
18 *metrics agreed upon by the Core Quality Measures*
19 *Collaborative for use by the military health system*
20 *and in contracts awarded to carry out the TRICARE*
21 *program.*

22 (2) *CORE MEASURES.*—*The core quality perform-*
23 *ance metrics described in paragraph (1) shall include*
24 *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 Collaborative” means the collaboration between the Centers*
11 *for Medicare & Medicaid Services, major health in-*
12 *surance companies, national physician organizations,*
13 *and other entities to reach consensus on core perform-*
14 *ance measures reported by health care providers.*

15 (2) *The term “TRICARE program” has the*
16 *meaning given that term in section 1072 of title 10,*
17 *United States Code.*

18 **SEC. 712. STUDY ON IMPROVING CONTINUITY OF HEALTH**
19 **CARE COVERAGE FOR RESERVE COMPO-**
20 **NENTS.**

21 (a) *STUDY.—The Secretary of Defense shall conduct a*
22 *study of options for providing health care coverage that im-*
23 *proves the continuity of health care provided to current and*
24

1 *former members of the Selected Reserve of the Ready Reserve*
2 *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) shall*
10 *address the following:*

11 *(1) Whether to allow current and former mem-*
12 *bers of the Selected Reserve to participate in the Fed-*
13 *eral Employees Health Benefit Program under chap-*
14 *ter 89 of title 5.*

15 *(2) Whether to pay a stipend to current and*
16 *former members to continue coverage in a health plan*
17 *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 Selected*
7 *Reserve, including the leadership of the Selected Reserve.*

8 (d) *SUBMISSION.—*

9 (1) *REPORT.—Not later than 180 days after the*
10 *date of the enactment of this Act, the Secretary shall*
11 *submit to the congressional defense committees a re-*
12 *port on the study under subsection (a).*

13 (2) *MATTERS INCLUDED.—The report under*
14 *paragraph (1) shall include the following:*

15 (A) *A description of the health care coverage*
16 *options addressed by the Secretary under sub-*
17 *section (b).*

18 (B) *Identification of such health care cov-*
19 *erage option that the Secretary recommends as*
20 *the best option.*

21 (C) *The justifications for such recommended*
22 *best option.*

23 (D) *The number and proportion of the cur-*
24 *rent and former members of the Selected Reserve*

1 *projected to participate in such recommended*
 2 *best option.*

3 *(E) A determination of the appropriate cost*
 4 *sharing for such recommended best option with*
 5 *respect to the percentage contribution as a*
 6 *monthly premium for current members of the Se-*
 7 *lected Reserve.*

8 *(F) An estimate of the cost of implementing*
 9 *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 amend-*
 17 *ed—*

18 *(1) in subsection (a)(16), by striking “A hearing*
 19 *aid” and inserting “Except as provided by subsection*
 20 *(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 the*
2 *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 for**
11 **certain members of the National Guard**
12 **and dependents during certain disaster**
13 **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 the
19 member for health care benefits under the TRICARE pro-
20 gram if such period immediately follows a period in which
21 the member served on full-time National Guard duty under
22 section 502(f) of title 32, including pursuant to chapter 9
23 of such title, unless the Governor of the State (or, with re-
24 spect to the District of Columbia, the mayor of the District

1 of Columbia) determines that such extended eligibility is not
2 in the best interest of the member or the State.

3 “(b) *CONTRIBUTION BY STATE.*—(1) *The Secretary*
4 *may charge a State for the costs of providing coverage under*
5 *the TRICARE program to members of the National Guard*
6 *of the State and the dependents of the members pursuant*
7 *to subsection (a). Such charges shall be paid from the funds*
8 *of the State or from any other non-Federal funds.*

9 “(2) *Any amounts received by the Secretary under*
10 *paragraph (1) shall be credited to the appropriation avail-*
11 *able for the Defense Health Program Account under section*
12 *1100 of this title, shall be merged with sums in such Ac-*
13 *count that are available for the fiscal year in which col-*
14 *lected, and shall be available under subsection (b) of such*
15 *section, including to carry out subsection (a) of this section.*

16 “(c) *DEFINITIONS.*—*In this section:*

17 “(1) *The term ‘disaster response duty’ means*
18 *duty performed by a member of the National Guard*
19 *in State status pursuant to an emergency declaration*
20 *by the Governor of the State (or, with respect to the*
21 *District of Columbia, the mayor of the District of Co-*
22 *lumbia) in response to a disaster or in preparation*
23 *for an imminent disaster.*

24 “(2) *The term ‘State’ means each of the several*
25 *States, the District of Columbia, the Commonwealth*

1 *of Puerto Rico, and any territory or possession of the*
 2 *United States.”.*

3 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
 4 *the beginning of such chapter is amended by inserting after*
 5 *the item relating to section 1076e the following new item:*

*“1076f. TRICARE program: extension of coverage for certain members of the Na-
 tional Guard and dependents during certain disaster response
 duty.”.*

6 ***Subtitle C—Health Care***
 7 ***Administration***

8 ***SEC. 731. PROSPECTIVE PAYMENT OF FUNDS NECESSARY***
 9 ***TO PROVIDE MEDICAL CARE FOR THE COAST***
 10 ***GUARD.***

11 ***(a) IN GENERAL.***—*Chapter 13 of title 14, United*
 12 *States Code, is amended by adding at the end the following:*
 13 ***“§ 519. Prospective payment of funds necessary to pro-***
 14 ***vide medical care***

15 ***“(a) PROSPECTIVE PAYMENT REQUIRED.***—*In lieu of*
 16 *the reimbursement required under section 1085 of title 10,*
 17 *the Secretary of Homeland Security shall make a prospec-*
 18 *tive payment to the Secretary of Defense of an amount that*
 19 *represents the actuarial valuation of treatment or care—*

20 ***“(1) that the Department of Defense shall pro-***
 21 ***vide to members of the Coast Guard, former members***
 22 ***of the Coast Guard, and dependents of such members***
 23 ***and former members (other than former members and***
 24 ***dependents of former members who are a Medicare-eli-***

1 *gible beneficiary or for whom the payment for treat-*
2 *ment or care is made from the Medicare-Eligible Re-*
3 *tiree Health Care Fund) at facilities under the juris-*
4 *isdiction of the Department of Defense or a military*
5 *department; and*

6 *“(2) for which a reimbursement would otherwise*
7 *be made under section 1085.*

8 *“(b) AMOUNT.—The amount of the prospective pay-*
9 *ment under subsection (a) shall be—*

10 *“(1) in the case of treatment or care to be pro-*
11 *vided to members of the Coast Guard and their de-*
12 *pendents, derived from amounts appropriated for the*
13 *operating expenses of the Coast Guard;*

14 *“(2) in the case of treatment or care to be pro-*
15 *vided former members of the Coast Guard and their*
16 *dependents, derived from amounts appropriated for*
17 *retired pay;*

18 *“(3) determined under procedures established by*
19 *the Secretary of Defense;*

20 *“(4) paid during the fiscal year in which treat-*
21 *ment or care is provided; and*

22 *“(5) subject to adjustment or reconciliation as*
23 *the Secretaries determine appropriate during or*
24 *promptly after such fiscal year in cases in which the*

1 *prospective payment is determined excessive or insuf-*
2 *ficient based on the services actually provided.*

3 “(c) *NO PROSPECTIVE PAYMENT WHEN SERVICE IN*
4 *NAVY.—No prospective payment shall be made under this*
5 *section for any period during which the Coast Guard oper-*
6 *ates as a service in the Navy.*

7 “(d) *RELATIONSHIP TO TRICARE.—This section shall*
8 *not be construed to require a payment for, or the prospective*
9 *payment of an amount that represents the value of, treat-*
10 *ment or care provided under any TRICARE program.”.*

11 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
12 *13 of title 14, United States Code, is amended by adding*
13 *at the end the following:*

 “519. *Prospective payment of funds necessary to provide medical care.”.*

14 (c) *REPEAL.—Section 217 of the Coast Guard Author-*
15 *ization Act of 2016 (Public Law 114–120), as amended by*
16 *section 3504, and the item relating to that section in the*
17 *table of contents in section 2 of such Act, are repealed.*

18 ***Subtitle D—Reports and Other***
19 ***Matters***

20 ***SEC. 741. MENTAL HEALTH RESOURCES FOR MEMBERS OF***
21 ***THE MILITARY SERVICES AT HIGH RISK OF***
22 ***SUICIDE.***

23 (a) *IN GENERAL.—The Secretary of Defense shall de-*
24 *velop a methodology that identifies which members of the*
25 *military services are at high risk of suicide.*

1 **(b) MENTAL HEALTH RESOURCES.—**

2 **(1) HIGH RISK MEMBERS OF THE MILITARY**
3 **SERVICES.—***The Secretary of Defense shall use the re-*
4 *sults under subsection (c) to—*

5 **(A)** *identify which units have a dispropor-*
6 *tionately high rate of suicide and suicide at-*
7 *tempts; and*

8 **(B)** *provide additional preventative and*
9 *treatment resources for mental health for mem-*
10 *bers of the military services who were deployed*
11 *with the units identified under subparagraph*
12 **(A).**

13 **(2) PREVENTATIVE MENTAL HEALTH CARE.—***The*
14 *Secretary of Defense shall use the results under sub-*
15 *section (c) to—*

16 **(A)** *identify the circumstances of deploy-*
17 *ments associated with increased vulnerability to*
18 *suicide, including the length of deployment, the*
19 *region and area of deployment, and the nature*
20 *and extent to which there was contact with*
21 *enemy forces; and*

22 **(B)** *provide additional preventative mental*
23 *health care to units who currently are, or will be,*
24 *deployed under circumstances similar to those of*
25 *subparagraph (A).*

1 (c) *METHODOLOGY.*—Not later than 180 days after the
2 date of the enactment of this Act, the Secretary of Defense
3 shall develop a methodology to assess the rate of suicide and
4 suicide attempts of members of the military services of units
5 that have been deployed in support of a contingency oper-
6 ation after September 11, 2001.

7 (d) *REPORTS.*—Not later than September 30, 2017, the
8 Secretary of Defense shall submit to the Committee on
9 Armed Services of the House of Representatives and the
10 Committee on Armed Services of the Senate a report on the
11 activities carried out under this section and the effectiveness
12 of such activities.

13 (e) *RESTRICTION ON USE OF INFORMATION.*—Infor-
14 mation disclosed or obtained pursuant to the provisions of
15 this section may be used by officers, employees, and contrac-
16 tors of the Department of Defense only for the purposes of,
17 and to the extent necessary in, carrying out this section.

18 (f) *MILITARY SERVICES DEFINED.*—In this section, the
19 term “military services” means the Army, Navy, Air Force,
20 and the Marine Corps, including the reserve components
21 thereof.

22 **SEC. 742. RESEARCH OF CHRONIC TRAUMATIC**
23 **ENCEPHALOPATHY.**

24 Of the funds authorized to be appropriated by this Act
25 or otherwise made available for fiscal year 2017 for ad-

1 vanced development for research, development, test, and
2 evaluation for the Defense Health Program, not more than
3 \$25,000,000 may be used to award grants to medical re-
4 searchers and universities to support research into early de-
5 tection of chronic traumatic encephalopathy.

6 **SEC. 743. ACTIVE OSCILLATING NEGATIVE PRESSURE**
7 **TREATMENT.**

8 *In furnishing health care and medical treatment to*
9 *members of the Armed Forces who have incurred injuries*
10 *from improvised explosive devices and other blast-related*
11 *events, the Secretary of Defense shall consider using non-*
12 *invasive technologies that increase blood flow to areas of re-*
13 *duced circulation, including through the use of active oscil-*
14 *lating negative pressure treatment.*

15 **SEC. 744. LONG-TERM STUDY ON HEALTH OF HELICOPTER**
16 **AND TILTROTOR PILOTS.**

17 (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*
18 *carry out a long-term study of career helicopter and*
19 *tiltrotor pilots to assess potential links between the oper-*
20 *ation of helicopter and tiltrotor aircraft and acute and*
21 *chronic medical conditions experienced by such pilots.*

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

24 (1) *A study of career helicopter and tiltrotor pi-*
25 *lots compared to a control population that—*

1 (A) takes into account the amount of time
2 such pilots operated aircraft;

3 (B) examines the severity and rates of acute
4 and chronic injuries experienced by such pilots;
5 and

6 (C) determines whether such pilots experi-
7 ence a higher degree of acute and chronic med-
8 ical conditions than the control population.

9 (2) If a higher degree of acute and chronic med-
10 ical conditions is observed among such pilots, an ex-
11 planation of—

12 (A) the specific causes of the conditions
13 (such as whole body vibration, seat and cockpit
14 ergonomics, landing loads, hard impacts, and
15 pilot-worn gear); and

16 (B) any costs associated with treating the
17 conditions if the causes are not mitigated.

18 (3) A review of relevant scientific literature and
19 prior research.

20 (4) Such other information as the Secretary de-
21 termines to be appropriate.

22 (c) *DURATION.*—The duration of the study under sub-
23 section (a) shall be not more than 2 years.

24 (d) *BRIEFING.*—Not later than June 6, 2017, the Sec-
25 retary shall provide to the Committees on Armed Services

1 *of the Senate and House of Representatives (and other con-*
2 *gressional defense committees on request) a briefing on the*
3 *progress of the Secretary in carrying out the study under*
4 *subsection (a).*

5 **SEC. 745. PILOT PROGRAM FOR PRESCRIPTION DRUG AC-**
6 **QUISITION COST PARITY IN THE TRICARE**
7 **PHARMACY BENEFITS PROGRAM.**

8 *(a) AUTHORITY TO ESTABLISH PILOT PROGRAM.—The*
9 *Secretary of Defense may conduct a pilot program to evalu-*
10 *ate whether, in carrying out the TRICARE pharmacy bene-*
11 *fits program under section 1074g of title 10, United States*
12 *Code, extending additional discounts for prescription drugs*
13 *filled at retail pharmacies will maintain or reduce pre-*
14 *scription drug costs for the Department of Defense.*

15 *(b) ELEMENTS OF PILOT PROGRAM.—In carrying out*
16 *the pilot program under subsection (a), the Secretary shall*
17 *require that for prescription medications, including but not*
18 *limited to non-generic maintenance medications, that are*
19 *dispensed to retired TRICARE beneficiaries that are not*
20 *Medicare eligible, through any TRICARE participating re-*
21 *tail pharmacy, manufacturers shall pay rebates such that*
22 *those medications are available to the Department at the*
23 *lowest rate available. In addition to utilizing the authority*
24 *under section 1074g(f) of title 10, United States Code, the*
25 *Secretary shall have the authority to enter into a purchase*

1 *blanket agreement with prescription drug manufactures for*
2 *supplemental discounts for prescription drugs dispensed in*
3 *the pilot to be paid in the form of manufactures rebates.*

4 *(c) CONSULTATION.—The Secretary shall develop the*
5 *pilot program in consultation with—*

6 *(1) the Secretaries of the military departments,*
7 *including Army, Navy and Air Force;*

8 *(2) the Chief, Pharmacy Operations Division, of*
9 *the Defense Health Agency; and*

10 *(3) stakeholders, including TRICARE bene-*
11 *ficiaries and retail pharmacies.*

12 *(d) DURATION OF PILOT PROGRAM.—If the Secretary*
13 *carries out the pilot program under subsection (a), the Sec-*
14 *retary shall commence such pilot program no later than Oc-*
15 *tober 1, 2017, and may terminate such program no later*
16 *than September 30, 2018.*

17 *(e) REPORTS.—If the Secretary carries out the pilot*
18 *program under subsection (a), the Secretary of Defense shall*
19 *submit to the congressional defense committees, including*
20 *the House and Senate Committees on Armed Services, re-*
21 *ports on the pilot program as follows:*

22 *(1) Not later than 90 days after the date of the*
23 *enactment of this Act, a report containing an imple-*
24 *mentation plan for the pilot program.*

1 (2) *Not later than 180 days after the date on*
2 *which the pilot program commences, an interim re-*
3 *port on the pilot program.*

4 (3) *Not later than 90 days after the date on*
5 *which the pilot program terminates, a final report de-*
6 *scribing the results of the pilot program, including*
7 *any recommendations of the Secretary to expand such*
8 *program. The final report will include—*

9 (A) *an analysis of the changes in prescrip-*
10 *tion drug costs for the Department related to the*
11 *pilot program;*

12 (B) *an analysis of the impact on bene-*
13 *ficiary access to prescription drugs;*

14 (C) *a survey of beneficiary satisfaction with*
15 *the pilot program;*

16 (D) *a summary of any fraud and abuse ac-*
17 *tivities related to the pilot and actions taken in*
18 *response by the Department; and*

19 (E) *a comparison of immunization rates for*
20 *beneficiaries participating in the pilot and those*
21 *outside of the pilot.*

1 **SEC. 746. STUDY ON DISPLAY OF WAIT TIMES AT URGENT**
2 **CARE CLINICS, PHARMACIES, AND EMER-**
3 **GENCY ROOMS OF MILITARY MEDICAL TREAT-**
4 **MENT FACILITIES.**

5 (a) *STUDY.*—

6 (1) *IN GENERAL.*—*The Secretary of Defense shall*
7 *conduct a study on the feasibility of placing in a con-*
8 *spicuous location at each urgent care clinic of a mili-*
9 *tary medical treatment facility, pharmacy of such a*
10 *facility, and emergency room of such a facility an*
11 *electronic sign that displays the current average wait*
12 *time for a patient to be seen by a qualified medical*
13 *professional or to receive a filled prescription, as the*
14 *case may be.*

15 (2) *DETERMINATION OF CERTAIN WAIT TIMES.*—
16 *For purposes of conducting the study under para-*
17 *graph (1) with respect to urgent care clinics and*
18 *emergency rooms, the average wait time that would be*
19 *displayed shall be—*

20 (A) *determined by calculating, for the four-*
21 *hour period preceding the calculation, the aver-*
22 *age length of time beginning at the time of the*
23 *arrival of a patient and ending at the time at*
24 *which the patient is first seen by a doctor of*
25 *medicine, a doctor of osteopathy, a physician as-*

1 *sistant, or an advanced registered nurse practi-*
2 *tioner; and*

3 *(B) updated every 30 minutes.*

4 *(b) REPORT.—Not later than March 1, 2017, the Sec-*
5 *retary shall submit to the Committees on Armed Services*
6 *of the House of Representatives and the Senate a report on*
7 *the study conducted under subsection (a)(1), including the*
8 *estimated costs for displaying the wait times as described*
9 *in such subsection.*

10 **SEC. 747. REPORT ON FEASIBILITY OF INCLUDING ACU-**
11 **PUNCTURE AND CHIROPRACTIC SERVICES**
12 **FOR RETIREES UNDER TRICARE PROGRAM.**

13 *Not later than November 1, 2016, the Secretary of De-*
14 *fense shall submit to the congressional defense committees*
15 *a report on the feasibility of furnishing acupuncture serv-*
16 *ices and chiropractic services under the TRICARE program*
17 *to beneficiaries who are retired members of the uniformed*
18 *services (not including any dependent of such a retired*
19 *member).*

20 **SEC. 748. CLARIFICATION OF SUBMISSION OF REPORTS ON**
21 **LONGITUDINAL STUDY ON TRAUMATIC BRAIN**
22 **INJURY.**

23 *Section 1080 of the National Defense Authorization*
24 *Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.*
25 *1000; 10 U.S.C. 111 note) shall not apply to reports sub-*

1 mitted by the Secretary of Defense to Congress under section
2 721 of the John Warner National Defense Authorization Act
3 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
4 2294).

5 **TITLE VIII—ACQUISITION POL-**
6 **ICY, ACQUISITION MANAGE-**
7 **MENT, AND RELATED MAT-**
8 **TERS**

9 **Subtitle A—Amendments to General**
10 **Contracting Authorities, Proce-**
11 **dures, and Limitations**

12 **SEC. 801. REVISION TO AUTHORITIES RELATING TO DE-**
13 **PARTMENT OF DEFENSE TEST RESOURCE**
14 **MANAGEMENT CENTER.**

15 *Section 196 of title 10, United States Code, is amend-*
16 *ed—*

17 *(1) in subsection (c)(1)(B), by striking “of the*
18 *Major Range and Test Facility Base, including with*
19 *respect to the expansion, divestment, consolidation, or*
20 *curtailment of activities,” and inserting the following:*
21 *“that comprise the Major Range and Test Facility*
22 *Base and other facilities and resources used to sup-*
23 *port the acquisition programs of the Department of*
24 *Defense”;*

25 *(2) in subsection (d)(2)(E)—*

1 (A) by striking “plans and business case
2 analyses supporting any significant modification
3 of” and inserting “implementation plans and
4 analyses supporting any significant change to”;
5 and

6 (B) by striking “including with respect to
7 the expansion, divestment, consolidation, or cur-
8 tailment of activities”;

9 (3) in subsection (f)—

10 (A) in the subsection heading, by striking
11 “MODIFICATIONS” and inserting “CHANGES”;

12 (B) in paragraph (1)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “modification of the
15 test” and all that follows through “activi-
16 ties,” and inserting “change of the test and
17 evaluation facilities and resources that com-
18 prise the Major Range and Test Facility
19 Base and other facilities and resources used
20 to support the acquisition programs of the
21 Department of Defense”;

22 (ii) in subparagraph (A), by striking
23 “a business case analysis for such modifica-
24 tion” and inserting “an implementation
25 plan and analysis, including an analysis of

1 *cost considerations, that supports such a*
2 *change*”; and

3 (iii) in subparagraph (B), by striking
4 “analysis and approves such modification”
5 and inserts “plan and analysis and ap-
6 proves such change”; and

7 (C) in paragraph (2), by striking “business
8 case” and inserting “implementation plan and”;
9 and

10 (4) in subsection (i)—

11 (A) by striking “In this section, the term”
12 and inserting “In this section:
13 “(1) The term””; and

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

16 “(2) The term ‘significant change’ means—

17 “(A) any action that will limit or preclude
18 a test and evaluation capability from fully per-
19 forming its intended purpose;

20 “(B) any action that affects the ability of
21 the Department of Defense to conduct test and
22 evaluation in a timely or cost-effective manner;
23 or

24 “(C) any expansion or addition that devel-
25 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 10,
4 *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 para-*
9 *graph:*

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 after*
13 *the end of the 180-day period beginning on the date on*
14 *which the contractor submitted the qualifying proposal, the*
15 *head of the agency concerned shall ensure that the profit*
16 *allowed on the contract accurately reflects the cost risk of*
17 *the contractor as it existed on the date the contractor sub-*
18 *mitted the qualifying proposal.”.*

19 (b) *FOREIGN MILITARY SALES.*—Section 2326 of such
20 *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 following*
24 *new subsection (f):*

25 “(f) *FOREIGN MILITARY SALES.*—*A contracting officer*
26 *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 con-*
5 *tractor 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.*—*Section*
24 *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), and
2 (j) as subsections (d), (e), (f), and (g), respectively;
3 and

4 (3) by inserting after subsection (b) the following
5 new subsection (c):

6 “(c) *INVENTORY.*—(1) *The Secretary of Defense shall*
7 *implement a method for inventory of Department of Defense*
8 *contracts for services. The method implemented under this*
9 *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 deci-*
13 *sions and workforce planning in compliance with sec-*
14 *tion 129a of this title;*

15 “(B) *distinguish between different types of serv-*
16 *ices contracts, including contracts for labor or staff*
17 *augmentation and other types of services contracts;*

18 “(C) *provide qualitative information such as the*
19 *nature of the work performed, the place where the*
20 *work is actually performed (on-site or off-site), and*
21 *the entity for which the work is performed; and*

22 “(D) *identify the number of contractor employ-*
23 *ees, expressed as full-time equivalents for direct labor,*
24 *using direct labor hours and associated cost data col-*
25 *lected from contractors.*

1 “(2) *The Secretary shall ensure that the method imple-*
2 *mented under this subsection is auditable at minimal*
3 *cost.*”.

4 **(b) IMPLEMENTATION OF INVENTORY METHOD.**—*Not*
5 *later than 90 days after the date of the enactment of this*
6 *Act, the Secretary of Defense shall implement a method for*
7 *inventory of Department of Defense contracts for services,*
8 *as required by subsection (c) of section 2330a, as amended*
9 *by subsection (a). In implementing the method, the Sec-*
10 *retary shall use methods and systems, including time-and-*
11 *attendance systems, or combinations of methods and sys-*
12 *tems, in existence as of the date of the enactment of this*
13 *Act, as determined appropriate by the Secretary.*

14 **(c) SUBMISSION TO CONGRESS.**—*Not later than the*
15 *end of the third quarter of each fiscal year, through fiscal*
16 *year 2021, the Secretary of Defense shall submit to Congress*
17 *a summary of the inventory reporting activities performed*
18 *by each military department, each combatant command,*
19 *and each Defense Agency, during the preceding fiscal year*
20 *pursuant to contracts for services (and pursuant to con-*
21 *tracts for goods to the extent services are a significant com-*
22 *ponent of performance as identified in a separate line item*
23 *of a contract) for or on behalf of the Department of Defense.*

24 **(d) CONFORMING AMENDMENTS.**—

1 (1) *Section 2330a of title 10, United States*
2 *Code, is further amended—*

3 (A) *in subsection (d), as redesignated by*
4 *subsection (a)(2) of this section, by striking*
5 *“Within 90 days after the date on which an in-*
6 *ventory is submitted under subsection (c),” and*
7 *inserting “Not later than the end of each fiscal*
8 *year,”; and*

9 (B) *in subsection (e), as so redesignated—*

10 (i) *by striking “2014 and ending with*
11 *2016” and inserting “2017 and ending with*
12 *2018”; and*

13 (ii) *by striking “subsections (e) and*
14 *(f)” and inserting “subsection (c)”.*

15 (2) *Section 235(b) of such title is amended—*

16 (A) *by striking “and separately” and all*
17 *the follows through “amount requested” and in-*
18 *serting “and separately identify the amount re-*
19 *quested and the number of full-time contractor*
20 *employees (or the equivalent of full-time in the*
21 *case of part-time contractor employees)”;*

22 (B) *by striking “; and” and inserting a pe-*
23 *riod; and*

24 (C) *by striking paragraph (2).*

1 **SEC. 804. PROCUREMENT OF PERSONAL PROTECTIVE**
2 **EQUIPMENT.**

3 *Section 884 of the National Defense Authorization Act*
4 *for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 948;*
5 *10 U.S.C. 2302 note) is amended—*

6 *(1) by inserting “(a) REQUIREMENT.—” before*
7 *“The Secretary of Defense”;*

8 *(2) by striking “that is predominately” and all*
9 *that follows through “price” and inserting “described*
10 *in subsection (b)”;* and

11 *(3) by adding at the end the following new sub-*
12 *section:*

13 *“(b) SOURCE SELECTION CRITERIA DESCRIBED.—For*
14 *purposes of subsection (a), the source selection criteria de-*
15 *scribed in this subsection are criteria—*

16 *“(1) that are predominately based on technical*
17 *qualifications of the item and not predominately*
18 *based on price;*

19 *“(2) that do not use reverse auction or lowest*
20 *price technically acceptable contracting methods; and*

21 *“(3) that reflect a preference for best value source*
22 *selection methods.”.*

1 **SEC. 805. REVISION TO EFFECTIVE DATE OF SENIOR EXECU-**
2 **TIVE 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; 10*
7 *U.S.C. 2324 note) is amended by striking “amendments*
8 *made by” and all that follows and inserting “amendments*
9 *made by this section shall apply with respect to costs of*
10 *compensation incurred after January 1, 2012, under con-*
11 *tracts entered into on or after December 31, 2011.”.*

12 (b) *APPLICABILITY.*—*The amendment made by sub-*
13 *section (a) shall take effect as of December 31, 2011, and*
14 *shall apply as if included in the National Defense Author-*
15 *ization Act for Fiscal Year 2012 as enacted.*

16 **SEC. 806. AMENDMENTS RELATED TO DETECTION AND**
17 **AVOIDANCE OF COUNTERFEIT ELECTRONIC**
18 **PARTS.**

19 *Section 818 of the National Defense Authorization Act*
20 *for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2302*
21 *note) is amended—*

22 (1) *in paragraph (3) of subsection (c)—*

23 (A) *by striking the heading and inserting*
24 *“SUPPLIERS MEETING ANTICOUNTERFEITING RE-*
25 *QUIREMENTS.—”;*

1 (B) in subparagraph (A)(i), by striking
2 “trusted suppliers in accordance with regulations
3 issued pursuant to subparagraph (C) or (D)
4 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 pre-
16 ceding clause (i), by striking “trusted suppliers”
17 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 of
22 trusted suppliers” and inserting “the use of suppliers
23 that meet applicable anticounterfeiting requirements”.

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 (1);*

6 *(2) by striking the period at the end of para-*
7 *graph (2) and inserting a semicolon; and*

8 *(3) by adding after paragraph (2) the following*
9 *new paragraphs:*

10 *“(3) in support of a request from the Secretary*
11 *of State or the Administrator of the United States*
12 *Agency for International Development to facilitate the*
13 *provision of international disaster assistance pursu-*
14 *ant to chapter 9 of part I of the Foreign Assistance*
15 *Act of 1961 (22 U.S.C. 2292 et seq.); or*

16 *“(4) in support of an emergency or major dis-*
17 *aster (as those terms are defined in section 102 of the*
18 *Robert T. Stafford Disaster Relief and Emergency As-*
19 *sistance Act (42 U.S.C. 5122)).”.*

20 **SEC. 808. COMPLIANCE WITH DOMESTIC SOURCE REQUIRE-**
21 **MENTS FOR FOOTWEAR FURNISHED TO EN-**
22 **LISTED MEMBERS OF THE ARMED FORCES**
23 **UPON THEIR INITIAL ENTRY INTO THE**
24 **ARMED FORCES.**

25 *Section 418 of title 37, United States Code, is amended*
26 *by adding at the end the following new subsection:*

1 “(d)(1) *In the case of athletic footwear needed by mem-*
2 *bers of the Army, Navy, Air Force, or Marine Corps upon*
3 *their initial entry into the armed forces, the Secretary of*
4 *Defense shall furnish such footwear directly to the members*
5 *instead of providing a cash allowance to the members for*
6 *the purchase of such footwear.*

7 “(2) *In procuring athletic footwear to comply with*
8 *paragraph (1), the Secretary of Defense shall comply with*
9 *the requirements of section 2533a of title 10, without regard*
10 *to the applicability of any simplified acquisition threshold*
11 *under chapter 137 of title 10 (or any other provision of*
12 *law).*

13 “(3) *This subsection does not prohibit the provision of*
14 *a cash allowance to a member described in paragraph (1)*
15 *for the purchase of athletic footwear if such footwear—*

16 “(A) *is medically required to meet unique phys-*
17 *iological needs of the member; and*

18 “(B) *cannot be met with athletic footwear that*
19 *complies with the requirements of this subsection.”.*

20 **SEC. 809. REQUIREMENT FOR POLICIES AND STANDARD**
21 **CHECKLIST IN PROCUREMENT OF SERVICES.**

22 (a) *REQUIREMENT.*—*Section 2330a of title 10, United*
23 *States Code, as amended by section 803, is further amended*
24 *by adding by adding at the end the following new sub-*
25 *section:*

1 “(h) *REQUEST FOR SERVICES CONTRACT AP-*
2 *PROVAL.—(1) The Under Secretary of Defense for Personnel*
3 *and Readiness shall—*

4 “(A) *ensure that Department of Defense Instruc-*
5 *tion 1100.22, Guidance for Manpower Mix, is modi-*
6 *fied to incorporate policies establishing a standard*
7 *checklist to be completed ensuring the appropriate*
8 *alignment of workload to the private sector prior to*
9 *the issuance of a solicitation for any new contract for*
10 *services or exercising an option under an existing*
11 *contract for services, including services provided*
12 *under a contract for goods; and*

13 “(B) *in coordination with the Under Secretary*
14 *of Defense for Acquisition, Technology, and Logistics,*
15 *ensure that such policies and checklist are incor-*
16 *porated by reference or otherwise into the Service Re-*
17 *quirements Review Board processes established under*
18 *Department of Defense Instruction 5000.74 and into*
19 *the pre-solicitation requirements of the Defense Fed-*
20 *eral Acquisition Regulation Supplement.*

21 “(2) *Such checklist shall, at minimum, consolidate and*
22 *address workforce management and sourcing considerations*
23 *established under sections 129, 129a, 2461, and 2463 of this*
24 *title as well as Office of Federal Procurement Policy Letter*
25 *11-01.”.*

1 (b) *ARMY MODEL.*—*In implementing section 2330a(g)*
2 *of title 10, United States Code, as added by subsection (a),*
3 *the Under Secretary of Defense for Personnel and Readiness*
4 *shall model, to the maximum extent practicable, its policies*
5 *and checklist on the policies and checklist relating to serv-*
6 *ices contract approval established and in use by the Depart-*
7 *ment of the Army (as set forth in the request for services*
8 *contract approval form updated as of August 2012, or any*
9 *successor form).*

10 (c) *DEADLINE.*—*The policies required under such sec-*
11 *tion 2230a(g) of such title, as so added, shall be issued with-*
12 *in one year after the date of the enactment of this Act.*

13 **SEC. 810. EXTENSION OF LIMITATION ON AGGREGATE AN-**
14 **NUAL AMOUNT AVAILABLE FOR CONTRACT**
15 **SERVICES.**

16 *Section 808 of the National Defense Authorization Act*
17 *for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1489),*
18 *as most recently amended by section 813 of the National*
19 *Defense Authorization Act for Fiscal Year 2015 (Public*
20 *Law 113–291; 128 Stat. 3429) is further amended—*

21 (1) *in subsections (a) and (b), by striking “or*
22 *2015” and inserting “2015, 2016, or 2017”;*

23 (2) *in subsection (c)(3), by striking “and 2015”*
24 *and inserting “2015, 2016, and 2017”;*

1 (3) in subsection (d)(4), by striking “or 2015”
2 and inserting “2015, 2016, or 2017”; and

3 (4) in subsection (e), by striking “2015” and in-
4 serting “2017”.

5 **Subtitle B—Provisions Relating to**
6 **Major Defense Acquisition Pro-**
7 **grams**

8 **SEC. 811. CHANGE IN DATE OF SUBMISSION TO CONGRESS**
9 **OF SELECTED ACQUISITION REPORTS.**

10 Section 2432(f) of title 10, United States Code, is
11 amended by striking “45” the first place it occurs and in-
12 serting “10”.

13 **SEC. 812. AMENDMENTS RELATING TO INDEPENDENT COST**
14 **ESTIMATION AND COST ANALYSIS.**

15 (a) *AMENDMENTS.*—Section 2334 of title 10, United
16 States Code, is amended—

17 (1) in subsection (a)(3), by striking “selection of
18 confidence levels” both places it appears and inserting
19 “discussion of risk”;

20 (2) in subsection (a)(6)—

21 (A) by inserting “or approve” after “con-
22 duct”;

23 (B) by striking “major defense acquisition
24 programs” and all that follows through “Author-
25 ity—” and inserting “all major defense acquisi-

1 *tion programs, major automated information*
2 *system programs, and major subprograms—”;*
3 *and*

4 *(C) in subparagraph (B), by striking “or*
5 *upon the request” and all that follows through*
6 *the semicolon at the end and inserting “, upon*
7 *the request of the Under Secretary of Defense for*
8 *Acquisition, Technology, and Logistics, or upon*
9 *the request of the milestone decision authority;”*

10 *(3) by redesignating subsections (b), (c), (d), (e),*
11 *and (f) as subsections (c), (d), (e), (f), and (h), respec-*
12 *tively;*

13 *(4) by inserting after subsection (a) the following*
14 *new subsection (b):*

15 *“(b) INDEPENDENT COST ESTIMATE REQUIRED BE-*
16 *FORE APPROVAL.—(1) A milestone decision authority may*
17 *not approve the system development and demonstration, or*
18 *production and deployment, of a major defense acquisition*
19 *program, major automated information system program, or*
20 *major subprogram unless an independent cost estimate of*
21 *the full life-cycle cost of the program or subprogram has*
22 *been conducted or approved by the Director of Cost Assess-*
23 *ment and Program Evaluation and considered by the mile-*
24 *stone decision authority.*

1 “(2) *The regulations governing the content and sub-*
2 *mission of independent cost estimates required by subsection*
3 *(a) shall require that the independent cost estimate of the*
4 *full life-cycle cost of a program or subprogram include—*

5 “(A) *all costs of development, procurement, mili-*
6 *tary construction, operations and support, and*
7 *trained manpower to operate, maintain, and support*
8 *the program or subprogram upon full operational de-*
9 *ployment, without regard to funding source or man-*
10 *agement control; and*

11 “(B) *an analysis to support decision making*
12 *that identifies and evaluates alternative courses of ac-*
13 *tion that may reduce cost, reduce risk, and result in*
14 *more affordable programs.”;*

15 (5) *in subsection (d), as so redesignated, in*
16 *paragraph (3), by striking “confidence level” and in-*
17 *serting “discussion of risk”;*

18 (6) *in subsection (e), as so redesignated—*

19 (A) *by amending the subsection heading to*
20 *read as follows: “DISCUSSION OF RISK IN COST*
21 *ESTIMATES.—”;*

22 (B) *by amending paragraph (1) to read as*
23 *follows:*

24 “(1) *issue guidance requiring a discussion of*
25 *risk, the potential impacts of risk on program costs,*

1 *and approaches to mitigate risk in cost estimates for*
2 *major defense acquisition programs, major automated*
3 *information system programs, and major subpro-*
4 *grams;”;*

5 *(C) in paragraph (2)—*

6 *(i) by striking “such confidence level*
7 *provides” and inserting “cost estimates pro-*
8 *vide”; and*

9 *(ii) by inserting “or subprogram” after*
10 *“the program”; and*

11 *(D) in paragraph (3), by striking “disclo-*
12 *sure required by paragraph (1)” and inserting*
13 *“information required in the guidance under*
14 *paragraph (1)”;* and

15 *(7) by inserting after subsection (f), as so redes-*
16 *ignated, the following new subsection:*

17 *“(g) GUIDELINES AND COLLECTION OF COST DATA.—*

18 *(1) The Director of Cost Assessment and Program Evalua-*
19 *tion shall, in consultation with the Under Secretary of De-*
20 *fense for Acquisition, Technology, and Logistics, develop*
21 *policies, procedures, guidance, and a collection method to*
22 *ensure that acquisition cost data are collected in a stand-*
23 *ardized format that facilitates cost estimation and compari-*
24 *son across acquisition programs.*

1 “(2) *The program manager and contracting officer for*
2 *each major defense acquisition program, major automated*
3 *information system program, and major subprogram, in*
4 *consultation with the cost estimating component of the rel-*
5 *evant military department or Defense Agency, shall ensure*
6 *that cost data are collected in accordance with the require-*
7 *ments of paragraph (1) for any acquisition program in an*
8 *amount greater than \$100,000,000.*

9 “(3) *The requirement under paragraph (1) may be*
10 *waived only by the Director of Cost Assessment and Pro-*
11 *gram Evaluation.*”.

12 (b) *CONFORMING AMENDMENTS TO ADD SUBPRO-*
13 *GRAMS.—Section 2334 of such title is further amended—*

14 (1) *in subsection (a)(2), by inserting “or major*
15 *subprogram” before “under chapter 144”;*

16 (2) *in paragraphs (3), (4), and (5) of subsection*
17 *(a) and in subsection (c)(1) (as redesignated by sub-*
18 *section (a) of this section), by striking “major defense*
19 *acquisition programs and major automated informa-*
20 *tion system programs” and inserting “major defense*
21 *acquisition programs, major automated information*
22 *system programs, and major subprograms” each place*
23 *it appears;*

24 (3) *in paragraphs (1) and (2) of subsection (d)*
25 *(as so redesignated), and in subsection (f)(4) (as so*

1 *redesignated), by striking “major defense acquisition*
2 *program or major automated information system pro-*
3 *gram” and inserting “major defense acquisition pro-*
4 *gram, major automated information system program,*
5 *or major subprogram” each place it appears;*

6 *(4) in subsection (d)(4) (as so redesignated), by*
7 *inserting before the period “or major subprogram”;*

8 *(5) in subsection (e)(3)(B) (as so redesignated),*
9 *by inserting “or major subprogram” after “major de-*
10 *fense acquisition program”; and*

11 *(6) in subsection (f)(3) (as so redesignated), by*
12 *striking “major defense acquisition program and*
13 *major automated information system program” and*
14 *inserting “major defense acquisition program, major*
15 *automated information system program, and major*
16 *subprogram”.*

17 *(c) REPEAL.—Chapter 144 of such title is amended—*

18 *(1) by striking section 2434; and*

19 *(2) in the table of sections at the beginning of*
20 *such chapter, by striking the item relating to such sec-*
21 *tion.*

22 **SEC. 813. REVISIONS TO MILESTONE B DETERMINATIONS.**

23 *Section 2366b(a)(3) of title 10, United States Code, is*
24 *amended—*

1 (1) *in subparagraph (B), by striking “acqui-*
2 *sition cost in” and all that follows through the semi-*
3 *colon, and inserting “life-cycle cost;”; and*

4 (2) *in subparagraph (D), by striking “funding*
5 *is” and all that follows through “made,” and insert-*
6 *ing “funding is expected to be available to execute the*
7 *product development and production plan for the pro-*
8 *gram,”.*

9 **SEC. 814. REVIEW AND REPORT ON SUSTAINMENT PLAN-**
10 **NING IN THE ACQUISITION PROCESS.**

11 (a) *REQUIREMENT FOR REVIEW.*—*The Secretary of*
12 *Defense shall conduct a review of the extent to which*
13 *sustainment matters are considered in decisions related to*
14 *the requirements, acquisition, cost estimating, and pro-*
15 *gramming and budgeting processes for major defense acqui-*
16 *sition programs. The review shall include the following:*

17 (1) *A determination of whether information re-*
18 *lated to the operation and sustainment of major de-*
19 *fense acquisition programs, including cost data, is*
20 *available to inform decisions made during those proc-*
21 *esses.*

22 (2) *If such information exists, an evaluation of*
23 *the completeness, timeliness, quality, and suitability*
24 *of the information for aiding in decisions made dur-*
25 *ing those processes.*

1 (3) *A determination of whether information re-*
2 *lated to the operation and sustainment of existing*
3 *major weapon systems is used to forecast the oper-*
4 *ation and sustainment needs of major weapon sys-*
5 *tems proposed for or under development.*

6 (4) *A description of the potential benefits from*
7 *improved completeness, timeliness, quality, and suit-*
8 *ability of data on operation and support costs and*
9 *increased consideration of such data.*

10 (5) *Recommendations for improving access to*
11 *and consideration of operation and support cost data.*

12 (6) *An assessment of product support strategies*
13 *for major weapon systems required by section 2337 of*
14 *title 10, United States Code, or other similar life-cycle*
15 *sustainment strategies, including an evaluation of—*

16 (A) *the stage at which such strategies are*
17 *developed during the life of a major weapon sys-*
18 *tem;*

19 (B) *the content and completeness of such*
20 *strategies;*

21 (C) *the extent to which such strategies influ-*
22 *ence the planning for major defense acquisition*
23 *programs; and*

24 (D) *the extent to which such strategies in-*
25 *fluence decisions related to the life-cycle manage-*

1 *ment and product support of major weapon sys-*
2 *tems.*

3 *(7) An assessment of how effectively the military*
4 *departments consider sustainment matters at key de-*
5 *cision points for acquisition and life-cycle manage-*
6 *ment in accordance with the requirements of sections*
7 *2431a, 2366a, 2366b, and 2337 of title 10, United*
8 *States Code and section 832 of the National Defense*
9 *Authorization Act for Fiscal Year 2012 (Public Law*
10 *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 Sec-*
23 *retary shall provide a briefing to the Committees on Armed*
24 *Services of the Senate and House of Representatives on the*
25 *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 congressional
3 defense committees a copy of the report of the independent
4 entity, along with comments on the report, proposed revi-
5 sions or clarifications to laws related to life-cycle manage-
6 ment or sustainment planning for major weapon systems,
7 and a description of any actions the Secretary may take
8 to revise or clarify regulations related to life-cycle manage-
9 ment or sustainment planning for major weapon systems.

10 **SEC. 815. REVISION TO DISTRIBUTION OF ANNUAL REPORT**
11 **ON OPERATIONAL TEST AND EVALUATION.**

12 Section 139(h) of title 10, United States Code, is
13 amended—

14 (1) in paragraph (2)—

15 (A) by inserting “the Secretaries of the
16 military departments,” after “Logistics,”; and

17 (B) by striking “10 days” and all that fol-
18 lows through “title 31” and inserting “January
19 31 of each year, through January 31, 2021”; and

20 (2) in paragraph (5), by inserting after “Sec-
21 retary” the following: “of Defense and the Secretaries
22 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 and
6 local governments” and inserting “to State, local, or foreign
7 governments”.

8 (b) *EFFECT ON SECTION 2464.*—Nothing in this sec-
9 tion or the amendment made by this section shall affect the
10 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 amend-
18 ed—

19 (1) by redesignating subsection (d) as subsection
20 (e), and in that subsection by striking “subsection
21 (c)” and inserting “subsections (c) and (d)”; and

22 (2) by inserting after subsection (c) the following
23 new subsection (d):

24 “(d) *MARKET RESEARCH FOR PRICE ANALYSIS.*—The
25 Secretary of Defense shall ensure that procurement officials

1 *in the Department of Defense conduct or obtain market re-*
2 *search to support the determination of the reasonableness*
3 *of price for commercial items contained in any bid or offer*
4 *submitted in response to an agency solicitation. To the ex-*
5 *tent necessary to support such market research, the procure-*
6 *ment official for the solicitation—*

7 “(1) *in the case of items acquired under section*
8 *2379 of this title, shall use information submitted*
9 *under subsection (d) of that section; and*

10 “(2) *in the case of other items, may require the*
11 *offeror to submit relevant information.”.*

12 **SEC. 823. VALUE ANALYSIS FOR THE DETERMINATION OF**
13 **PRICE REASONABLENESS.**

14 *Subsection 2379(d) of title 10, United States Code, is*
15 *amended—*

16 (1) *by redesignating paragraph (2) as para-*
17 *graph (3); and*

18 (2) *by inserting after paragraph (1) the fol-*
19 *lowing new paragraph (2):*

20 “(2) *An offeror may submit information or analysis*
21 *relating to the value of a commercial item to aid in the*
22 *determination of the reasonableness of the price of such*
23 *item. A contracting officer may consider such information*
24 *or analysis in addition to the information submitted pursu-*
25 *ant to paragraphs (1)(A) and (1)(B).”.*

1 **SEC. 824. CLARIFICATION OF REQUIREMENTS RELATING TO**
2 **COMMERCIAL ITEM DETERMINATIONS.**

3 *Paragraphs (1) and (2) of section 2380 of title 10,*
4 *United States Code, are amended to read as follows:*

5 *“(1) establish and maintain a centralized capa-*
6 *bility with necessary expertise and resources to pro-*
7 *vide assistance to the military departments and De-*
8 *fense Agencies in making commercial item determina-*
9 *tions, conducting market research, and performing*
10 *analysis of price reasonableness for the purposes of*
11 *procurements by the Department of Defense; and*

12 *“(2) provide to officials of the Department of De-*
13 *fense access to previous Department of Defense com-*
14 *mmercial item determinations, market research, and*
15 *analysis used to determine the reasonableness of price*
16 *for the purposes of procurements by the Department*
17 *of Defense.”.*

18 **SEC. 825. PILOT PROGRAM FOR AUTHORITY TO ACQUIRE IN-**
19 **NOVATIVE COMMERCIAL ITEMS USING GEN-**
20 **ERAL SOLICITATION COMPETITIVE PROCE-**
21 **DURES.**

22 *(a) AUTHORITY.—The Secretary of Defense may carry*
23 *out a pilot program, to be known as a “commercial solu-*
24 *tions opening pilot program”, under which innovative com-*
25 *mmercial items may be acquired through a competitive selec-*

1 *tion of proposals resulting from a general solicitation and*
2 *the peer review of such proposals.*

3 (b) *TREATMENT AS COMPETITIVE PROCEDURES.—Use*
4 *of general solicitation competitive procedures for the pilot*
5 *program under subsection (a) shall be considered to be use*
6 *of competitive procedures for purposes of chapter 137 of title*
7 *10, United States Code.*

8 (c) *LIMITATIONS ON FUNDING.—*

9 (1) *LIMITATION ON INDIVIDUAL CONTRACT*
10 *AMOUNT.—The Secretary may not enter into a con-*
11 *tract under the pilot program for an amount in ex-*
12 *cess of \$10,000,000.*

13 (2) *ANNUAL LIMITATION.—The total amount that*
14 *may be obligated or expended under the pilot pro-*
15 *gram for a fiscal year may not exceed \$75,000,000.*

16 (d) *LIMITATION RELATING TO MAJOR DEFENSE AC-*
17 *QUISITION PROGRAM SYSTEMS.—The Secretary may not*
18 *acquire innovative commercial items under the pilot pro-*
19 *gram to replace a system under a major defense acquisition*
20 *program in its entirety.*

21 (e) *GUIDANCE.—The Secretary shall issue guidance for*
22 *the implementation of the pilot program under this section*
23 *within the Department of Defense. Such guidance shall be*
24 *issued in consultation with the Office of Management and*
25 *Budget and shall be posted for access by the public.*

1 (f) *REPORTS REQUIRED.*—

2 (1) *IN GENERAL.*—Not later than six months
3 after the initiation of the pilot program, and every
4 six months thereafter, the Secretary shall submit to
5 the Committees on Armed Services of the Senate and
6 House of Representatives a report on the activities the
7 Department of Defense carried out under the pilot
8 program.

9 (2) *ELEMENTS OF REPORT.*—The report under
10 this subsection shall include the following:

11 (A) *An assessment of the impact of the pilot*
12 *program on competition.*

13 (B) *An assessment of the ability under the*
14 *pilot program to attract proposals from non-*
15 *traditional defense contractors (as defined in sec-*
16 *tion 2302(9) of title 10, United States Code).*

17 (C) *A comparison of acquisition timelines*
18 *for—*

19 (i) *procurements made using the pilot*
20 *program; and*

21 (ii) *procurements made using other*
22 *competitive procedures that do not use gen-*
23 *eral solicitations.*

1 (D) *A recommendation on whether the au-*
2 *thority for the pilot program should be made*
3 *permanent.*

4 (g) *DEFINITION.—In this section, the term “innova-*
5 *tive” means—*

6 (1) *any new technology, process, or method, able*
7 *to be used to improve or replace existing information*
8 *system applications, programs, or networks, or used*
9 *to improve research and development of information*
10 *technology advancements; or*

11 (2) *any new application of an existing tech-*
12 *nology, process, or method.*

13 (h) *TERMINATION.—The authority to enter into a con-*
14 *tract under a pilot program under this section terminates*
15 *on the date occurring five years after the date of the enact-*
16 *ment of this Act.*

17 ***Subtitle D—Other Matters***

18 ***SEC. 831. REVIEW AND REPORT ON THE BID PROTEST***

19 ***PROCESS.***

20 (a) *REVIEW.—The Secretary of Defense shall conduct*
21 *a review of the bid protest processes related to major defense*
22 *acquisition programs. The review shall examine the extent*
23 *to which—*

1 (1) *the incidence and duration of bid protests*
2 *have increased or decreased during the previous dec-*
3 *ade;*

4 (2) *bid protests have delayed procurement of*
5 *items or services;*

6 (3) *there are differences in the incidence and out-*
7 *comes of bid protests filed by incumbent and non-in-*
8 *cumbent contractors;*

9 (4) *protests filed by incumbent contractors result*
10 *in extension of the period of performance of a con-*
11 *tract, and whether there are benefits (monetary or*
12 *non-monetary) to incumbent contractors under such*
13 *circumstances; and*

14 (5) *there are alternative actions or authorities*
15 *that could give the Government more flexibility in*
16 *managing contracts if a bid protest is filed.*

17 (b) *CONTRACT WITH INDEPENDENT ENTITY.—Not*
18 *later than 30 days after the date of the enactment of this*
19 *Act, the Secretary of Defense shall enter into a contract with*
20 *an independent entity with appropriate expertise to con-*
21 *duct the review required in subsection (a).*

22 (c) *BRIEFING.—Not later than March 1, 2017, the Sec-*
23 *retary, or his designee, shall brief the Committees on Armed*
24 *Services of the Senate and House of Representatives on in-*
25 *terim findings of the independent entity.*

1 (4) *Selected case studies of indefinite delivery*
2 *contracts, including an assessment of whether any*
3 *such contracts may have limited future opportunities*
4 *for competition for the services or items required.*

5 (5) *Recommendations for potential changes to*
6 *current law or Department of Defense acquisition reg-*
7 *ulations to promote competition with respect to in-*
8 *definite delivery contracts.*

9 **SEC. 833. REVIEW AND REPORT ON CONTRACTUAL FLOW-**
10 **DOWN PROVISIONS.**

11 (a) *REVIEW REQUIRED.*—*The Secretary of Defense*
12 *shall conduct a review of contractual flow-down provisions*
13 *related to major defense acquisition programs. The review*
14 *shall—*

15 (1) *identify the flow-down provisions that exist*
16 *in the Federal Acquisition Regulation and the Defense*
17 *Federal Acquisition Regulation Supplement;*

18 (2) *identify the flow-down provisions that are*
19 *critical for national security;*

20 (3) *examine the extent to which clauses in con-*
21 *tracts with the Department of Defense are being ap-*
22 *plied inappropriately in subcontracts under the con-*
23 *tracts;*

1 (4) *assess the applicability of flow-down provi-*
2 *sions for the purchase of commodity items that are*
3 *acquired in bulk for multiple acquisition programs;*

4 (5) *determine the unnecessary costs or burdens,*
5 *if any, of flow-down provisions on the supply chain;*
6 *and*

7 (6) *determine the effect, if any, of flow-down pro-*
8 *visions on the participation rate of small businesses*
9 *and non-traditional defense contractors in defense*
10 *procurements.*

11 (b) *CONTRACT.*—*Not later than 30 days after the date*
12 *of the enactment of this Act, the Secretary of Defense shall*
13 *enter into a contract with an independent entity with ap-*
14 *propriate expertise to conduct the review required by sub-*
15 *section (a).*

16 (c) *BRIEFING.*—*Not later than March 1, 2017, the Sec-*
17 *retary, or his designee, shall brief the Committees on Armed*
18 *Services of the Senate and the House of Representatives on*
19 *interim findings of the independent entity as well as initial*
20 *recommendations of the entity on how to modify or elimi-*
21 *nate contractual flow-down requirements that the entity*
22 *considers burdensome or unnecessary.*

23 (d) *REPORT.*—*Not later than August 1, 2017, the Sec-*
24 *retary shall submit to the congressional defense committees*
25 *a report on the findings of the independent entity, along*

1 *with a description of any actions that the Secretary pro-*
2 *poses to address the findings of the independent entity.*

3 **SEC. 834. REVIEW OF ANTI-COMPETITIVE SPECIFICATIONS**
4 **IN INFORMATION TECHNOLOGY ACQUI-**
5 **TIONS.**

6 (a) *REVIEW REQUIRED.*—*Not later than 180 days*
7 *after the date of the enactment of this Act, the Under Sec-*
8 *retary of Defense for Acquisition, Technology, and Logistics*
9 *shall conduct a review of the policy, guidance, regulations,*
10 *and training related to specifications included in informa-*
11 *tion technology acquisitions to ensure current policies*
12 *eliminate the unjustified use of potentially anti-competitive*
13 *specifications. In conducting the review, the Under Sec-*
14 *retary shall examine the use of brand names or proprietary*
15 *specifications or standards in solicitations for procurements*
16 *of goods and services, as well as the current acquisition*
17 *training curriculum related to those areas.*

18 (b) *BRIEFING REQUIRED.*—*Not later than 270 days*
19 *after the date of the enactment of this Act, the Under Sec-*
20 *retary shall provide a briefing to the Committees on Armed*
21 *Services of the Senate and House of Representatives on the*
22 *results of the review required by subsection (a).*

23 (c) *ADDITIONAL GUIDANCE.*—*Not later than one year*
24 *after the date of the enactment of this Act, the Under Sec-*
25 *retary shall revise policies, guidance, and training to incor-*

1 *porate such recommendations as the Under Secretary con-*
2 *siders appropriate from the review required by subsection*
3 *(a).*

4 **SEC. 835. COAST GUARD MAJOR ACQUISITION PROGRAMS.**

5 *(a) FUNCTIONS OF CHIEF ACQUISITION OFFICER.—*
6 *Section 56(c) of title 14, United States Code, is amended*
7 *by striking “and” after the semicolon at the end of para-*
8 *graph (8), striking the period at the end of paragraph (9)*
9 *and inserting “; and”, and adding at the end the following:*

10 *“(10)(A) keeping the Commandant informed of*
11 *the progress of major acquisition programs (as that*
12 *term is defined in section 581);*

13 *“(B) informing the Commandant on a con-*
14 *tinuing basis of any developments on such programs*
15 *that may require new or revisited trade-offs among*
16 *cost, schedule, technical feasibility, and performance,*
17 *including—*

18 *“(i) significant cost growth or schedule slip-*
19 *page; and*

20 *“(ii) requirements creep (as that term is de-*
21 *finied in section 2547(c)(1) of title 10); and*

22 *“(C) ensuring that the views of the Commandant*
23 *regarding such programs on cost, schedule, technical*
24 *feasibility, and performance trade-offs are strongly*

1 *considered by program managers and program execu-*
2 *tive officers in all phases of the acquisition process.”.*

3 *(b) CUSTOMER SERVICE MISSION OF DIRECTORATE.—*

4 *(1) IN GENERAL.—Chapter 15 of title 14, United*
5 *States Code, is amended—*

6 *(A) in section 561(b)—*

7 *(i) in paragraph (1), by striking “;*
8 *and” and inserting a semicolon;*

9 *(ii) in paragraph (2), by striking the*
10 *period and inserting “; and”; and*

11 *(iii) by adding at the end the fol-*
12 *lowing:*

13 *“(3) to meet the needs of customers of major ac-*
14 *quisition programs in the most cost-effective manner*
15 *practicable.”;*

16 *(B) in section 562, by repealing subsection*
17 *(b) and redesignating subsections (c) through (g)*
18 *as subsections (b) through (f), respectively;*

19 *(C) in section 563, by striking “Not later*
20 *than 180 days after the date of enactment of the*
21 *Coast Guard Authorization Act of 2010, the*
22 *Commandant shall commence implementation*
23 *of” and inserting “The Commandant shall main-*
24 *tain”;*

1 (D) by adding at the end of section 564 the
2 following:

3 “(c) ACQUISITION OF UNMANNED AERIAL SYSTEMS.—

4 “(1) IN GENERAL.—The Commandant—

5 “(A) may not award a contract for design
6 of an unmanned aerial system for use by the
7 Coast Guard; and

8 “(B) may acquire an unmanned aerial sys-
9 tem only—

10 “(i) if such a system has been acquired
11 or has been used by the Department of De-
12 fense or the Department of Homeland Secu-
13 rity, or a component thereof, before the date
14 on which the Commandant acquires the sys-
15 tem; and

16 “(ii) through an agreement with such
17 department or component, unless the un-
18 manned aerial system can be obtained at
19 less cost through independent contract ac-
20 tion.

21 “(2) LIMITATION ON APPLICATION.—The limita-
22 tions of paragraph (1)(B) shall not apply to any
23 small unmanned aerial system that consists of—

24 “(A) an unmanned aircraft weighing less
25 than 55 pounds on takeoff, including all compo-

1 *nents and equipment on board or otherwise at-*
2 *tached to the aircraft; and*

3 *“(B) associated elements (including commu-*
4 *nication links and the components that control*
5 *such aircraft) that are required for the safe and*
6 *efficient operation of such aircraft.”;*

7 *(E) in subchapter II, by adding at the end*
8 *the following:*

9 **“§ 578. Role of Vice Commandant in major acquisition**
10 ***programs***

11 *“The Vice Commandant—*

12 *“(1) shall represent the customer of a major ac-*
13 *quisition program with regard to trade-offs made*
14 *among cost, schedule, technical feasibility, and per-*
15 *formance with respect to such program; and.*

16 *“(2) shall advise the Commandant in decisions*
17 *regarding the balancing of resources against prior-*
18 *ities, and associated trade-offs referred to in para-*
19 *graph (1), on behalf of the customer of a major acqui-*
20 *sition program.*

21 **“§ 579. Extension of major acquisition program con-**
22 ***tracts***

23 *“(a) IN GENERAL.—Notwithstanding section 564(a)(2)*
24 *of this title and section 2304 of title 10, and subject to sub-*
25 *sections (b) and (c) of this section, the Secretary may ac-*

1 *quire additional units procured under a Coast Guard major*
2 *acquisition program contract, by extension of such contract*
3 *without competition, if the Comptroller General of the*
4 *United States determines that the costs that would be saved*
5 *through award of a new contract in accordance with such*
6 *sections would not exceed the costs of such an award.*

7 “(b) *LIMITATION ON NUMBER OF ADDITIONAL*
8 *UNITS.*—*The number of additional units acquired under a*
9 *contract extension under this section may not exceed the*
10 *number of additional units for which such determination*
11 *is made.*

12 “(c) *DETERMINATION OF COSTS UPON REQUEST.*—
13 *The Comptroller General shall, at the request of the Sec-*
14 *retary, determine for purposes of this section—*

15 “(1) *the costs that would be saved through award*
16 *of a new major acquisition program contract in ac-*
17 *cordance with section 564(a)(2) for the acquisition of*
18 *a number of additional units specified by the Sec-*
19 *retary; and*

20 “(2) *the costs of such award, including the costs*
21 *that would be incurred due to acquisition schedule*
22 *delays and asset design changes associated with such*
23 *award.*

24 “(d) *NUMBER OF EXTENSIONS.*—*A contract may be*
25 *extended under this section more than once.”; and*

1 (F) in section 581—

2 (i) by redesignating paragraphs (7)
3 through (10) as paragraphs (9) through
4 (12), respectively, and by redesignating
5 paragraphs (3) through (6) as paragraphs
6 (4) through (7), respectively;

7 (ii) by inserting after paragraph (2)
8 the following:

9 “(3) *CUSTOMER OF A MAJOR ACQUISITION PRO-*
10 *GRAM.—The term ‘customer of a major acquisition*
11 *program’ means the operating field unit of the Coast*
12 *Guard that will field the system or systems acquired*
13 *under a major acquisition program.’; and*

14 (iii) by inserting after paragraph (7),
15 as so redesignated, the following:

16 “(8) *MAJOR ACQUISITION PROGRAM.—The term*
17 *‘major acquisition program’ means an ongoing acqui-*
18 *sition undertaken by the Coast Guard with a life-*
19 *cycle cost estimate greater than or equal to*
20 *\$300,000,000.’.*

21 (2) *CONFORMING AMENDMENT.—Section 569a of*
22 *such title is amended by striking subsection (e).*

23 (3) *CLERICAL AMENDMENT.—The analysis at the*
24 *beginning of such chapter is amended by adding at*

1 *the end of the items relating to subchapter II the fol-*
2 *lowing:*

 “578. *Role of Vice Commandant in major acquisition programs.*
 “579. *Extension of major acquisition program contracts.*”.

3 *(c) REVIEW REQUIRED.—*

4 *(1) REQUIREMENT.—The Commandant of the*
5 *Coast Guard shall conduct a review of—*

6 *(A) the authorities provided to the Com-*
7 *mandant in chapter 15 of title 14, United States*
8 *Code, and other relevant statutes and regulations*
9 *related to Coast Guard acquisitions, including*
10 *developing recommendations to ensure that the*
11 *Commandant plays an appropriate role in the*
12 *development of requirements, acquisition proc-*
13 *esses, and the associated budget practices;*

14 *(B) implementation of the strategy prepared*
15 *in accordance with section 562(b)(2) of title 14,*
16 *United States Code, as in effect before the enact-*
17 *ment of the National Defense Authorization Act*
18 *for Fiscal Year 2017; and*

19 *(C) acquisition policies, directives, and reg-*
20 *ulations of the Coast Guard to ensure such poli-*
21 *cies, directives, and regulations establish a cus-*
22 *tommer-oriented acquisition system.*

23 *(2) REPORT.—Not later than March 1, 2017, the*
24 *Commandant shall submit to the Committee on*

1 *Transportation and Infrastructure of the House of*
2 *Representatives and the Committee on Commerce,*
3 *Science, and Transportation of the Senate a report*
4 *containing, at a minimum, the following:*

5 *(A) The recommendations developed by the*
6 *Commandant under paragraph (1) and other re-*
7 *sults of the review conducted under such para-*
8 *graph.*

9 *(B) The actions the Commandant is taking,*
10 *if any, within the Commandant's existing au-*
11 *thority to implement such recommendations.*

12 *(3) MODIFICATION OF POLICIES, DIRECTIVES,*
13 *AND REGULATIONS.—Not later than one year after the*
14 *date of the enactment of this Act, the Commandant of*
15 *the Coast Guard shall modify the acquisition policies,*
16 *directives, and regulations of the Coast Guard as nec-*
17 *essary to ensure the development and implementation*
18 *of a customer-oriented acquisition system, pursuant*
19 *to the review under paragraph (1)(C).*

20 *(d) ANALYSIS OF USING MULTIYEAR CONTRACTING.—*

21 *(1) IN GENERAL.—No later than one year after*
22 *the date of the enactment of this Act, the Secretary of*
23 *the department in which the Coast Guard is oper-*
24 *ating shall submit to the Committee on Transpor-*
25 *tation and Infrastructure of the House of Representa-*

1 *tives and the Committee on Commerce, Science, and*
2 *Transportation of the Senate an analysis of the use*
3 *of multiyear contracting, including procurement au-*
4 *thority provided under section 2306b of title 10,*
5 *United States Code, and authority similar to that*
6 *granted to the Navy under section 121(b) of the Na-*
7 *tional Defense Authorization Act for Fiscal Year 1998*
8 *(Public Law 105–85; 111 Stat. 1648) and section 150*
9 *of the Continuing Appropriations Act, 2011 (Public*
10 *Law 111–242; 124 Stat. 3519), to acquire any com-*
11 *bination of at least five—*

12 *(A) Fast Response Cutters, beginning with*
13 *hull 43; and*

14 *(B) Offshore Patrol Cutters, beginning with*
15 *hull 5.*

16 *(2) CONTENTS.—The analysis under paragraph*
17 *(1) shall include the costs and benefits of using*
18 *multiyear contracting, the impact of multiyear con-*
19 *tracting on delivery timelines, and whether the acqui-*
20 *sitions examined would meet the tests for the use of*
21 *multiyear procurement authorities.*

1 **SEC. 836. WAIVER OF CONGRESSIONAL NOTIFICATION FOR**
2 **ACQUISITION OF TACTICAL MISSILES AND**
3 **MUNITIONS GREATER THAN QUANTITY SPEC-**
4 **IFIED IN LAW.**

5 *Section 2308(c) of title 10, United States Code, is*
6 *amended—*

7 *(1) by inserting “(1)” before “The head”;*

8 *(2) by inserting “, except as provided in para-*
9 *graph (2),” after “but”; and*

10 *(3) by adding at the end the following new para-*
11 *graph:*

12 *“(2) A notification is not required under paragraph*
13 *(1) if the end item being acquired in a higher quantity is*
14 *an end item under a tactical missile program or a muni-*
15 *tion program.”.*

16 **SEC. 837. CLOSEOUT OF OLD DEPARTMENT OF THE NAVY**
17 **CONTRACTS.**

18 *(a) AUTHORITY.—Notwithstanding any other provi-*
19 *sion of law, the Secretary of the Navy may close out the*
20 *contracts described in subsection (b) through the issuance*
21 *of one or more modifications to such contracts without com-*
22 *pleting further reconciliation audits or corrective actions*
23 *other than those described in this section. To accomplish*
24 *closeout of such contracts—*

25 *(1) remaining contract balances may be offset*
26 *with balances in other contract line items within a*

1 *contract regardless of the year or type of appropria-*
2 *tion obligated to fund each contract line item and re-*
3 *gardless of whether the appropriations for such con-*
4 *tract line items have closed; and*

5 *(2) remaining contract balances may be offset*
6 *with balances on other contracts regardless of the year*
7 *or type of appropriation obligated to fund each con-*
8 *tract and regardless of whether the appropriations for*
9 *such contract line item have closed.*

10 *(b) CONTRACTS COVERED.—The contracts covered by*
11 *this section are a group of contracts that are with one con-*
12 *tractor and identified by the Secretary, each one of which*
13 *is a contract—*

14 *(1) to design, construct, repair, or support the*
15 *construction or repair of Navy submarines that—*

16 *(A) was entered into between fiscal years*
17 *1974 and 1998; and*

18 *(B) has no further supply or services*
19 *deliverables due under the terms and conditions*
20 *of the contract;*

21 *(2) with respect to which the Secretary of the*
22 *Navy has established the total final contract value;*
23 *and*

24 *(3) with respect to which the Secretary of the*
25 *Navy has determined that the final allowable cost*

1 *may have a negative or positive unliquidated obliga-*
2 *tion balance for which it would be difficult to deter-*
3 *mine the year or type of appropriation because—*

4 *(A) the records for the contract have been*
5 *destroyed or lost; or*

6 *(B) the records for the contract are avail-*
7 *able but the contracting officer, in collaboration*
8 *with the certifying official, has determined that*
9 *a discrepancy is of such a minimal value that*
10 *the time and effort required to determine the*
11 *cause of an out-of-balance condition is dis-*
12 *proportionate to the amount of the discrepancy.*

13 *(c) CLOSEOUT.—The contracts described in subsection*
14 *(b) may be closed out—*

15 *(1) upon receipt of \$581,803 from the contractor,*
16 *to be deposited into the Treasury as miscellaneous re-*
17 *ceipts; and*

18 *(2) without seeking further amounts from the*
19 *contractor, and without payment to the contractor of*
20 *any amounts that may be due under such contracts.*

21 *(d) ADJUSTMENT AND CLOSURE OF RECORDS.—After*
22 *closeout of any contract described in subsection (b) using*
23 *the authority of this section, the payment or accounting of-*
24 *fices concerned may adjust and close any open finance and*
25 *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.*—Section
6 2534(a) of title 10, United States Code, is amended by add-
7 ing at the end the following new paragraph:

8 “(6) *COMPONENTS FOR AUXILIARY SHIPS.*—Sub-
9 ject to subsection (k), the following components:

10 “(A) *Auxiliary equipment, including*
11 *pumps, for all shipboard services.*

12 “(B) *Propulsion system components, includ-*
13 *ing engines, reduction gears, and propellers.*

14 “(C) *Shipboard cranes.*

15 “(D) *Spreaders for shipboard cranes.*”.

16 (b) *IMPLEMENTATION.*—Such section is further amend-
17 ed by adding at the end the following new subsection:

18 “(k) *IMPLEMENTATION OF AUXILIARY SHIP COMPO-*
19 *NENT LIMITATION.*—Subsection (a)(6) applies only with re-
20 spect to contracts awarded by the Secretary of a military
21 department for new construction of an auxiliary ship after
22 the date of the enactment of the National Defense Authoriza-
23 tion Act for Fiscal Year 2017 using funds available for Na-
24 tional Defense Sealift Fund programs or Shipbuilding and
25 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, United*
5 *States Code, is amended by inserting after “\$400,000,000”*
6 *the following: “except that, in the case of fiscal year 2017,*
7 *the Secretary may reduce the amount to \$0”.*

8 **SEC. 840. AMENDMENT TO PROHIBITION ON PERFORMANCE**
9 **OF NON-DEFENSE AUDITS BY DEFENSE CON-**
10 **TRACT AUDIT AGENCY TO EXEMPT AUDITS**
11 **FOR NATIONAL NUCLEAR SECURITY ADMINIS-**
12 **TRATION.**

13 *Section 893(a) of the National Defense Authorization*
14 *Act for Fiscal Year 2016 (Public Law 114–92; Stat. 952)*
15 *is amended—*

16 *(1) in paragraph (1), by striking “Effective”*
17 *and inserting “Except as provided in paragraph (3),*
18 *effective”; and*

19 *(2) by adding at the end the following new para-*
20 *graph:*

21 *“(3) EXCEPTION.—In this subsection, the term*
22 *‘non-Defense Agencies’ does not include the National*
23 *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 service*
9 *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 amend-
3 ed—

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 and
13 is conducted under section 8(a) of the Small
14 Business Act (15 U.S.C. 637(a)).”.

15 **TITLE IX—DEPARTMENT OF DE-**
16 **FENSE ORGANIZATION AND**
17 **MANAGEMENT**

18 **Subtitle A—Goldwater-Nichols**
19 **Reform**

20 **SEC. 901. SENSE OF CONGRESS ON GOLDWATER-NICHOLS**
21 **REFORM.**

22 *It is the sense of Congress that the following principles*
23 *should be adhered to in any reform of the Goldwater-Nichols*
24 *Department of Defense Reorganization Act of 1986:*

1 (1) *Civilian control of the military and the civil-*
2 *ian chain of command must be preserved.*

3 (2) *The role of the Chairman of the Joint Chiefs*
4 *of Staff in providing independent military advice, as*
5 *the principal military advisor to the President and*
6 *the Secretary of Defense, must be preserved.*

7 (3) *Any changes to the Goldwater-Nichols Act of*
8 *1986 should be rooted in a clear identification and*
9 *understanding of the issues and the objectives and*
10 *ramifications of any changes.*

11 (4) *Any changes to the Goldwater-Nichols Act of*
12 *1986 should enhance the capabilities of the United*
13 *States Armed Forces.*

14 (5) *Each Geographical Unified Command has its*
15 *own distinct area of emphasis and expertise, as well*
16 *as requirements and responsibilities. Combining*
17 *Northern Command and Southern Command, or com-*
18 *binning European Command and Africa Command,*
19 *would severely degrade mission effectiveness, but*
20 *would provide only marginal increased efficiency. Ad-*
21 *ditionally, consolidating Geographic Unified Com-*
22 *mands would cause unacceptable risk to both global*
23 *strategic influence as well as regional capability, and*
24 *would exacerbate already significant capacity chal-*
25 *lenges.*

1 (6) *The emphasis on strategy and planning in*
2 *the Goldwater-Nichols Act must be sustained.*

3 (7) *Complex security challenges will become in-*
4 *creasingly transregional, multi-domain, and multi-*
5 *functional.*

6 (8) *Therefore, the Department of Defense, includ-*
7 *ing streamlined headquarters staffs, must be more*
8 *agile and adaptive.*

9 **SEC. 902. REPEAL OF DEFENSE STRATEGY REVIEW.**

10 (a) *REPEAL.*—*Section 118 of title 10, United States*
11 *Code, is repealed.*

12 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
13 *the beginning of chapter 2 of such title is amended by strik-*
14 *ing the item relating to section 118.*

15 **SEC. 903. COMMISSION ON THE NATIONAL DEFENSE STRAT-**
16 **EGY FOR THE UNITED STATES.**

17 (a) *ESTABLISHMENT.*—*There is hereby established a*
18 *commission to be known as the “Commission on the Na-*
19 *tional Defense Strategy for the United States”. The purpose*
20 *of the commission is to examine and make recommenda-*
21 *tions with respect to national defense strategy for the*
22 *United States.*

23 (b) *COMPOSITION.*—

24 (1) *MEMBERSHIP.*—*The commission shall be*
25 *composed of 12 members appointed as follows:*

1 (A) *Three members appointed by the chair*
2 *of the Committee on Armed Services of the House*
3 *of Representatives.*

4 (B) *Three members appointed by the rank-*
5 *ing minority member of the Committee on*
6 *Armed Services of the House of Representatives.*

7 (C) *Three members appointed by the chair*
8 *of the Committee on Armed Services of the Sen-*
9 *ate.*

10 (D) *Three members appointed by the rank-*
11 *ing minority member of the Committee on*
12 *Armed Services of the Senate.*

13 (2) *CHAIR; VICE CHAIR.—*

14 (A) *CHAIR.—The chair of the Committee on*
15 *Armed Services of the House of Representative*
16 *and the chair of the Committee on Armed Serv-*
17 *ices of the Senate shall jointly designate one*
18 *member of the commission to serve as chair of*
19 *the commission.*

20 (B) *VICE CHAIR.—The ranking minority*
21 *member of the Committee on Armed Services of*
22 *the House of Representative and the ranking mi-*
23 *nority member of the Committee on Armed Serv-*
24 *ices of the Senate shall jointly designate one*

1 *member of the commission to serve as vice chair*
2 *of the commission.*

3 (3) *PERIOD OF APPOINTMENT; VACANCIES.—*
4 *Members shall be appointed for the life of the commis-*
5 *sion. Any vacancy in the commission shall be filled*
6 *in the same manner as the original appointment.*

7 (c) *DUTIES.—*

8 (1) *REVIEW.—The commission shall review the*
9 *current national defense strategy of the United States,*
10 *including the assumptions, missions, force posture*
11 *and capabilities, and strategic and military risks as-*
12 *sociated with the strategy.*

13 (2) *ASSESSMENT AND RECOMMENDATIONS.—The*
14 *commission shall conduct a comprehensive assessment*
15 *of the strategic environment, the size and shape of the*
16 *force, the readiness of the force, the posture and capa-*
17 *bilities of the force, the allocation of resources, and*
18 *strategic and military risks to provide recommenda-*
19 *tions on national defense strategy for the United*
20 *States.*

21 (d) *COOPERATION FROM GOVERNMENT.—*

22 (1) *COOPERATION.—In carrying out its duties,*
23 *the commission shall receive the full and timely co-*
24 *operation of the Secretary of Defense in providing the*
25 *commission with analysis, briefings, and other infor-*

1 *mation necessary for the fulfillment of its responsibil-*
2 *ities.*

3 (2) *LIAISON.*—*The Secretary of Defense shall*
4 *designate at least one officer or employee of the De-*
5 *partment of Defense to serve as a liaison officer be-*
6 *tween the Department and the commission.*

7 (e) *REPORT.*—

8 (1) *FINAL REPORT.*—*Not later than December 1,*
9 *2017, the commission shall submit to the President,*
10 *the Secretary of Defense, the Committee on Armed*
11 *Services of the House of Representatives, and the*
12 *Committee on Armed Services of the Senate a report*
13 *on the commission’s findings, conclusions, and rec-*
14 *ommendations. The report shall address, but not be*
15 *limited to, each of the following:*

16 (A) *The strategic environment, including se-*
17 *curity challenges, and the national security in-*
18 *terests of the United States.*

19 (B) *The military missions for which the De-*
20 *partment of Defense should prepare and the force*
21 *planning construct.*

22 (C) *The roles and missions of the Armed*
23 *Forces to carry out those missions and the roles*
24 *and capabilities provided by other United States*

1 *Government agencies and by allies and inter-*
2 *national partners.*

3 *(D) The force size and shape, posture and*
4 *capabilities, readiness, infrastructure, organiza-*
5 *tion, personnel, and other elements of the defense*
6 *program necessary to support the strategy.*

7 *(E) The resources necessary to support the*
8 *strategy, including budget recommendations.*

9 *(F) The strategic and military risks associ-*
10 *ated with the strategy, including the relation-*
11 *ships and tradeoffs between missions, risks, and*
12 *resources.*

13 *(2) INTERIM BRIEFING.—Not later than June 1,*
14 *2017, the commission shall provide to the Committee*
15 *on Armed Services of the House of Representatives,*
16 *and the Committee on Armed Services of the Senate*
17 *a briefing on the status of its review and assessment,*
18 *and include a discussion of any interim recommenda-*
19 *tions.*

20 *(f) FUNDING.— Of the amounts authorized to be ap-*
21 *propriated or otherwise made available pursuant to this Act*
22 *to the Department of Defense, \$5,000,000 is available to*
23 *fund the activities of the commission.*

1 (g) *TERMINATION.*—*The commission shall terminate 6*
2 *months after the date on which it submits the report re-*
3 *quired by subsection (e).*

4 **SEC. 904. REFORM OF DEFENSE STRATEGIC AND POLICY**
5 **GUIDANCE.**

6 Subsection (g) of section 113 of title 10, United States
7 Code, is amended to read as follows:

8 “(g) *DEFENSE STRATEGIC AND POLICY GUIDANCE.*—

9 “(1) *DEFENSE STRATEGIC GUIDANCE.*—*The Sec-*
10 *retary of Defense, with the advice and assistance of*
11 *the Chairman of the Joint Chiefs of Staff, shall pro-*
12 *vide every four years to the heads of the military de-*
13 *partments, the unified and specified combatant com-*
14 *mands, all other Defense Agencies and Department of*
15 *Defense Field Activities, and any other elements of the*
16 *Department of Defense named in paragraphs (1) to*
17 *(10) of section 111(b) of this title, written strategic*
18 *guidance expressing the national defense strategy of*
19 *the United States. The strategic guidance shall—*

20 “(A) *support the most recent national secu-*
21 *rity strategy report of the President under sec-*
22 *tion 108 of the National Security Act of 1947*
23 *(50 U.S.C. 3043);*

24 “(B) *be a mechanism for—*

1 “(i) setting priorities for sizing and
2 shaping the force, guiding the development
3 and sustainment of capabilities, allocating
4 resources, and adjusting the organization of
5 the Department of Defense to respond to
6 changes in the strategic environment;

7 “(ii) monitoring, assessing, and hold-
8 ing accountable agencies within the Depart-
9 ment of Defense for the development of poli-
10 cies and programs that support the national
11 defense strategy;

12 “(iii) integrating and supporting other
13 national and related interagency security
14 policies and strategies with other Depart-
15 ment of Defense guidance, plans, and activi-
16 ties; and

17 “(iv) communicating such national de-
18 fense strategy to the American public, Con-
19 gress, relevant United States Government
20 agencies, and allies and international part-
21 ners;

22 “(C) provide a comprehensive discussion
23 of—

24 “(i) the assumed strategic environment,
25 including security challenges, and the as-

1 *sumed or defined prioritized national secu-*
2 *rity interests and objectives of the United*
3 *States;*

4 “(i) *the prioritized military missions*
5 *for which the Department of Defense must*
6 *prepare and the assumed force planning*
7 *scenarios and constructs;*

8 “(iii) *the roles and missions of the*
9 *armed forces to carry out those missions,*
10 *and the assumed roles and capabilities pro-*
11 *vided by other United States Government*
12 *agencies and by allies and international*
13 *partners;*

14 “(iv) *the force size and shape, posture,*
15 *capabilities, readiness, infrastructure, orga-*
16 *nization, personnel, and other elements of*
17 *the defense program necessary to support*
18 *the strategy;*

19 “(v) *the resources necessary to support*
20 *the strategy, including an estimated budget*
21 *plan; and*

22 “(vi) *the strategic and military risks*
23 *associated with the strategy, including the*
24 *relationships and tradeoffs between mis-*
25 *sions, risks, and resources; and*

1 “(D) include any additional or alternative
2 views of the Chairman of the Joint Chiefs of
3 Staff, including any military assessment of risks
4 associated with the defense strategy.

5 “(2) *POLICY GUIDANCE ON DEVELOPMENT OF*
6 *FORCES.*—*In implementing the guidance in para-*
7 *graph (1), the Secretary of Defense, with the advice*
8 *and assistance of the Chairman of the Joint Chiefs of*
9 *Staff, shall provide annually to the heads of the mili-*
10 *tary departments, the unified and specified combat-*
11 *ant commands, all other Defense Agencies and De-*
12 *partment of Defense Field Activities, and any other*
13 *elements of the Department of Defense named in*
14 *paragraphs (1) to (10) of section 111(b) of this title,*
15 *written policy guidance for the preparation and re-*
16 *view of the program recommendations and budget*
17 *proposals of their respective components to guide the*
18 *development of forces. Such guidance shall include—*

19 “(A) *the prioritized national security inter-*
20 *ests and objectives;*

21 “(B) *the prioritized military missions of the*
22 *Department of Defense, including the assumed*
23 *force planning scenarios and constructs;*

24 “(C) *the force size and shape, posture, capa-*
25 *bilities, readiness, infrastructure, organization,*

1 *personnel, and other elements of the defense pro-*
2 *gram necessary to support the strategy;*

3 “(D) *the resource levels projected to be*
4 *available for the period of time for which such*
5 *recommendations and proposals are to be effec-*
6 *tive; and*

7 “(E) *a discussion of any changes in the de-*
8 *fense strategy and assumptions underpinning the*
9 *strategy, as required by paragraph (1).*

10 “(3) *POLICY GUIDANCE ON CONTINGENCY PLAN-*
11 *NING.—In implementing the guidance in paragraph*
12 *(1), the Secretary of Defense, with the approval of the*
13 *President and after consultation with the Chairman*
14 *of the Joint Chiefs of Staff, shall provide, every two*
15 *years or more frequently as needed, to the Chairman*
16 *written policy guidance for the preparation and re-*
17 *view of contingency plans, including plans for pro-*
18 *viding support to civil authorities in an incident of*
19 *national significance or a catastrophic incident, for*
20 *homeland defense, and for military support to civil*
21 *authorities. Such guidance shall include guidance on*
22 *the employment of forces, including specific force lev-*
23 *els and specific supporting resource levels projected to*
24 *be available for the period of time for which such*
25 *plans are to be effective.*

1 “(4) *SUBMISSION TO CONGRESS.*—(A) *Not later*
2 *than February 15th in any calendar year in which*
3 *any of the written guidance in paragraphs (1), (2),*
4 *and (3) is required, the Secretary of Defense shall*
5 *submit to the congressional defense committees a copy*
6 *of such guidance developed under such paragraphs.*

7 “(B) *In addition, not later than February 15th*
8 *in any calendar year in which the written guidance*
9 *in paragraph (1) is required, the Secretary of Defense*
10 *shall submit to the congressional defense committees a*
11 *detailed summary of any classified aspects of the stra-*
12 *tegic guidance, including assumptions regarding the*
13 *strategic environment; military missions; force plan-*
14 *ning scenarios and constructs; force size, shape, pos-*
15 *ture, capabilities, and readiness; and any additional*
16 *or alternative views of the Chairman of the Joint*
17 *Chiefs of Staff.”.*

18 **SEC. 905. REFORM OF THE NATIONAL MILITARY STRATEGY.**

19 *Paragraph (1) of section 153(b) of title 10, United*
20 *States Code, is amended to read as follows:*

21 “(1) *NATIONAL MILITARY STRATEGY.*—(A) *The*
22 *Chairman shall determine each even-numbered year*
23 *whether to prepare a new National Military Strategy*
24 *in accordance with this subparagraph or to update a*
25 *strategy previously prepared in accordance with this*

1 *subsection. The Chairman shall provide such National*
2 *Military Strategy or update to the Secretary of De-*
3 *fense in time for transmittal to Congress pursuant to*
4 *paragraph (3), including in time for inclusion of the*
5 *report of the Secretary of Defense, if any, under para-*
6 *graph (4).*

7 *“(B) Each National Military Strategy (or up-*
8 *date) under this paragraph shall be based on a com-*
9 *prehensive review conducted by the Chairman in con-*
10 *junction with the other members of the Joint Chiefs*
11 *of Staff and the commanders of the unified and speci-*
12 *fied combatant commands. Each update shall address*
13 *only those parts of the most recent National Military*
14 *Strategy for which the Chairman determines, on the*
15 *basis of this review, that a modification is needed.*

16 *“(C) Each National Military Strategy (or up-*
17 *date) submitted under this paragraph shall describe*
18 *how the military will support the objectives of the*
19 *United States as articulated in—*

20 *“(i) the most recent National Security*
21 *Strategy prescribed by the President pursuant to*
22 *section 108 of the National Security Act of 1947*
23 *(50 U.S.C. 3043);*

24 *“(ii) the most recent annual report of the*
25 *Secretary of Defense submitted to the President*

1 *and Congress pursuant to section 113 of this*
2 *title;*

3 *“(iii) the most recent defense strategic guid-*
4 *ance provided by the Secretary of Defense pursu-*
5 *ant to section 113 of this title; and*

6 *“(iv) any other national security or defense*
7 *strategic guidance issued by the President or the*
8 *Secretary of Defense.*

9 *“(D) At a minimum, each National Military*
10 *Strategy (or update) submitted under this paragraph*
11 *shall be a mechanism for—*

12 *“(i) developing military ends, ways, and*
13 *means to support the objectives referred to in*
14 *subparagraph (C);*

15 *“(ii) assessing strategic and military risks,*
16 *and developing risk mitigation options;*

17 *“(iii) establishing a strategic framework for*
18 *the development of operational and contingency*
19 *plans;*

20 *“(iv) prioritizing joint force capabilities,*
21 *capacities, and resources; and*

22 *“(v) establishing military guidance for the*
23 *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 Authoriza-*
5 *tion 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 the*
12 *Department of Defense workforce responsible for*
13 *conducting strategic planning, including rec-*
14 *ommendations for improving the workforce*
15 *through training, education, and career manage-*
16 *ment.”.*

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, United*
20 *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 *serting the following: “a term of four years, beginning*
24 *on October 1 of a year that is three years following*
25 *a year evenly divisible by four. The limitation of this*

1 paragraph on the length of term does not apply in
2 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 limita-
6 tion 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 (6)
16 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 De-
21 fense 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 ad-

1 *dress 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 *ental United States that are directed by the Sec-*
10 *retary of Defense to be assigned to a military depart-*
11 *ment,”; 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 military*
16 *department,”.*

17 **SEC. 910. REDUCTION IN GENERAL OFFICER AND FLAG OF-**
18 **FICER GRADES AND POSITIONS.**

19 (a) *GRADE OF SERVICE OR FUNCTIONAL COMPONENT*
20 *COMMANDER.—Section 164(e) of title 10, United States*
21 *Code, is amended by adding after paragraph (4) the fol-*
22 *lowing 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 further*
4 *amended by adding at the end the following new subsection:*

5 **“(h) DEFINITIONS.**—*For purposes of this section—*

6 **“(1)** *a service component command is subordi-*
7 *nate to the commander of a unified command and*
8 *consists of the service component commander and the*
9 *service forces (such as individuals, units, detachments,*
10 *and organizations, including the support forces), as*
11 *assigned by the Secretary of Defense, that have been*
12 *assigned to that combatant commander; and*

13 **“(2)** *a functional component command is a com-*
14 *mand normally, but not necessarily, composed of*
15 *forces of two or more military departments which*
16 *may be established across the range of military oper-*
17 *ations to perform particular operational missions*
18 *that may be of short duration or may extend over a*
19 *period of time.”.*

20 **(c) REDUCTION IN POSITIONS.**—

21 **(1) REDUCTION.**—*The Secretary of Defense shall*
22 *reduce the total number of officers in the grade of gen-*
23 *eral or admiral on active duty by five positions.*

24 **(2) REPORT.**—*The Secretary of Defense shall*
25 *submit to the congressional defense committees a re-*

1 *port on how the Department of Defense plans to im-*
2 *plement the reductions required by paragraph (1), in-*
3 *cluding how to balance and reduce the total number*
4 *of general officers and flag officers in accordance with*
5 *sections 525 and 526 of title 10, United States Code.*

6 *(d) TREATMENT OF CURRENT COMMANDERS.—An offi-*
7 *cer serving on the date of the enactment of this Act as a*
8 *commander of a service or functional component command*
9 *under a commander of a combatant command shall serve*
10 *in that position until the appointment of another officer*
11 *in accordance with the amendment made by subsection (a).*

12 **SEC. 911. ESTABLISHMENT OF UNIFIED COMBATANT COM-**
13 **MAND FOR CYBER OPERATIONS.**

14 *(a) ESTABLISHMENT OF CYBER COMMAND.—Chapter*
15 *6 of title 10, United States Code, is amended by adding*
16 *at the end the following new section:*

17 **“§ 169. Unified combatant command for cyber oper-**
18 **ations**

19 *“(a) ESTABLISHMENT.—With the advice and assist-*
20 *ance of the Chairman of the Joint Chiefs of Staff, the Presi-*
21 *dent, through the Secretary of Defense, shall establish under*
22 *section 161 of this title a unified combatant command for*
23 *cyber operations forces (hereinafter in this section referred*
24 *to as the ‘cyber command’). The principal function of the*

1 *command is to prepare cyber operations forces to carry out*
2 *assigned missions.*

3 “(b) *ASSIGNMENT OF FORCES.*—*Unless otherwise di-*
4 *rected by the Secretary of Defense, all active and reserve*
5 *cyber operations forces of the armed forces stationed in the*
6 *United States shall be assigned to the cyber command.*

7 “(c) *GRADE OF COMMANDER.*—*The commander of the*
8 *cyber operations command shall hold the grade of general*
9 *or, in the case of an officer of the Navy, admiral while serv-*
10 *ing in that position, without vacating his permanent grade.*
11 *The commander of such command shall be appointed to that*
12 *grade by the President, by and with the advice and consent*
13 *of the Senate, for service in that position.*

14 “(d) *COMMAND OF ACTIVITY OR MISSION.*—(1) *Unless*
15 *otherwise directed by the President or the Secretary of De-*
16 *fense, a cyber operations activity or mission shall be con-*
17 *ducted in coordination with the command of the com-*
18 *mander of the unified combatant command in whose geo-*
19 *graphic area the activity or mission is to be conducted.*

20 “(2) *The commander of the cyber command shall exer-*
21 *cise command of a selected cyber operations mission if di-*
22 *rected to do so by the President or the Secretary of Defense.*

23 “(e) *AUTHORITY OF COMBATANT COMMANDER.*—(1) *In*
24 *addition to the authority prescribed in section 164(c) of this*
25 *title, the commander of the cyber command shall be respon-*

1 sible for, and shall have the authority to conduct, all affairs
2 of such command relating to cyber operations activities.

3 “(2) The commander of such command shall be respon-
4 sible for, and shall have the authority to conduct, the fol-
5 lowing functions relating to cyber operations activities
6 (whether or not relating to the cyber command):

7 “(A) Developing strategy, doctrine, and tactics.

8 “(B) Preparing and submitting to the Secretary
9 of Defense program recommendations and budget pro-
10 posals for cyber operations forces and for other forces
11 assigned to the cyber command.

12 “(C) Exercising authority, direction, and control
13 over the expenditure of funds—

14 “(i) for forces assigned directly to the cyber
15 command; and

16 “(ii) for cyber operations forces assigned to
17 unified combatant commands other than the
18 cyber command, with respect to all matters cov-
19 ered by section 807 of the National Defense Au-
20 thorization Act for Fiscal Year 2014 (Public
21 Law 114–92; 129 Stat. 886; 10 U.S.C. 2224
22 note) and, with respect to a matter not covered
23 by such section, to the extent directed by the Sec-
24 retary of Defense.

25 “(D) Training assigned forces.

1 “(E) *Conducting specialized courses of instruc-*
2 *tion for commissioned and noncommissioned officers.*

3 “(F) *Validating requirements.*

4 “(G) *Establishing priorities for requirements.*

5 “(H) *Ensuring the interoperability of equipment*
6 *and forces.*

7 “(I) *Formulating and submitting requirements*
8 *for intelligence support.*

9 “(J) *Monitoring the promotions, assignments, re-*
10 *tention, training, and professional military education*
11 *of cyber operations forces officers.*

12 “(3) *The commander of the cyber command shall be*
13 *responsible for—*

14 “(A) *ensuring the combat readiness of forces as-*
15 *signed to the cyber command; and*

16 “(B) *monitoring the preparedness to carry out*
17 *assigned missions of cyber forces assigned to unified*
18 *combatant commands other than the cyber command.*

19 “(C) *The staff of the commander shall include an*
20 *inspector general who shall conduct internal audits*
21 *and inspections of purchasing and contracting ac-*
22 *tions through the cyber operations command and such*
23 *other inspector general functions as may be assigned.*

24 “(f) *INTELLIGENCE AND SPECIAL ACTIVITIES.—This*
25 *section does not constitute authority to conduct any activity*

1 *which, if carried out as an intelligence activity by the De-*
 2 *partment of Defense, would require a notice to the Select*
 3 *Committee on Intelligence of the Senate and the Permanent*
 4 *Select Committee on Intelligence of the House of Represent-*
 5 *atives under title V of the National Security Act of 1947*
 6 *(50 U.S.C. 3091 et seq.).”.*

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

“169. Unified combatant command for cyber operations.”.

10 **SEC. 912. REVISION OF REQUIREMENTS RELATING TO**
 11 **LENGTH OF JOINT DUTY ASSIGNMENTS.**

12 (a) *MINIMUM LENGTH OF ASSIGNMENT.*—*Section*
 13 *664(a) of title 10, United States Code, is amended by strik-*
 14 *ing “assignment—” and paragraphs (1) and (2) and in-*
 15 *serting “assignment shall not be less than two years.”.*

16 (b) *REPEAL OF REQUIREMENTS RELATING TO INITIAL*
 17 *ASSIGNMENT OF CERTAIN OFFICERS AND AVERAGE TOUR*
 18 *LENGTHS.*—*Section 664 of title 10, United States Code, is*
 19 *amended by striking subsections (c) and (e).*

20 (c) *EXCLUSIONS FROM TOUR LENGTH.*—*Section*
 21 *664(d) of title 10, United States Code, is amended—*

22 (1) *in paragraph (1), by striking in subpara-*
 23 *graph (D) and inserting the following new subpara-*
 24 *graph:*

1 “(D) a qualifying reassignment from a joint
2 duty assignment as prescribed by the Secretary
3 of Defense by regulation.”;

4 (2) by striking paragraph (2); and

5 (3) by redesignating paragraph (3) as para-
6 graph (2).

7 (d) *FULL TOUR OF DUTY*.—Section 664(f) of title 10,
8 *United States Code*, is amended—

9 (1) in paragraph (1), by striking “prescribed in”
10 and inserting “prescribed under”;

11 (2) by striking paragraphs (2) and (4);

12 (3) by redesignating paragraphs (3) and (5) as
13 paragraphs (2) and (3), respectively; and

14 (4) by redesignating paragraph (6) as para-
15 graph (4), and in that paragraph, by striking “, but
16 not less than two years”.

17 (e) *CONSTRUCTIVE CREDIT*.—Section 664(h) of title
18 10, *United States Code*, is amended—

19 (1) by striking “(1) The Secretary of Defense
20 may accord” and inserting “The Secretary of Defense
21 may award”; and

22 (2) by striking paragraph (2).

23 (f) *CLERICAL AND CONFORMING AMENDMENTS*.—Sec-
24 tion 664 of title 10, *United States Code*, is further amend-
25 ed—

1 (1) by redesignating subsections (d), (f), (g), and
2 (h) as subsections (c), (d), (e), and (f), respectively;

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

5 (3) in subsection (d), as redesignated, by striking
6 “subsection (g)” and inserting “subsection (e)”;

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

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

13 **SEC. 913. REVISION OF DEFINITIONS USED FOR JOINT OF-**
14 **FICER MANAGEMENT.**

15 (a) **DEFINITION OF JOINT MATTERS.**—Paragraph (1)
16 of section 668(a) of title 10, United States Code, is amended
17 to read as follows:

18 “(1) In this chapter, the term ‘joint matters’ means
19 matters related to any of the following:

20 “(A) The development or achievement of strategic
21 objectives through the synchronization, coordination,
22 and organization of integrated forces in operations
23 conducted across domains, such as land, sea, or air,
24 in space, or in the information environment, includ-
25 ing matters relating to any of the following:

1 “(i) National military strategy.

2 “(ii) Strategic planning and contingency
3 planning.

4 “(iii) Command and control, intelligence,
5 fires, movement and maneuver, protection or
6 sustainment of operations under unified com-
7 mand.

8 “(iv) National security planning with other
9 departments and agencies of the United States.

10 “(v) Combined operations with military
11 forces of allied nations.

12 “(B) Acquisition matters conducted by members
13 of the armed forces and covered under chapter 87 of
14 this title involved in developing, testing, contracting,
15 producing, or fielding of multi-service programs or
16 systems.

17 “(C) Other matters designated in regulation by
18 the Secretary of Defense in consultation with the
19 Chairman of the Joint Chiefs of Staff.”.

20 (b) *DEFINITION OF INTEGRATED FORCES.*—Section
21 668(a)(2) of title 10, United States Code, is amended in
22 the matter preceding subparagraph (A)—

23 (1) by striking “integrated military forces” and
24 inserting “integrated forces”; and

1 (2) *by striking “the planning or execution (or*
2 *both) of operations involving” and inserting “achiev-*
3 *ing unified action with”.*

4 (c) *DEFINITION OF JOINT DUTY ASSIGNMENT.—Sec-*
5 *tion 668(b)(1) of title 10, United States Code, is amended*
6 *by striking subparagraph (A) and inserting the following*
7 *new subparagraph:*

8 “(A) shall be limited to assignments in which—
9 “(i) the preponderance of the duties of the
10 officer involve joint matters and
11 “(ii) the officer gains significant experience
12 in joint matters; and”.

13 (d) *REPEAL OF DEFINITION OF CRITICAL OCCUPA-*
14 *TIONAL SPECIALITY.—Section 668 of title 10, United States*
15 *Code, is amended by striking subsection (d).*

16 **SEC. 914. INDEPENDENT ASSESSMENT OF COMBATANT**
17 **COMMAND STRUCTURE.**

18 (a) *ASSESSMENT REQUIRED.—Not later than 30 days*
19 *after the date of the enactment of this Act, the Secretary*
20 *of Defense shall enter into a contract with an independent*
21 *entity with appropriate expertise to conduct an assessment*
22 *on combatant command structure, and to provide rec-*
23 *ommendations for improving the overall effectiveness of*
24 *combatant command structures.*

1 (b) *ELEMENTS.*—*The assessment shall include an ex-*
2 *amination of the following:*

3 (1) *The evolution of combatant command re-*
4 *quirements and resources over the last 15 years of*
5 *conflict.*

6 (2) *The organization, composition, and size of*
7 *combatant commands.*

8 (3) *The resources of combatant commands, in-*
9 *cluding the degree to which combatant commands are*
10 *adequately resourced and the degree to which combat-*
11 *ant command requirements for forces are met.*

12 (4) *The benefits, drawbacks, and resource impli-*
13 *cations of eliminating, consolidating, or altering the*
14 *structure of combatant commands.*

15 (5) *A comparison of combatant command struc-*
16 *tures with alternative structures, including Joint*
17 *Task Force or task-organized forces below the combat-*
18 *ant command level.*

19 (c) *REPORT.*—*Not later than March 1, 2017, the Sec-*
20 *retary of Defense shall submit to the congressional defense*
21 *committees a report on the findings and recommendations*
22 *of the independent entity.*

1 **Subtitle B—Other Matters**

2 **SEC. 921. MODIFICATIONS TO CORROSION REPORT.**

3 (a) *MODIFICATIONS TO REPORT TO CONGRESS.*—Sec-
4 tion 2228(e)(1) of title 10, United States Code, is amend-
5 ed—

6 (1) *in the matter preceding subparagraph (A),*
7 *by inserting after “2009” the following: “and ending*
8 *with the budget submitted on or before January 31,*
9 *2021”;*

10 (2) *by amending subparagraph (B) to read as*
11 *follows:*

12 “(B) *The estimated composite return on invest-*
13 *ment achieved by implementing the strategy, and doc-*
14 *umented in the assessments by the Department of De-*
15 *fense of completed corrosion projects and activities.”;*

16 (3) *by amending subparagraph (D) to read as*
17 *follows:*

18 “(D) *If the full amount of funding requirements*
19 *is not requested in the budget, the reasons for not in-*
20 *cluding the full amount and a description of the im-*
21 *act on readiness, logistics, and safety of not fully*
22 *funding required corrosion prevention and mitigation*
23 *activities”;* and

24 (4) *in subparagraph (F), by striking “pilot”.*

1 **(b) REPORT TO DIRECTOR OF CORROSION POLICY AND**
2 **OVERSIGHT.—Section 2228(e)(2) of such title is amended—**

3 **(1) by inserting “(A)” before “Each report”;**

4 **(2) by striking “a copy of” and all that follows**
5 **through the period and inserting “a summary of the**
6 **most recent report required by subparagraph (B)”;**
7 **and**

8 **(3) by adding at the end the following new sub-**
9 **paragraph:**

10 **“(B) Not later than December 31 of each year, through**
11 **December 31, 2020, the corrosion control and prevention ex-**
12 **ecutive of a military department shall submit to the Direc-**
13 **tor of Corrosion Policy and Oversight a report containing**
14 **recommendations pertaining to the corrosion control and**
15 **prevention program of the military department. Such re-**
16 **port shall include recommendations for the funding levels**
17 **necessary for the executive to carry out the duties of the**
18 **executive under this section. The report required under this**
19 **subparagraph shall—**

20 **“(i) provide a summary of key accomplishments,**
21 **goals, and objectives of the corrosion control and pre-**
22 **vention program of the military department; and**

23 **“(ii) include the performance measures used to**
24 **ensure that the corrosion control and prevention pro-**

1 “(B) *the conversion to performance by military*
2 *personnel is cost effective, based on Department of De-*
3 *fense instruction 7041.04 (or any successor adminis-*
4 *trative regulation, directive, or policy).*

5 “(2) *Paragraph (1) shall not apply to the following*
6 *functions:*

7 “(A) *Functions required by law or regulation to*
8 *be performed by military personnel.*

9 “(B) *Functions related to—*

10 “(i) *missions involving operation risks and*
11 *combatant status under the Law of War;*

12 “(ii) *specialized collective and individual*
13 *training requiring military-unique knowledge*
14 *and skills based on recent operational experience;*

15 “(iii) *independent advice to senior civilian*
16 *leadership in the Department of Defense requir-*
17 *ing military-unique knowledge and skills based*
18 *on recent operational experience; and*

19 “(iv) *command and control arrangements*
20 *under chapter 47 of this title (the Uniform Code*
21 *of Military Justice).”.*

22 **SEC. 924. PUBLIC RELEASE BY INSPECTORS GENERAL OF**
23 **REPORTS OF MISCONDUCT.**

24 (a) *RELEASE OF INSPECTOR GENERAL OF THE DE-*
25 *PARTMENT OF DEFENSE ADMINISTRATIVE MISCONDUCT*

1 *REPORTS.*—Section 141 of title 10, United States Code, is
2 amended by adding at the end the following new subsection:

3 “(c) Within 60 days after issuing a final report, the
4 Inspector General of the Department of Defense shall pub-
5 licly release any reports of administrative investigations
6 that confirm misconduct, including violations of Federal
7 law and violations of policies of the Department of Defense,
8 of members of the Senior Executive Service, individuals who
9 are employed in positions of a confidential or policy-deter-
10 mining character under schedule C of subpart C of part
11 213 of title 5 of the Code of Federal Regulations, or commis-
12 sioned officers in the Armed Forces in pay grades O–6 pro-
13 motable and above. In releasing the reports, the Inspector
14 General shall ensure that information that would be pro-
15 tected under section 552 of title 5 (commonly known as the
16 ‘Freedom of Information Act’), section 552a of title 5 (com-
17 monly known as the ‘Privacy Act of 1974’), or section 6103
18 of the Internal Revenue Code of 1986 is not disclosed.”.

19 (b) *RELEASE OF INSPECTOR GENERAL OF THE ARMY*
20 *ADMINISTRATIVE MISCONDUCT REPORTS.*—Section 3020 of
21 such title is amended by adding at the end the following
22 new subsection:

23 “(f) Within 60 days after issuing a final report, the
24 Inspector General of the Army shall publicly release any
25 reports of administrative investigations that confirm mis-

1 *conduct, including violations of Federal law and violations*
2 *of policies of the Department of Defense, of members of the*
3 *Senior Executive Service, individuals who are employed in*
4 *positions of a confidential or policy-determining character*
5 *under schedule C of subpart C of part 213 of title 5 of the*
6 *Code of Federal Regulations, or commissioned officers in*
7 *the Armed Forces in pay grades O–6 promotable and above.*
8 *In releasing the reports, the Inspector General shall ensure*
9 *that information that would be protected under section 552*
10 *of title 5 (commonly known as the ‘Freedom of Information*
11 *Act’), section 552a of title 5 (commonly known as the ‘Pri-*
12 *vacy Act of 1974’), or section 6103 of the Internal Revenue*
13 *Code of 1986 is not disclosed.”.*

14 *(c) RELEASE OF NAVAL INSPECTOR GENERAL ADMIN-*
15 *ISTRATIVE MISCONDUCT REPORTS.—Section 5020 of such*
16 *title is amended by adding at the end the following new*
17 *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 Senior*
23 *Executive Service, individuals who are employed in posi-*
24 *tions of a confidential or policy-determining character*
25 *under schedule C of subpart C of part 213 of title 5 of the*

1 *Code of Federal Regulations, or commissioned officers in*
2 *the Armed Forces in pay grades O–6 promotable and above.*
3 *In releasing the reports, the Naval Inspector General shall*
4 *ensure that information that would be protected under sec-*
5 *tion 552 of title 5 (commonly known as the ‘Freedom of*
6 *Information Act’), section 552a of title 5 (commonly known*
7 *as the ‘Privacy Act of 1974’), or section 6103 of the Internal*
8 *Revenue Code of 1986 is not disclosed.’.*

9 *(d) RELEASE OF INSPECTOR GENERAL OF THE AIR*
10 *FORCE ADMINISTRATIVE MISCONDUCT REPORTS.—Section*
11 *8020 of such title is amended by adding at the end the fol-*
12 *lowing new subsection:*

13 *“(f) Within 60 days after issuing a final report, the*
14 *Inspector General of the Air Force shall publicly release any*
15 *reports of administrative investigations that confirm mis-*
16 *conduct, including violations of Federal law and violations*
17 *of policies of the Department of Defense, of members of the*
18 *Senior Executive Service, individuals who are employed in*
19 *positions of a confidential or policy-determining character*
20 *under schedule C of subpart C of part 213 of title 5 of the*
21 *Code of Federal Regulations, or commissioned officers in*
22 *the Armed Forces in pay grades O–6 promotable and above.*
23 *In releasing the reports, the Inspector General shall ensure*
24 *that information that would be protected under section 552*
25 *of title 5 (commonly known as the ‘Freedom of Information*

1 Act'), section 552a of title 5 (commonly known as the 'Pri-
2 vacy Act of 1974'), or section 6103 of the Internal Revenue
3 Code of 1986 is not disclosed.”.

4 **SEC. 925. MODIFICATIONS TO REQUIREMENTS FOR AC-**
5 **COUNTING FOR MEMBERS OF THE ARMED**
6 **FORCES AND DEPARTMENT OF DEFENSE CI-**
7 **VILIAN EMPLOYEES LISTED AS MISSING.**

8 (a) *LIMITATION OF DEFENSE POW/MIA ACCOUNTING*
9 *AGENCY TO MISSING PERSONS FROM PAST CONFLICTS.*—
10 Section 1501(a) of title 10, United States Code, is amend-
11 ed—

12 (1) in paragraph (1)(A), by inserting “from past
13 conflicts” after “matters relating to missing persons”;

14 (2) in paragraph (2)—

15 (A) by striking subparagraph (A);

16 (B) by redesignating subparagraphs (B),
17 (C), (D), (E), and (F) as subparagraphs (A),
18 (B), (C), (D), and (E), respectively; and

19 (C) by inserting “from past conflicts” after
20 “missing persons” each place it appears;

21 (3) in paragraph (4)—

22 (A) by striking “for personal recovery (in-
23 cluding search, rescue, escape, and evasion)
24 and”; and

1 (B) by inserting “from past conflicts” after
2 “missing persons”; and
3 (4) by striking paragraph (5).

4 (b) *ACTION UPON DISCOVERY OR RECEIPT OF INFOR-*
5 *MATION.*—Section 1505(c) of such title is amended by strik-
6 ing “designated Agency Director” in paragraphs (1), (2),
7 and (3) and inserting “Secretary of Defense”.

8 (c) *DEFINITION OF “ACCOUNTED FOR”.*—Section
9 1513(3)(B) of such title is amended by inserting “to the
10 extent practicable” after “are recovered”.

11 ***Subtitle C—Department of the Navy***
12 ***and Marine Corps***

13 ***SEC. 931. REDESIGNATION OF THE DEPARTMENT OF THE***
14 ***NAVY AS THE DEPARTMENT OF THE NAVY***
15 ***AND MARINE CORPS.***

16 (a) *REDESIGNATION OF MILITARY DEPARTMENT.*—
17 *The military department designated as the Department of*
18 *the Navy is redesignated as the Department of the Navy*
19 *and Marine Corps.*

20 (b) *REDESIGNATION OF SECRETARY AND OTHER*
21 *STATUTORY OFFICES.*—

22 (1) *SECRETARY.*—*The position of the Secretary*
23 *of the Navy is redesignated as the Secretary of the*
24 *Navy and Marine Corps.*

1 (2) *OTHER STATUTORY OFFICES.*—*The positions*
2 *of the Under Secretary of the Navy, the four Assistant*
3 *Secretaries of the Navy, and the General Counsel of*
4 *the Department of the Navy are redesignated as the*
5 *Under Secretary of the Navy and Marine Corps, the*
6 *Assistant Secretaries of the Navy and Marine Corps,*
7 *and the General Counsel of the Department of the*
8 *Navy and Marine Corps, respectively.*

9 **SEC. 932. CONFORMING AMENDMENTS TO TITLE 10, UNITED**
10 **STATES CODE.**

11 (a) *DEFINITION OF “MILITARY DEPARTMENT”.*—
12 *Paragraph (8) of section 101(a) of title 10, United States*
13 *Code, is amended to read as follows:*

14 “(8) *The term ‘military department’ means the*
15 *Department of the Army, the Department of the Navy*
16 *and Marine Corps, and the Department of the Air*
17 *Force.”.*

18 (b) *ORGANIZATION OF DEPARTMENT.*—*The text of sec-*
19 *tion 5011 of such title is amended to read as follows: “The*
20 *Department of the Navy and Marine Corps is separately*
21 *organized under the Secretary of the Navy and Marine*
22 *Corps.”.*

23 (c) *POSITION OF SECRETARY.*—*Section 5013(a)(1) of*
24 *such title is amended by striking “There is a Secretary of*

1 *the Navy” and inserting “There is a Secretary of the Navy*
2 *and Marine Corps”.*

3 (d) *CHAPTER HEADINGS.—*

4 (1) *The heading of chapter 503 of such title is*
5 *amended to read as follows:*

6 **“CHAPTER 503—DEPARTMENT OF THE**
7 **NAVY AND MARINE CORPS”.**

8 (2) *The heading of chapter 507 of such title is*
9 *amended to read as follows:*

10 **“CHAPTER 507—COMPOSITION OF THE DE-**
11 **PARTMENT OF THE NAVY AND MARINE**
12 **CORPS”.**

13 (e) *OTHER AMENDMENTS.—*

14 (1) *Title 10, United States Code, is amended by*
15 *striking “Department of the Navy” and “Secretary of*
16 *the Navy” each place they appear other than as speci-*
17 *fied in subsections (a), (b), (c), and (d) (including in*
18 *section headings, subsection captions, tables of chap-*
19 *ters, and tables of sections) and inserting “Depart-*
20 *ment of the Navy and Marine Corps” and “Secretary*
21 *of the Navy and Marine Corps”, respectively, in each*
22 *case with the matter inserted to be in the same type-*
23 *face and typestyle as the matter stricken.*

24 (2)(A) *Sections 5013(f), 5014(b)(2), 5016(a),*
25 *5017(2), 5032(a), and 5042(a) of such title are*

1 *section 2(b) shall be considered to be a reference to that offi-*
2 *cer as redesignated by that section.*

3 **SEC. 934. EFFECTIVE DATE.**

4 *This subtitle and the amendments made by this sub-*
5 *title shall take effect on the first day of the first month be-*
6 *ginning more than 60 days after the date of the enactment*
7 *of this Act.*

8 **TITLE X—GENERAL PROVISIONS**
9 **Subtitle A—Financial Matters**

10 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

11 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

12 *(1) AUTHORITY.—Upon determination by the*
13 *Secretary of Defense that such action is necessary in*
14 *the national interest, the Secretary may transfer*
15 *amounts of authorizations made available to the De-*
16 *partment of Defense in this division for fiscal year*
17 *2017 between any such authorizations for that fiscal*
18 *year (or any subdivisions thereof). Amounts of au-*
19 *thorizations so transferred shall be merged with and*
20 *be available for the same purposes as the authoriza-*
21 *tion to which transferred.*

22 *(2) LIMITATION.—Except as provided in para-*
23 *graph (3), the total amount of authorizations that the*
24 *Secretary may transfer under the authority of this*
25 *section may not exceed \$5,000,000,000.*

1 (3) *EXCEPTION FOR TRANSFERS BETWEEN MILI-*
2 *TARY PERSONNEL AUTHORIZATIONS.*—*A transfer of*
3 *funds between military personnel authorizations*
4 *under title IV shall not be counted toward the dollar*
5 *limitation in paragraph (2).*

6 (b) *LIMITATIONS.*—*The authority provided by sub-*
7 *section (a) to transfer authorizations—*

8 (1) *may only be used to provide authority for*
9 *items that have a higher priority than the items from*
10 *which authority is transferred; and*

11 (2) *may not be used to provide authority for an*
12 *item that has been denied authorization by Congress.*

13 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A trans-*
14 *fer made from one account to another under the authority*
15 *of this section shall be deemed to increase the amount au-*
16 *thorized for the account to which the amount is transferred*
17 *by an amount equal to the amount transferred.*

18 (d) *NOTICE TO CONGRESS.*—*The Secretary shall*
19 *promptly notify Congress of each transfer made under sub-*
20 *section (a).*

1 **SEC. 1002. REQUIREMENT TO TRANSFER FUNDS FROM DE-**
2 **PARTMENT OF DEFENSE ACQUISITION WORK-**
3 **FORCE DEVELOPMENT FUND TO THE TREAS-**
4 **URY.**

5 (a) *TRANSFER REQUIRED.*—During fiscal year 2017,
6 the Secretary of Defense shall transfer, from amounts avail-
7 able in the Department of Defense Acquisition Workforce
8 Development Fund from amounts credited to the Fund pur-
9 suant to section 1705(d)(2) of title 10, United States Code,
10 \$475,000,000 to the Secretary of the Treasury for deposit
11 in the general fund of the Treasury.

12 (b) *ADDITIONAL AUTHORITY.*—The transfer authority
13 provided by this section is in addition to any other transfer
14 authority contained in this Act.

15 **Subtitle B—Counter-Drug Activities**

16 **SEC. 1011. EXTENSION OF AUTHORITY TO PROVIDE ADDI-**
17 **TIONAL SUPPORT FOR COUNTER-DRUG AC-**
18 **TIVITIES OF FOREIGN GOVERNMENTS.**

19 Section 1033(a)(2) of the National Defense Authoriza-
20 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
21 Stat. 1881), as most recently amended by section 1012 of
22 the National Defense Authorization Act for Fiscal Year
23 2016 (Public Law 114–92; 129 Stat. 963), is further
24 amended by striking “September 30, 2017” and inserting
25 “September 30, 2019”.

1 **SEC. 1012. SECRETARY OF DEFENSE REVIEW OF CURRICULA**
2 **AND PROGRAM STRUCTURES OF NATIONAL**
3 **GUARD COUNTERDRUG SCHOOLS.**

4 (a) *IN GENERAL.*—Section 901 of the Office of Na-
5 tional Drug Control Policy Reauthorization Act of 2006
6 (Public Law 109–469; 32 U.S.C. 112 note) is amended—

7 (1) by redesignating subsections (e) through (g)
8 as subsections (f) through (h), respectively; and

9 (2) by inserting after subsection (d) the following
10 new subsection (e):

11 “(e) *CURRICULUM REVIEW.*—The Secretary of Defense
12 may review and approve the curriculum and program
13 structure of each school established under this section.”.

14 (b) *TECHNICAL AMENDMENT.*—Subsection (d)(1) of
15 such section is amended by striking “section 112(b) of that
16 title 32” and inserting “section 112(b) of title 32”.

17 **SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
18 **FIED COUNTERDRUG AND COUNTERTER-**
19 **RORISM CAMPAIGN IN COLOMBIA.**

20 Section 1021 of the Ronald W. Reagan National De-
21 fense Authorization Act for Fiscal Year 2005 (Public Law
22 108–375; 118 Stat. 2042), as most recently amended by sec-
23 tion 1011(a) of the National Defense Authorization Act for
24 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962), is
25 further amended—

1 (1) *in subsection (a), by striking “2017” and in-*
2 *serting “2018”; and*

3 (2) *in subsection (c), by striking “2017” and in-*
4 *serting “2018”.*

5 ***Subtitle C—Naval Vessels and***
6 ***Shipyards***

7 ***SEC. 1021. DEFINITION OF SHORT-TERM WORK WITH RE-***
8 ***SPECT TO OVERHAUL, REPAIR, OR MAINTEN-***
9 ***NANCE OF NAVAL VESSELS.***

10 *Section 7299a(c)(4) of title 10, United States Code, is*
11 *amended by striking “six months” and inserting “10*
12 *months”.*

13 ***SEC. 1022. WARRANTY REQUIREMENTS FOR SHIPBUILDING***
14 ***CONTRACTS.***

15 *(a) IN GENERAL.—Chapter 633 of title 10, United*
16 *States Code, is amended by adding at the end the following*
17 *new section:*

18 ***“§ 7318. Warranty requirements for shipbuilding con-***
19 ***tracts***

20 ***“(a) REQUIREMENT.—A contracting officer for a con-***
21 ***tract for which funds are expended from the Shipbuilding***
22 ***and Conversion, Navy account shall require, as a condition***
23 ***of the contract, that the work performed under the contract***
24 ***is covered by a warranty for a period of at least one year.***

1 “(b) *WAIVER.*—*If the contracting officer for a contract*
2 *covered by the requirement under subsection (a) determines*
3 *that a limited liability of warranted work is in the best*
4 *interest of the Government, the contracting officer may*
5 *agree to limit the liability of the work performed under the*
6 *contract to a level that the contracting officer determines*
7 *is sufficient to protect the interests of the Government and*
8 *in keeping with historical levels of warranted work on simi-*
9 *lar vessels.”.*

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

 “7318. *Warranty requirements for shipbuilding contracts.”.*

13 **SEC. 1023. NATIONAL SEA-BASED DETERRENCE FUND.**

14 (a) *TRANSFER AUTHORITY.*—*Section 1022(b)(1) of the*
15 *National Defense Authorization Act for Fiscal Year 2015*
16 *(Public Law 113–291; 128 Stat. 3487), as amended by sec-*
17 *tion 1022(b) of the National Defense Authorization Act for*
18 *Fiscal Year 2016 (Public Law 114–92), is further amended*
19 *by striking “or 2017” and inserting “2017, or 2018”.*

20 (b) *AUTHORITY FOR MULTIYEAR PROCUREMENT OF*
21 *CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRO-*
22 *DUCTION.*—*Section 2218a of title 10, United States Code,*
23 *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 following
2 new subsection (i):

3 “(i) *AUTHORITY FOR MULTIYEAR PROCUREMENT OF*
4 *CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRO-*
5 *DUCTION.—(1) To implement the continuous production of*
6 *critical components, the Secretary of the Navy may use*
7 *funds deposited in the Fund, in conjunction with funds ap-*
8 *propriated for the procurement of other nuclear-powered*
9 *vessels, to enter into one or more multiyear contracts (in-*
10 *cluding economic ordering quantity contracts), for the pro-*
11 *curement of critical contractor-furnished and Government-*
12 *furnished components for national sea-based deterrence ves-*
13 *sels. The authority under this subsection extends to the pro-*
14 *curement of equivalent critical parts, components, systems,*
15 *and subsystems common with and required for other nu-*
16 *clear-powered vessels.*

17 “(2) *Any contract entered into pursuant to paragraph*
18 *(1) shall provide that any obligation of the United States*
19 *to make a payment under the contract is subject to the*
20 *availability of appropriations for that purpose and that the*
21 *total liability to the Government for the termination of the*
22 *contract shall be limited to the total amount of funding obli-*
23 *gated for the contract as of the date of the 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 fis-*
6 *cal 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 INACTIVATION.*—
12 *None of the funds authorized to be appropriated by this Act*
13 *or otherwise made available for the Department of Defense*
14 *for fiscal year 2017 may be obligated or expended—*

15 (1) *to retire, prepare to retire, or inactivate a*
16 *cruiser or dock landing ship; or*

17 (2) *to place in a modernization status more than*
18 *six cruisers and one dock landing ship identified in*
19 *section 1026(a)(2) of the Carl Levin and Howard P.*
20 *“Buck” McKeon National Defense Authorization Act*
21 *for Fiscal Year 2015 (Public Law 113–291; 128 Stat.*
22 *3490).*

23 (b) *HULL, MECHANICAL, AND ELECTRICAL MOD-*
24 *ERNIZATION.*—*Not more than 75 percent of the funds made*
25 *available for the Office of the Secretary of Defense for fiscal*

1 *year 2017 may be obligated until the Secretary of the*
2 *Navy—*

3 (1) *enters into a contract for the modernization*
4 *industrial period associated with four cruisers and*
5 *one dock landing ship referred to in section*
6 *1026(a)(2) of the Carl Levin and Howard P. “Buck”*
7 *McKeon National Defense Authorization Act for Fis-*
8 *cal Year 2015 (Public Law 113–291; 128 Stat. 3490);*
9 *and*

10 (2) *enters into a contract for the procurement of*
11 *combat systems upgrades associated with six such*
12 *cruisers and one such dock landing ship.*

13 **SEC. 1025. RESTRICTIONS ON THE OVERHAUL AND REPAIR**
14 **OF VESSELS IN FOREIGN SHIPYARDS.**

15 (a) *IN GENERAL.—Section 7310(b)(1) of title 10,*
16 *United States Code, is amended—*

17 (1) *by striking “In the case” and inserting “(A)*
18 *Except as provided in subparagraph (B), in the*
19 *case”;*

20 (2) *by striking “during the 15-month” and all*
21 *that follows through “United States)”;*

22 (3) *by inserting before the period at the end the*
23 *following: “, other than in the case of voyage repairs”;*
24 *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 sub-
8 section (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 title
17 10, United States Code is amended by striking “quarterly”
18 and inserting “monthly”.

19 (b) *SECTION HEADING.*—The section heading for such
20 section is amended by striking “**Quarterly**” and insert-
21 ing “**Monthly**”.

22 (c) *CLERICAL AMENDMENT.*—The table of sections at
23 the beginning of chapter 23 of such title is amended by
24 striking the item relating to section 485 and inserting the
25 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 otherwise*
6 *made available for the Department of Defense may be used*
7 *during the period beginning on the date of the enactment*
8 *of this Act and ending on December 31, 2017, to transfer,*
9 *release, or assist in the transfer or release to or within the*
10 *United States, its territories, or possessions of Khalid*
11 *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, 2009,*
15 *at United States Naval Station, Guantanamo Bay,*
16 *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 the*
25 *date of the enactment of this Act and ending on December*
26 *31, 2017, to construct or modify any facility in the United*

1 *States, its territories, or possessions to house any individual*
2 *detained at Guantanamo for the purposes of detention or*
3 *imprisonment in the custody or under the control of the*
4 *Department of Defense unless authorized by Congress.*

5 (b) *EXCEPTION.—The prohibition in subsection (a)*
6 *shall not apply to any modification of facilities at United*
7 *States Naval Station, Guantanamo Bay, Cuba.*

8 (c) *INDIVIDUAL DETAINED AT GUANTANAMO DE-*
9 *FINED.—In this section, the term “individual detained at*
10 *Guantanamo” has the meaning given that term in section*
11 *1034(f)(2) of the National Defense Authorization Act for*
12 *Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10*
13 *U.S. C. 801 note).*

14 **SEC. 1034. PROHIBITION ON USE OF FUNDS FOR TRANSFER**
15 **OR RELEASE TO CERTAIN COUNTRIES OF IN-**
16 **DIVIDUALS DETAINED AT UNITED STATES**
17 **NAVAL STATION, GUANTANAMO BAY, CUBA.**

18 *No amounts authorized to be appropriated or otherwise*
19 *made available for the Department of Defense may be used*
20 *during the period beginning on the date of the enactment*
21 *of this Act and ending on December 31, 2017, to transfer,*
22 *release, or assist in the transfer or release of any individual*
23 *detained in the custody or under the control of the Depart-*
24 *ment of Defense at United States Naval Station, Guanta-*

1 *namo Bay, Cuba, to the custody or control of any country,*
2 *or any entity within such country, as follows:*

3 (1) *Libya.*

4 (2) *Somalia.*

5 (3) *Syria.*

6 (4) *Yemen.*

7 **SEC. 1035. PROHIBITION ON USE OF FUNDS FOR REALIGN-**
8 **MENT OF FORCES AT OR CLOSURE OF**
9 **UNITED STATES NAVAL STATION, GUANTA-**
10 **NAMO BAY, CUBA.**

11 *No amounts authorized to be appropriated or otherwise*
12 *made available for the Department of Defense for fiscal year*
13 *2017 may be used—*

14 (1) *to close or abandon United States Naval Sta-*
15 *tion, Guantanamo Bay, Cuba;*

16 (2) *to relinquish control of Guantanamo Bay to*
17 *the Republic of Cuba; or*

18 (3) *to implement a material modification to the*
19 *Treaty Between the United States of America and*
20 *Cuba signed at Washington, D.C. on May 29, 1934,*
21 *that constructively closes United States Naval Sta-*
22 *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 amend-*
4 *ed—*

5 *(1) in subsection (a)—*

6 *(A) in the first sentence, by inserting “no*
7 *later than 48 hours” after “under this title”; and*

8 *(B) in the second sentence, by inserting*
9 *“and the National Defense Authorization Act for*
10 *Fiscal Year 2017” before the period at the end;*
11 *and*

12 *(2) by striking subsection (d) and inserting the*
13 *following:*

14 *“(d) SENSITIVE MILITARY OPERATION DEFINED.—In*
15 *this section, the term ‘sensitive military operation’ means*
16 *an operation—*

17 *“(1) conducted by the United States armed forces*
18 *outside the United States, whether conducted by the*
19 *United States acting alone or cooperatively;*

20 *“(2) conducted pursuant to—*

21 *“(A) the Authorization for the Use of Mili-*
22 *tary Force (Public Law 107–40; 50 U.S.C.*
23 *1541); or*

24 *“(B) any other authority except—*

25 *“(i) a declaration of war; or*

1 “(ii) a specific statutory authorization
2 for the use of force other than the authoriza-
3 tion 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 self
10 defense, or in defense of a foreign partner during
11 a cooperative operation.”.

12 **SEC. 1037. COMPREHENSIVE STRATEGY FOR DETENTION OF**
13 **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, sub-
17 mit to the appropriate congressional committees a report
18 setting forth the details of a comprehensive strategy for the
19 detention of current and future individuals captured and
20 held pursuant to the Authorization for Use of Military
21 Force (Public Law 107–40) pending the end of hostilities.

22 (b) *COMPREHENSIVE STRATEGY.*—The comprehensive
23 detention strategy required by subsection (a) shall contain
24 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 information*
5 *is currently gathered from individuals captured in*
6 *theaters of combat operation.*

7 (3) *A plan for the disposition of individuals cap-*
8 *tured 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 held*
12 *pursuant to the Authorization for Use of Military*
13 *Force who are currently detained at the United States*
14 *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.*—*In*
19 *this section, the term “appropriate congressional commit-*
20 *tees” means—*

21 (1) *the congressional defense committees;*

22 (2) *the Permanent Select Committee on Intel-*
23 *ligence of the House of Representatives and the Select*
24 *Committee on Intelligence of the Senate; and*

1 (3) *the Committee on Foreign Affairs of the*
2 *House of Representatives and the Committee on For-*
3 *ign Relations of the Senate.*

4 ***Subtitle E—Miscellaneous***
5 ***Authorities and Limitations***

6 **SEC. 1041. EXPANDED AUTHORITY FOR TRANSPORTATION**
7 ***BY THE DEPARTMENT OF DEFENSE OF NON-***
8 ***DEPARTMENT OF DEFENSE PERSONNEL AND***
9 ***CARGO.***

10 (a) *TRANSPORTATION OF ALLIED AND CIVILIAN PER-*
11 *SONNEL AND CARGO.*—*Subsection (c) of section 2649 of title*
12 *10, United States Code, is amended—*

13 (1) *in the subsection heading, by striking “PER-*
14 *SONNEL” and inserting “AND CIVILIAN PERSONNEL*
15 *AND CARGO”;*

16 (2) *by striking “Until January 6, 2016, when”*
17 *and inserting “When”; and*

18 (3) *by striking “allied forces or civilians”, and*
19 *inserting “allied and civilian personnel and cargo”.*

20 (b) *COMMERCIAL INSURANCE.*—*Such section is further*
21 *amended by adding at the end the following new subsection:*

22 “(d) *COMMERCIAL INSURANCE.*—*The Secretary may*
23 *enter into a contract or other arrangement with one or more*
24 *commercial providers to make insurance products available*
25 *to non-Department of Defense shippers using the Defense*

1 *Transportation System to insure against the loss or damage*
2 *of the shipper's cargo. Any such contract or arrangement*
3 *shall provide that—*

4 “(1) any insurance premium is collected by the
5 commercial provider;

6 “(2) any claim for loss or damage is processed
7 and paid by the commercial provider;

8 “(3) the commercial provider agrees to hold the
9 United States harmless and waive any recourse
10 against the United States for amounts paid to an in-
11 sured as a result of a claim; and

12 “(4) the contract between the commercial pro-
13 vider and the insured shall contain a provision
14 whereby the insured waives any claim against the
15 United States for loss or damage that is within the
16 scope of enumerated risks covered by the insurance
17 product.”.

18 (c) *CONFORMING CROSS-REFERENCE AMENDMENTS.—*
19 *Subsection (b) of such section is amended by striking “this*
20 *section” both places it appears and inserting “subsection*
21 *(a)”.*

1 **SEC. 1042. LIMITATION ON RETIREMENT, DEACTIVATION,**
2 **OR DECOMMISSIONING OF MINE COUNTER-**
3 **MEASURES SHIPS.**

4 *Section 1090 of the National Defense Authorization*
5 *Act for Fiscal Year 2016 (Public Law 111–92; 129 Stat.*
6 *1016) is amended by striking subsection (b) and inserting*
7 *the following:*

8 “(b) *LIMITATION ON RETIREMENT OF MCM SHIPS.—*

9 *“(1) IN GENERAL.—None of the funds authorized*
10 *to be appropriated by this Act or otherwise made*
11 *available for the Department of the Navy for fiscal*
12 *year 2017 may be obligated or expended to retire, de-*
13 *activate, decommission, to prepare to retire, deacti-*
14 *vate, decommission, or to place in storage backup in-*
15 *ventory or reduced operating status any MCM-1 class*
16 *ship.*

17 “(2) *WAIVER AUTHORITY.—*

18 *“(A) IN GENERAL.—The Secretary of the*
19 *Navy may waive the limitation under paragraph*
20 *(1) with respect to any MCM-1 class ship if the*
21 *Secretary provides to the congressional defense*
22 *committees certification that the operational test*
23 *and evaluation for replacement capabilities for*
24 *the ship is complete and such capabilities are*
25 *available in sufficient quantities to ensure suffi-*
26 *cient mine countermeasures capacity is available*

1 to meet requirements as set forth in the Joint
2 Strategic Capabilities Plan, the campaign plans
3 of the combatant commanders, and the Navy's
4 Force Structure Assessment.

5 “(B) REPORT.—The first time the Secretary
6 of the Navy exercises the waiver authority under
7 subparagraph (A), the Secretary shall submit to
8 the congressional defense committees a report
9 that includes—

10 “(i) the recommendations of the Sec-
11 retary regarding MCM force structure;

12 “(ii) the recommendations of the Sec-
13 retary regarding how to ensure the oper-
14 ational effectiveness of the surface MCM
15 force through 2025 based on current capa-
16 bilities and capacity, replacement schedules,
17 and service life extensions or retirement
18 schedules;

19 “(iii) an assessment of the MCM ves-
20 sels, including the decommissioned MCM-1
21 and MCM-2 ships and the potential of such
22 ships for reserve operating status; and

23 “(iv) an assessment of the Littoral
24 Combat Ship MCM mission package incre-

1 *ment one performance against the initial*
2 *operational test and evaluation criteria.”.*

3 **SEC. 1043. EXTENSION OF AUTHORITY OF SECRETARY OF**
4 **TRANSPORTATION TO ISSUE NON-PREMIUM**
5 **AVIATION INSURANCE.**

6 *Section 44310(b) of title 49, United States Code, is*
7 *amended by striking “December 31, 2018” and inserting*
8 *“December 31, 2019”.*

9 **SEC. 1044. EVALUATION OF NAVY ALTERNATE COMBINA-**
10 **TION COVER AND UNISEX COMBINATION**
11 **COVER.**

12 *(a) MANDATORY POSSESSION OR WEAR DATE.—The*
13 *Secretary of the Navy shall change the mandatory posses-*
14 *sion or wear date of the alternate combination cover or the*
15 *unisex combination cover from October 31, 2016, to October*
16 *31, 2020.*

17 *(b) EVALUATION AND REPORT.—The Secretary of the*
18 *Navy may not implement or enforce any change to Navy*
19 *female service dress uniforms until the Secretary submits*
20 *to the Committees on Armed Services of the Senate and*
21 *House of Representatives a report on the evaluation of the*
22 *Navy female service dress uniforms. Such evaluation shall*
23 *include each of the following:*

1 (1) *An identification of the operational need ad-*
2 *dressed by the alternate combination cover or the uni-*
3 *sex combination cover.*

4 (2) *An assessment of the individual cost of serv-*
5 *ice dress uniform items to members of the Armed*
6 *Forces as a percentage of their monthly pay.*

7 (3) *The composition of each uniform item's wear*
8 *test group.*

9 (4) *An identification of the costs to the Navy and*
10 *to individual members of the Armed Forces for uni-*
11 *form changes identified in the Navy administrative*
12 *message 236/15 dated October 9, 2015.*

13 (5) *The opinions of female members of the Navy*
14 *active and reserve components.*

15 **SEC. 1045. DEPARTMENT OF DEFENSE PROTECTION OF NA-**
16 **TIONAL SECURITY SPECTRUM.**

17 (a) *EVALUATION.*—*The Secretary of Defense and the*
18 *Chairman of the Joint Chiefs of Staff shall jointly evalu-*
19 *ate—*

20 (1) *the statutory and regulatory options avail-*
21 *able to the Secretary and the Chairman to protect*
22 *critical test and training capability in the event of*
23 *spectrum auctions affecting frequencies used by the*
24 *Department of Defense; and*

1 (2) *the utility, effect, and limitation, if any, of*
2 *section 1062 of the National Defense Authorization*
3 *Act for Fiscal Year 2000 (Public Law 106–65; 113*
4 *Stat. 767).*

5 (b) *SUBMISSION.*—*Not later than 90 days after the*
6 *date of the enactment of this Act, the Secretary and the*
7 *Chairman shall submit to the congressional defense commit-*
8 *tees the evaluation under subsection (a), including any rec-*
9 *ommendations of the Secretary and the Chairman for addi-*
10 *tional statutory or regulatory options that would enhance*
11 *the ability of the Secretary and the Chairman to protect*
12 *national security equities.*

13 **SEC. 1046. TRANSPORTATION ON MILITARY AIRCRAFT ON A**
14 **SPACE-AVAILABLE BASIS FOR MEMBERS AND**
15 **FORMER MEMBERS OF THE ARMED FORCES**
16 **WITH DISABILITIES RATED AS TOTAL.**

17 (a) *AVAILABILITY OF TRANSPORTATION.*—*Section*
18 *2641b of title 10, United States Code, is amended—*

19 (1) *by redesignating subsection (f) as subsection*
20 *(g); and*

21 (2) *by inserting after subsection (e) the following*
22 *new subsection (f):*

23 “(f) *SPECIAL PRIORITY FOR CERTAIN DISABLED VET-*
24 *ERANS.*—(1) *The Secretary of Defense shall provide trans-*
25 *portation on scheduled and unscheduled military flights*

1 *within the continental United States and on scheduled over-*
2 *seas flights operated by the Air Mobility Command on a*
3 *space-available basis for any member or former member of*
4 *the armed forces with a disability rated as total on the same*
5 *basis as such transportation is provided to members of the*
6 *armed forces entitled to retired or retainer pay.*

7 “(2) *The transportation priority required by para-*
8 *graph (1) for veterans described in such paragraph applies*
9 *whether or not the Secretary establishes the travel program*
10 *authorized by this section.*

11 “(3) *In this subsection, the term ‘disability rated as*
12 *total’ has the meanings given that term in section*
13 *1414(e)(3) of this title.”.*

14 **(b) EFFECTIVE DATE.**—*Subsection (f) of section 2641b*
15 *of title 10, United States Code, as added by subsection (a),*
16 *shall take effect at the end of the 90-day period beginning*
17 *on the date of the enactment of this Act.*

18 **SEC. 1047. NATIONAL GUARD FLYOVERS OF PUBLIC**
19 **EVENTS.**

20 **(a) STATEMENT OF POLICY.**—*It shall be the policy of*
21 *the Department of Defense that flyovers of public events in*
22 *support of community relations activities may only be*
23 *flown as part of an approved training mission at no addi-*
24 *tional expense to the Federal Government.*

1 (b) *NATIONAL GUARD FLYOVER APPROVAL PROC-*
2 *ESS.—The Adjutant General of a State in which an Army*
3 *National Guard or Air National Guard unit is based will*
4 *be the approval authority for all Air National Guard and*
5 *Army National Guard flyovers in that State, including any*
6 *request for a flyover in any civilian domain at a nonavia-*
7 *tion related event.*

8 (c) *FLYOVER RECORD MAINTENANCE; REPORT.—*

9 (1) *RECORD MAINTENANCE.—The Secretary of*
10 *Defense shall keep and maintain records of flyover re-*
11 *quests and approvals in a publicly accessible database*
12 *that is updated annually.*

13 (2) *GAO REPORT.—Not later than one year after*
14 *the date of the enactment of this Act, the Comptroller*
15 *General of the United States shall submit to the Com-*
16 *mittee on Armed Services of the House of Representa-*
17 *tives and the Committee on Armed Services of the*
18 *Senate a report on flyovers and the process whereby*
19 *flyover requests are made and evaluated, including—*

20 (A) *whether there is any cost to taxpayers*
21 *associated with flyovers;*

22 (B) *whether there is any appreciable public*
23 *relations or recruitment value that comes from*
24 *flyovers; and*

1 (C) *the impact flyovers have to aviator*
2 *training and readiness.*

3 (d) *FLYOVER DEFINED.*—*In this section, the term “fly-*
4 *over” means aviation support—*

5 (1) *in which a straight and level flight limited*
6 *to one pass by a single military aircraft, or by a sin-*
7 *gle formation of four or fewer military aircraft of the*
8 *same type, from the same military department over*
9 *a predetermined point on the ground at a specific*
10 *time;*

11 (2) *that does not involve aerobatics or dem-*
12 *onstrations; and*

13 (3) *uses bank angles of up to 90 degrees if re-*
14 *quired to improve the spectator visibility of the air-*
15 *craft.*

16 ***Subtitle F—Studies and Reports***

17 ***SEC. 1061. TEMPORARY CONTINUATION OF CERTAIN DE-*** 18 ***PARTMENT OF DEFENSE REPORTING RE-*** 19 ***QUIREMENTS.***

20 (a) *EXCEPTIONS TO REPORTS TERMINATION PROVI-*
21 *SION.*—*Section 1080 of the National Defense Authorization*
22 *Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.*
23 *1000; 10 U.S.C. 111 note) does not apply to any report*
24 *required to be submitted to Congress by the Department of*
25 *Defense, or by any officer, official, component, or element*

1 *of the Department, pursuant to a provision of law specified*
2 *in this section, notwithstanding the enactment of the report-*
3 *ing requirement by an annual national defense authoriza-*
4 *tion Act or the inclusion of the report in the list of reports*
5 *prepared by the Secretary of Defense pursuant to subsection*
6 *(c) of such section 1080.*

7 *(b) FINAL TERMINATION DATE FOR SUBMITTAL OF*
8 *EXEMPTED REPORTS.—*

9 *(1) IN GENERAL.—Except as provided in para-*
10 *graph (2), each report required pursuant to a provi-*
11 *sion of law specified in this section that is still re-*
12 *quired to be submitted to Congress as of January 31,*
13 *2021, shall no longer be required to be submitted to*
14 *Congress after that date.*

15 *(2) REPORTS EXEMPTED FROM TERMINATION.—*
16 *The termination dates specified in paragraph (1) and*
17 *section 1080 of the National Defense Authorization*
18 *Act for Fiscal Year 2016 do not apply to the fol-*
19 *lowing:*

20 *(A) The submission of the reports on the*
21 *National Military Strategy and Risk Assessment*
22 *under section 153(b)(3) of title 10, United States*
23 *Code.*

1 (B) *The submission of the future-years de-*
2 *fense program (including associated annexes)*
3 *under section 221 of title 10, United States Code.*

4 (C) *The submission of the future-years mis-*
5 *sion budget for the military programs of the De-*
6 *partment of Defense under section 221 of such*
7 *title.*

8 (D) *The submission of audits of contracting*
9 *compliance by the Inspector General of the De-*
10 *partment of Defense under section 1601(b) of the*
11 *National Defense Authorization Act for Fiscal*
12 *Year 2014 (Public Law 113–66; 10 U.S.C. 2533a*
13 *note)*

14 (c) *REPORTS REQUIRED BY TITLE 10, UNITED*
15 *STATES CODE.—Subject to subsection (b), subsection (a)*
16 *applies to reporting requirements contained in the following*
17 *sections of title 10, United States Code:*

18 (1) *Section 127b(f), relating to a report on the*
19 *administration of Department of Defense rewards*
20 *program against international terrorism.*

21 (2) *Section 127d(d), relating to a report on pro-*
22 *vision of logistic support, supplies, and services to al-*
23 *lied forces participating in combined operations.*

24 (3) *Section 139(h), relating to a report on oper-*
25 *ational test and evaluation activities of the Depart-*

1 *ment of Defense, including the report component re-*
2 *quired by section 2399(g) on operational test and*
3 *evaluation of defense acquisition programs.*

4 (4) *Section 139b(d), relating to a report on ac-*
5 *tivities of the Deputy Assistant Secretary of Defense*
6 *for Developmental Test and Evaluation.*

7 (5) *Sections 153(c), relating to a report on the*
8 *requirements of the combatant commands.*

9 (6) *Section 179(f), relating to reports and assess-*
10 *ments regarding nuclear stockpile and stockpile stew-*
11 *ardship program.*

12 (7) *Section 196(d), relating to a report on the*
13 *strategic plan reflecting the needs of the Department*
14 *of Defense with respect to test and evaluation facili-*
15 *ties and resources.*

16 (8) *Section 229, relating to submission of budget*
17 *information regarding Department of Defense pro-*
18 *grams for combating terrorism.*

19 (9) *Section 231, relating to submission of naval*
20 *vessel construction plan and related certification.*

21 (10) *Section 238, relating to submission of a*
22 *budget justification display regarding cyber mission*
23 *forces.*

1 (11) *Section 401(d), relating to a report on the*
2 *provision of humanitarian and civic assistance in*
3 *conjunction with military operations.*

4 (12) *Section 494(b), relating to a report on the*
5 *nuclear weapons stockpile of the United States.*

6 (13) *Section 526(j), relating to a report on gen-*
7 *eral officer and flag officer numbers.*

8 (14) *Section 981(e), relating to a report on en-*
9 *listed aide numbers.*

10 (15) *Section 1557(e), relating to a report on any*
11 *failure to achieve timeliness standard for disposition*
12 *of applications before Corrections Boards.*

13 (16) *Section 2011(e), relating to a report on*
14 *training of special operations forces with friendly for-*
15 *eign forces.*

16 (17) *Section 2166(i), relating to a report on the*
17 *activities of the Western Hemisphere Institute for Se-*
18 *curity Cooperation.*

19 (18) *Section 2218(h), relating to submission of*
20 *budget requests for the National Defense Sealift Fund.*

21 (19) *Section 2228(e), relating to a report on the*
22 *long-term strategy and related matters regarding re-*
23 *ducing corrosion and its effects on military equip-*
24 *ment and infrastructure.*

1 (20) *Section 2229a, relating to a report on the*
2 *status of materiel in the prepositioned stocks.*

3 (21) *Section 2249c(c), relating to a report on the*
4 *administration of the Regional Defense Combating*
5 *Terrorism Fellowship Program.*

6 (22) *Section 2275, relating to reports on major*
7 *satellite acquisition programs, including report up-*
8 *dates under subsection (f) of such section.*

9 (23) *Section 2276(e), relating to a report on the*
10 *funas, services, and equipment accepted and used in*
11 *connection with commercial space launch cooperation.*

12 (24) *Section 2445b, relating to submission of*
13 *budget justification documents regarding major auto-*
14 *mated information system programs and other major*
15 *information technology investment programs.*

16 (25) *Section 2464(d), relating to a report on core*
17 *depot-level maintenance and repair capabilities.*

18 (26) *Section 2466(d), relating to a report on ex-*
19 *penditures for performance of depot-level maintenance*
20 *and repair workloads.*

21 (27) *Section 2561(c), relating to a report on the*
22 *use of humanitarian assistance for providing trans-*
23 *portation of humanitarian relief and for other hu-*
24 *manitarian purposes.*

1 (28) *Section 2684a(g), relating to a report on*
2 *projects undertaken under agreements to limit en-*
3 *croachments and other constraints on military train-*
4 *ing, testing, and operations.*

5 (29) *Section 2687a, relating to reports on the*
6 *status of overseas closures and realignments and mas-*
7 *ter plans, expenditures from the Department of De-*
8 *fense Overseas Facility Investment Recovery Account,*
9 *and agreement of settlement with host countries re-*
10 *garding the release of facility improvements made by*
11 *the United States.*

12 (30) *Section 2711, relating to a report on defense*
13 *environmental programs.*

14 (31) *Sections 2831(e) and 2884(b)(4), relating to*
15 *reports on quarters for general or flag officers.*

16 (32) *Sections 2884(b) and (c), relating to reports*
17 *on the Department of Defense Housing Funds, provi-*
18 *sion of a basic allowance for housing to members of*
19 *the Armed Forces living in military privatized hous-*
20 *ing, plans for housing privatization activities, and*
21 *the status of oversight and accountability measures*
22 *for military housing privatization projects.*

23 (33) *Section 2912(d), relating to a statement of*
24 *the energy cost savings available for obligation.*

1 (34) *Section 2925, relating to reports on Depart-*
2 *ment of Defense energy management and operational*
3 *energy.*

4 (35) *Section 4721(e), relating to submission of a*
5 *budget request and related materials regarding Army*
6 *National Military Cemeteries.*

7 (36) *Section 7310(c), relating to a report on re-*
8 *pairs and maintenance performed on certain naval*
9 *vessels in a foreign shipyard.*

10 (37) *Section 10541, relating to a report on*
11 *equipment of the National Guard and other reserve*
12 *components.*

13 (38) *Section 10543, relating to a component of*
14 *the future-years defense program regarding National*
15 *Guard and other reserve components equipment pro-*
16 *curement and military construction funding and as-*
17 *sociated annexes and report.*

18 (d) *REPORTS REQUIRED BY NATIONAL DEFENSE AU-*
19 *THORIZATION ACT FOR FISCAL YEAR 2015.—Subject to*
20 *subsection (b), subsection (a) applies to reporting require-*
21 *ments contained in the following sections of the Carl Levin*
22 *and Howard P. “Buck” McKeon National Defense Author-*
23 *ization Act for Fiscal Year 2015 (Public Law 113–291):*

24 (1) *Section 232(e) (10 U.S.C. 2358 note), relat-*
25 *ing to a report on the pilot program on assignment*

1 to the Defense Advanced Research Projects Agency of
2 certain private sector personnel.

3 (2) Section 546(d) (10 U.S.C. 1561 note), relat-
4 ing to a report on activities of the Defense Advisory
5 Committee on Investigation, Prosecution, and Defense
6 of Sexual Assault in the Armed Forces.

7 (3) Section 1003 (10 U.S.C. 221 note), relating
8 to reporting of balances carried forward by the De-
9 partment of Defense at the end of each fiscal year.

10 (4) Section 1026(d) (128 Stat. 3490), relating to
11 a report on the status of the modernization of Ticon-
12 deroga-class cruisers and dock landing ships.

13 (5) Section 1055 (128 Stat. 3498), relating to a
14 report on the Air Force response to the recommenda-
15 tions of the National Commission on the Structure of
16 the Air Force.

17 (6) Section 1204(b) (10 U.S.C. 2249e note), re-
18 lating to a report on administration of section 2249e
19 of title 10, United States Code.

20 (7) Section 1205(e) (128 Stat. 3537), relating to
21 a report on the assessment of programs carried out
22 under section 2282(f) of title 10, United States Code.

23 (8) Section 1206(e) (10 U.S.C. 2282 note), relat-
24 ing to a report on the training of security forces and

1 *associated security ministries of foreign countries to*
2 *promote respect for the rule of law and human rights.*

3 *(9) Section 1207(d) (10 U.S.C. 2342 note), relat-*
4 *ing to a report on loan of personnel protection and*
5 *personnel survivability equipment to military forces*
6 *of foreign nations.*

7 *(10) Section 1211 (128 Stat. 3544), relating to*
8 *a report on programs carried out by the Department*
9 *of Defense to provide training, equipment, or other*
10 *assistance or reimbursement to foreign security forces.*

11 *(11) Section 1225 (128 Stat. 3550), relating to*
12 *a report on enhancing security and stability in Af-*
13 *ghanistan.*

14 *(12) Section 1245 (128 Stat. 3566), relating to*
15 *a report on military and security developments in-*
16 *volving the Russian Federation.*

17 *(13) Section 2821(a)(3) (10 U.S.C. 2687 note),*
18 *relating to notice of any adjustment to the funding*
19 *limitation on implementation of the Record of Deci-*
20 *sion for the relocation of Marine Corps forces to*
21 *Guam.*

22 *(e) REPORTS REQUIRED BY NATIONAL DEFENSE AU-*
23 *THORIZATION ACT FOR FISCAL YEAR 2014.—Subject to*
24 *subsection (b), subsection (a) applies to reporting require-*
25 *ments contained in the following sections of the National*

1 *Defense Authorization Act for Fiscal Year 2014 (Public*
2 *Law 113–66):*

3 (1) *Section 704(e) (10 U.S.C. 1074 note), relat-*
4 *ing to a report on the pilot program on investiga-*
5 *tional treatment of members of the Armed Forces for*
6 *traumatic brain injury and post-traumatic stress dis-*
7 *order.*

8 (2) *Sections 713(f), (g), and (h) (10 U.S.C. 1071*
9 *note), relating to providing a financial summary of*
10 *efforts to develop interoperable electronic health*
11 *records, updates on the progress of data sharing, and*
12 *information on executive committee activities.*

13 (f) *REPORTS REQUIRED BY NATIONAL DEFENSE AU-*
14 *THORIZATION ACT FOR FISCAL YEAR 2013.—Subject to*
15 *subsection (b), subsection (a) applies to reporting require-*
16 *ments contained in the following sections of the National*
17 *Defense Authorization Act for Fiscal Year 2013 (Public*
18 *Law 112–239):*

19 (1) *Section 1009 (126 Stat. 1906), relating to a*
20 *report on the use of funds in the Drug Interdiction*
21 *and Counter-Drug Activities, Defense-wide account.*

22 (2) *Section 1023 (126 Stat. 1911), relating to a*
23 *report on recidivism of individuals who have been de-*
24 *tained at United States Naval Station, Guantanamo*
25 *Bay, Cuba.*

1 (g) *REPORTS REQUIRED BY NATIONAL DEFENSE AU-*
2 *THORIZATION ACT FOR FISCAL YEAR 2011.*—Subject to
3 *subsection (b), subsection (a) applies to reporting require-*
4 *ments contained in the following sections of the Ike Skelton*
5 *National Defense Authorization Act for Fiscal Year 2011*
6 *(Public Law 111–383):*

7 (1) *Section 123 (10 U.S.C. 167 note), relating to*
8 *a report on use of combat mission requirements funds.*

9 (2) *Section 1631(d) (10 U.S.C. 1561 note), relat-*
10 *ing to a report on sexual assaults involving members*
11 *of the Armed Forces and improvement to sexual as-*
12 *sault prevention and response program.*

13 (h) *REPORTS REQUIRED BY NATIONAL DEFENSE AU-*
14 *THORIZATION ACT FOR FISCAL YEAR 2010.*—Subject to
15 *subsection (b), subsection (a) applies to reporting require-*
16 *ments contained in the following sections of the National*
17 *Defense Authorization Act for Fiscal Year 2010 (Public*
18 *Law 111–84):*

19 (1) *Section 711(d) (10 U.S.C. 1071 note), relat-*
20 *ing to a report on the comprehensive policy on pain*
21 *management by the Military Health Care System.*

22 (2) *Section 1003(b) (10 U.S.C. 2222 note), relat-*
23 *ing to a report on implementation by the Department*
24 *of Defense of the Financial Improvement and Audit*
25 *Readiness Plan.*

1 (3) *Section 1245 (123 Stat. 2542), relating to a*
2 *report on military power of Iran.*

3 (i) *REPORTS REQUIRED BY OTHER LAWS.—Subject to*
4 *subsection (b), subsection (a) applies to reporting require-*
5 *ments contained in the following provisions of law:*

6 (1) *Section 717(c) of the National Defense Au-*
7 *thorization Act for Fiscal Year 1996 (Public Law*
8 *104–106; 10 U.S.C. 1073 note), relating to a report*
9 *on TRICARE Program effectiveness.*

10 (2) *Section 1202 of the National Defense Author-*
11 *ization Act for Fiscal Year 2000 (Public Law 106–*
12 *65; 10 U.S.C. 113 note), relating to a report on mili-*
13 *tary and security developments involving the People’s*
14 *Republic of China.*

15 (3) *Section 1208(f) of the Ronald W. Reagan Na-*
16 *tional Defense Authorization Act for Fiscal Year 2005*
17 *(Public Law 108–375; 118 Stat. 2086), relating to a*
18 *report on the provision of support for special oper-*
19 *ations to combat terrorism.*

20 (4) *Section 1405(d) of the National Defense Au-*
21 *thorization Act for Fiscal Year 2006 (Public Law*
22 *109–163; 10 U.S.C. 801 note), relating to a report on*
23 *any modification made to the procedures for status*
24 *review of detainees outside the United States.*

1 (5) *Section 1017(e) of the John Warner National*
2 *Defense Authorization Act for Fiscal Year 2007 (Pub-*
3 *lic Law 109–364; 10 U.S.C. 2631 note), relating to a*
4 *report regarding overhaul, repair, and maintenance*
5 *performed on certain vessels in the United States.*

6 (6) *Section 1034(d) of the National Defense Au-*
7 *thorization Act for Fiscal Year 2008 (Public Law*
8 *110–181; 122 Stat. 309), relating to a report on the*
9 *provision of support for non-Federal development and*
10 *testing of material for chemical agent defense.*

11 (7) *Section 1236 of the National Defense Author-*
12 *ization Act for Fiscal Year 2012 (Public Law 112–*
13 *81; 125 Stat. 1641), relating to a report on military*
14 *and security developments involving the Democratic*
15 *People’s Republic of Korea.*

16 (8) *Section 103A(b)(3) of the Sikes Act (16*
17 *U.S.C. 670c–1(b)(3)), relating to a report on the dis-*
18 *position of certain appropriated funds provided under*
19 *cooperative and interagency agreements for land*
20 *management on installations.*

21 (9) *Section 1511(h) of the Armed Forces Retire-*
22 *ment Home Act of 1991 (24 U.S.C. 411(h)), relating*
23 *to a report on the financial and other affairs of the*
24 *Armed Forces Retirement Home.*

1 (10) *Section 901(f) of the Office of National*
2 *Drug Control Policy Reauthorization Act of 2006*
3 *(Public Law 109–469; 32 U.S.C. 112 note), as added*
4 *by section 1008 of the National Defense Authorization*
5 *Act for Fiscal Year 2013 (Public Law 112–239), re-*
6 *lating to a report on the activities of the National*
7 *Guard counterdrug schools.*

8 (11) *Section 14 of the Strategic and Critical Ma-*
9 *terials Stock Piling Act (50 U.S.C. 98h–5), relating*
10 *to a report on the requirements of the National De-*
11 *fense Stockpile.*

12 (12) *Sections 1412(i) and (j) of the National De-*
13 *fense Authorization Act, 1986 (50 U.S.C. 1521), as*
14 *amended by section 1421 of the Ike Skelton National*
15 *Defense Authorization Act for Fiscal Year 2011 (Pub-*
16 *lic Law 111–383), relating to reports on destruction*
17 *of existing stockpile of lethal chemical agents and mu-*
18 *nitions, including implementation by the United*
19 *States of its chemical weapons destruction obligations*
20 *under the Chemical Weapons Convention.*

21 (13) *Section 1703 of the National Defense Au-*
22 *thorization Act for Fiscal Year 1994 (50 U.S.C.*
23 *1523), relating to a report on chemical and biological*
24 *warfare defense.*

1 (14) *Section 234 of the National Defense Author-*
2 *ization Act for Fiscal Year 1998 (50 U.S.C. 2367), re-*
3 *lating to a report on acquisition of technology relat-*
4 *ing to weapons of mass destruction and their threat.*

5 (15) *Section 105A(b) of the Uniformed and*
6 *Overseas Citizens Absentee Voting Act (52 U.S.C.*
7 *20308(b)), as added by section 586 of the National*
8 *Defense Authorization Act for Fiscal Year 2010 (Pub-*
9 *lic Law 111–84), relating to a report on effectiveness*
10 *of activities and utilization of certain procedures*
11 *under Federal Voting Assistance Program.*

12 (j) *CONFORMING AMENDMENT.—Section 1080(a) of the*
13 *National Defense Authorization Act for Fiscal Year 2016*
14 *(Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note)*
15 *is amended—*

16 (1) *by striking “on the date that is two years*
17 *after the date of the enactment of this Act” and in-*
18 *serting “November 25, 2017”; and*

19 (2) *by striking “effective”.*

20 **SEC. 1062. MATTERS FOR INCLUSION IN REPORT ON DES-**
21 **IGNATION OF COUNTRIES FOR WHICH RE-**
22 **WARDS MAY BE PAID UNDER DEPARTMENT**
23 **OF DEFENSE REWARDS PROGRAM.**

24 *Section 127b(h) of title 10, United States Code, is*
25 *amended—*

1 (1) *in paragraph (2), by inserting “and justification” after “reason”; and*

2
3 (2) *by amending paragraph (3) to read as follows:*

4
5 “(3) *An estimate of the amount or value of the*
6 *rewards to be paid as monetary payment or pay-*
7 *ment-in-kind under this section.”.*

8 **SEC. 1063. CONGRESSIONAL NOTIFICATION OF BIOLOGICAL**
9 **SELECT AGENT AND TOXIN THEFT, LOSS, OR**
10 **RELEASE INVOLVING THE DEPARTMENT OF**
11 **DEFENSE.**

12 (a) *NOTIFICATION REQUIREMENT.—Not later than 15*
13 *days after notice of any theft, loss, or release of a biological*
14 *select agent or toxin involving the Department of Defense*
15 *is provided to the Centers for Disease Control and Preven-*
16 *tion or the Animal and Plant Health Inspection Service,*
17 *as specified by section 331.19 of part 7 of the Code of Fed-*
18 *eral Regulations, the Secretary of Defense shall provide to*
19 *the congressional defense committees notice of such theft,*
20 *loss, or release.*

21 (b) *ELEMENTS.—Notice of a theft, loss, or release of*
22 *a biological select agent or toxin under subsection (a) shall*
23 *include each of the following:*

1 (1) *The name of the agent or toxin and any*
2 *identifying information, including the strain or other*
3 *relevant characterization information.*

4 (2) *An estimate of the quantity of the agent or*
5 *toxin stolen, lost, or released.*

6 (3) *The location or facility from which the theft,*
7 *loss, or release occurred.*

8 (4) *In the case of a release, any hazards posed*
9 *by the release and the number of individuals poten-*
10 *tially exposed to the agent or toxin.*

11 (5) *Actions taken to respond to the theft, loss, or*
12 *release.*

13 **SEC. 1064. REPORT ON SERVICE-PROVIDED SUPPORT TO**
14 **UNITED STATES SPECIAL OPERATIONS**
15 **FORCES.**

16 (a) *REPORT REQUIRED.*—*Not later than 180 days*
17 *after the date of the enactment of this Act, the Secretary*
18 *of Defense shall submit to the congressional defense commit-*
19 *tees a written report on common service support contributed*
20 *from each of the military services toward special operations*
21 *forces. Such report shall include—*

22 (1) *detailed information about the resources allo-*
23 *cated by each military service for combat support,*
24 *combat service support, and base operating support*
25 *for special operations forces; and*

1 (1) *The following information, as of the date of*
2 *the enactment of this Act, with respect to military*
3 *units assigned to policing or citizen security respon-*
4 *sibilities in each of Guatemala, Honduras, and El*
5 *Salvador:*

6 (A) *The proportion of individuals in each*
7 *such country's military who participate in polic-*
8 *ing or citizen security activities relative to the*
9 *total number of individuals in that country's*
10 *military.*

11 (B) *Of the military units assigned to polic-*
12 *ing or citizen security responsibilities, the types*
13 *of units conducting police activities.*

14 (C) *The role of the Department of Defense*
15 *and the Department of State in training indi-*
16 *viduals for purposes of participation in such*
17 *military units.*

18 (D) *The number of individuals who partici-*
19 *ipated in such military units who received train-*
20 *ing by the Department of Defense, and the types*
21 *of training they received.*

22 (2) *Any other information that the Secretary of*
23 *Defense or the Secretary of State determines to be nec-*
24 *essary to help better understand the relationships of*

1 *the militaries of Guatemala, Honduras, and El Sal-*
2 *vador to public security in such countries.*

3 (3) *A description of the plan of the United States*
4 *to assist the militaries of Guatemala, Honduras, and*
5 *El Salvador to carry out their responsibilities in a*
6 *manner that adheres to democratic principles.*

7 (c) *FORM.—The report required by subsection (a) shall*
8 *be submitted in unclassified form, but may contain a classi-*
9 *fied annex.*

10 (d) *PUBLIC AVAILABILITY.—The unclassified matter of*
11 *the report required by subsection (a) shall be posted on a*
12 *publicly available Internet website of the Department of De-*
13 *fense and a publicly available Internet website of the De-*
14 *partment of State.*

15 (e) *APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
16 *this section, the term “appropriate congressional commit-*
17 *tees” means the Committee on Armed Services and the Com-*
18 *mittee on Foreign Affairs of the House of Representatives*
19 *and the Committee on Armed Services and the Committee*
20 *on Foreign Relations of the Senate.*

21 **SEC. 1066. REPORT ON COUNTERPROLIFERATION ACTIVI-**
22 **TIES AND PROGRAMS.**

23 (a) *IN GENERAL.—The Secretary of Defense shall sub-*
24 *mit to the congressional defense committees a biennial re-*
25 *port on the counterproliferation activities and programs of*

1 *the Department of Defense. The Secretary shall submit the*
2 *first such report by not later than May 1, 2017.*

3 *(b) MATTERS INCLUDED.—Each report required under*
4 *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 activi-*
14 *ties;*

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 enhancements.*

23 *(3) A complete description of requirements and*
24 *priorities for the development and deployment of*
25 *highly effective capabilities and technologies, includ-*

1 *pabilities list for ballistic missile defense developed by the*
2 *Commander of the United States Strategic Command”.*

3 *(b) REPORT DURATION.—Paragraph (1) of such sec-*
4 *tion is amended by striking “At or about” and inserting*
5 *“During the period preceding January 31, 2021, at or*
6 *about”.*

7 **SEC. 1068. REVIEWS BY DEPARTMENT OF DEFENSE CON-**
8 **CERNING NATIONAL SECURITY USE OF SPEC-**
9 **TRUM.**

10 *(a) REVIEW AND REPORT TO THE CONGRESSIONAL*
11 *DEFENSE COMMITTEES.—Not later than one year after the*
12 *date of the enactment of this Act, and every two years there-*
13 *after until January 31, 2021, the Secretary of Defense and*
14 *the Chairman of the Joint Chiefs of Staff shall submit to*
15 *the congressional defense committees a report containing the*
16 *results of a comprehensive review conducted by the Sec-*
17 *retary and the Chairman of all uses by the Department of*
18 *Defense of spectrum. Such review shall include the use of*
19 *spectrum in military plans, training, test, and in military*
20 *capabilities that are in development or have been fielded*
21 *for any known or potential impacts of sharing or*
22 *repurposing of spectrum used or allocated to be used by the*
23 *Department of Defense that may be reallocated or shared*
24 *pursuant to a spectrum auction, sharing arrangement, or*
25 *other arrangement, or that is otherwise identified as part*

1 *of the 10-year plan developed by the National Telecommuni-*
2 *cations and Information Administration, and whether there*
3 *are known or possible mitigations in the event of realloca-*
4 *tion or sharing that they recommend, including exclusion*
5 *zones, equipment modifications, development or procure-*
6 *ment of new technology, or any other mitigation they believe*
7 *will protect Department of Defense use of such spectrum,*
8 *including projected or estimated potential costs of the same,*
9 *and whether such costs will be borne out of Defense of De-*
10 *fense total obligation authority.*

11 *(b) CERTIFICATION.—At the time of the submission of*
12 *the report required under subsection (a), the Secretary and*
13 *the Chairman shall both certify that they understand any*
14 *potential impacts to Department of Defense use of spectrum*
15 *that could result from a spectrum auction, reallocation, or*
16 *sharing arrangement as of that date, and submit such cer-*
17 *tification to the congressional defense committees.*

18 *(c) REPORT OF NON-CONCURRENCE OR VETO.—The*
19 *Secretary of Defense shall notify the congressional defense*
20 *committees as to whether the Secretary has not concurred*
21 *with or otherwise objected to the most recent version of the*
22 *10-year plan developed by the National Telecommuni-*
23 *cations and Information Administration not later than 30*
24 *days after the date of such non-concurrence or other objec-*
25 *tion.*

1 (d) *FUNDING WITHHELD.*—*The Secretary of Defense*
2 *and the Chairman of the Joint Chiefs of Staff may not obli-*
3 *gate more than 95 percent of the funding authorized to be*
4 *appropriated to the Department of Defense for fiscal year*
5 *2017 for operation and maintenance for headquarters oper-*
6 *ations before the date that is 30 days after the date on which*
7 *the report required by subsection (a) and the certification*
8 *required under subsection (b) are submitted to the congres-*
9 *sional defense committees.*

10 **SEC. 1069. ANNUAL REPORT ON PERSONNEL, TRAINING,**
11 **AND EQUIPMENT REQUIREMENTS FOR THE**
12 **NON-FEDERALIZED NATIONAL GUARD TO**
13 **SUPPORT CIVILIAN AUTHORITIES IN PREVEN-**
14 **TION AND RESPONSE TO DOMESTIC DISAS-**
15 **TERS.**

16 (a) *ANNUAL REPORT REQUIRED.*—*Section 10504 of*
17 *title 10, United States Code, is amended—*

18 (1) *in subsection (a), by striking “REPORT.—”*
19 *and inserting “REPORT ON STATE OF THE NATIONAL*
20 *GUARD.—(1)”;*

21 (2) *by striking “(b) SUBMISSION OF REPORT TO*
22 *CONGRESS.—” and inserting “(2)”;*

23 (3) *by striking “annual report of the Chief of the*
24 *National Guard Bureau” and inserting “annual re-*
25 *port required by paragraph (1)”;* and

1 (4) by adding at the end the following new sub-
2 section (b):

3 “(b) *ANNUAL REPORT ON NON-FEDERALIZED SERVICE*
4 *NATIONAL GUARD PERSONNEL, TRAINING, AND EQUIPMENT*
5 *REQUIREMENTS.—(1) Not later than January 31 of each*
6 *of calendar years 2017 through 2021, the Chief of the Na-*
7 *tional Guard Bureau shall submit to the congressional de-*
8 *fense committees and the officials specified in paragraph*
9 *(5) a report setting forth the personnel, training, and equip-*
10 *ment required by the National Guard during the next fiscal*
11 *year to carry out its mission, while not Federalized, to pro-*
12 *vide prevention, protection mitigation, response, and recov-*
13 *ery activities in support of civilian authorities in connec-*
14 *tion with natural and man-made disasters.*

15 “(2) *To determine the annual personnel, training, and*
16 *equipment requirements of the National Guard referred to*
17 *in paragraph (1), the Chief of the National Guard Bureau*
18 *shall take into account, at a minimum, the following:*

19 “(A) *Core civilian capabilities gaps for the pre-*
20 *vention, protection, mitigation, response, and recovery*
21 *activities in connection with natural and man-made*
22 *disasters, as collected by the Department of Homeland*
23 *Security from the States.*

1 “(B) *Threat and hazard identifications and risk*
2 *assessments of the Department of Defense, the Depart-*
3 *ment of Homeland Security, and the States.*

4 “(3) *Personnel, training, and equipment requirements*
5 *shall be collected from the States, validated by the Chief of*
6 *the National Guard Bureau, and be categorized in the re-*
7 *port required by paragraph (1) by each of the following:*

8 “(A) *Emergency support functions of the Na-*
9 *tional Response Framework.*

10 “(B) *Federal Emergency Management Agency re-*
11 *gions.*

12 “(4) *The annual report required by paragraph (1)*
13 *shall be prepared in consultation with the chief executive*
14 *of each State, other appropriate civilian authorities, and*
15 *the Council of Governors.*

16 “(5) *In addition to the congressional defense commit-*
17 *tees, the annual report required by paragraph (1) shall be*
18 *submitted to the following officials:*

19 “(A) *The Secretary of Defense.*

20 “(B) *The Secretary of Homeland Security.*

21 “(C) *The Council of Governors.*

22 “(D) *The Secretary of the Army.*

23 “(E) *The Secretary of the Air Force.*

24 “(F) *The Commander of the United States*
25 *Northern Command.*

1 “(G) *The Commander of the United States Cyber*
2 *Command.*”.

3 (b) *CLERICAL AMENDMENTS.*—

4 (1) *SECTION HEADING.*—*The heading of such sec-*
5 *tion is amended to read as follows:*

6 “**§ 10504. Chief of the National Guard Bureau: annual**
7 **reports**”.

8 (2) *TABLE OF CONTENTS.*—*The table of sections*
9 *at the beginning of chapter 1011 of title 10, United*
10 *States Code, is amended by striking the item relating*
11 *to section 10504 and inserting the following new sec-*
12 *tion:*

 “10504. *Chief of the National Guard Bureau: annual reports.*”.

13 ***Subtitle G—Other Matters***

14 ***SEC. 1081. TECHNICAL AND CLERICAL AMENDMENTS.***

15 (a) *TITLE 10, UNITED STATES CODE.*—*Title 10,*
16 *United States Code, is amended as follows:*

17 (1) *Section 130h is amended by striking “sub-*
18 *section (a) and (b)” both places it appears and insert-*
19 *ing “subsections (a) and (b)”.*

20 (2) *Section 187(a)(2)(C) is amended by striking*
21 *“Acquisition, Logistics, and Technology” and insert-*
22 *ing “Acquisition, Technology, and Logistics”.*

23 (3) *Section 196(c)(1)(A)(ii) is amended by strik-*
24 *ing “section 139(i)” and inserting “section 139(j)”.*

1 (4) *Subsection (b)(1)(B) of section 1415, to be*
2 *added by section 633(a)(1) of the National Defense*
3 *Authorization Act for Fiscal Year 2016 (Public Law*
4 *114–92; 129 Stat. 848), is amended by adding a pe-*
5 *riod at the end of clause (i).*

6 (5) *Section 1705(g)(1) is amended by striking*
7 *“of of” and inserting “of”.*

8 (6) *Section 2222 is amended—*

9 (A) *in subsection (d)(1)(B), by inserting*
10 *“to” before “eliminate”;*

11 (B) *in subsection (g)(1)(E) by inserting*
12 *“the system” before “is in compliance”; and*

13 (C) *in subsection (i)(5), by striking “PRO-*
14 *GRAM” in the heading.*

15 (b) *AMENDMENTS RELATED TO ELIMINATION OF*
16 *TITLE 50 APPENDIX.—*

17 (1) *MILITARY SELECTIVE SERVICE ACT CITATION*
18 *CHANGES.—*

19 (A) *TITLE 10, UNITED STATES CODE.—Title*
20 *10, United States Code, is amended as follows:*

21 (i) *Section 101(d)(6)(B)(v) is amended*
22 *by striking “(50 U.S.C. App. 460(b)(2))”*
23 *and inserting “(50 U.S.C. 3809(b)(2))”.*

24 (ii) *Section 513(c) is amended—*

1 (I) by striking “(50 U.S.C. App.
2 451 et seq.)” and inserting “(50 U.S.C.
3 3801 et seq.)”; and

4 (II) by inserting “(50 U.S.C.
5 3806(c)(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(c)(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 seq.)”
21 both places it appears and inserting
22 “(50 U.S.C. 3801 et seq.)”; and

23 (II) in subsection (d), by striking
24 “section 6(c)(2)(A)(i) and (iii) of such
25 Act” and inserting “clauses (ii) and

1 (iii) of section 6(c)(2)(A) of such Act
2 (50 U.S.C. 3806(c)(2)(A))”.

3 (viii) Section 12104(a) is amended by
4 striking “(50 U.S.C. App. 451 et seq.)” both
5 places it appears and inserting “(50 U.S.C.
6 3801 et seq.)”.

7 (ix) Section 12208(a) is amended by
8 striking “(50 U.S.C. App. 451 et seq.)” both
9 places it appears and inserting “(50 U.S.C.
10 3801 et seq.)”.

11 (B) TITLE 37, UNITED STATES CODE.—Sec-
12 tion 209(a)(1) of title 37, United States Code is
13 amended by striking “(50 U.S.C. App.
14 456(d)(1))” and inserting “(50 U.S.C.
15 3806(d)(1))”.

16 (2) SERVICEMEMBERS CIVIL RELIEF ACT CITA-
17 TION CHANGES.—Title 10, United States Code, is
18 amended as follows:

19 (A) Section 987 is amended—

20 (i) in subsection (e)(2), by inserting
21 “(50 U.S.C. 3901 et seq.)” before the semi-
22 colon; and

23 (ii) in subsection (g), by striking “(50
24 U.S.C. App. 527)” and inserting “(50
25 U.S.C. 3937)”.

1 (B) Section 1408(b)(1)(D) is amended by
2 striking “(50 U.S.C. App. 501 et seq.)” and in-
3 serting “(50 U.S.C. 3901 et seq.)”.

4 (3) EXPORT ADMINISTRATION ACT OF 1979 CITA-
5 TION CHANGES.—Title 10, United States Code, is
6 amended as follows:

7 (A) Section 130(a) is amended by striking
8 “(50 U.S.C. App. 2401–2420)” and inserting
9 “(50 U.S.C. 4601 et seq.)”.

10 (B) Section 2249a(a)(1) is amended by
11 striking “(50 U.S.C. App. 2405(j)(1)(A))” and
12 inserting “(50 U.S.C. 4605(j)(1)(A))”.

13 (C) Section 2327 is amended—

14 (i) in subsection (a), by striking “(50
15 U.S.C. App. 2405(j)(1)(A))” and inserting
16 “(50 U.S.C. 4605(j)(1)(A))”; and

17 (ii) in subsection (b)(2), by striking
18 “(50 U.S.C. App. 2405(j)(1)(A))” and in-
19 serting “(50 U.S.C. 4605(j)(1)(A))”.

20 (D) Section 2410i(a) is amended by strik-
21 ing “(50 U.S.C. App. 2402(5)(A))” and insert-
22 ing “(50 U.S.C. 4602(5)(A))”.

23 (E) Section 7430(e) is amended by striking
24 “(50 U.S.C. App. 2401 et seq.)” and inserting
25 “(50 U.S.C. 4601 et seq.)”.

1 (4) *DEFENSE PRODUCTION ACT OF 1950 CITATION*
2 *CHANGES.—Title 10, United States Code, is amended*
3 *as follows:*

4 (A) *Section 139c of title 10, United States*
5 *Code, is amended—*

6 (i) *in subsection (b)—*

7 (I) *in paragraph (11), by striking*
8 *“(50 U.S.C. App. 2171)” and inserting*
9 *“(50 U.S.C. 4567)”;* and

10 (II) *in paragraph (12)—*

11 (aa) *by striking “(50 U.S.C.*
12 *App. 2062(b))” and inserting*
13 *“(50 U.S.C. 4502(b))”;* and

14 (bb) *by striking “(50 U.S.C.*
15 *App. 2061 et seq.)” and inserting*
16 *“(50 U.S.C. 4501 et seq.)”;* and

17 (ii) *in subsection (c), by striking “(50*
18 *U.S.C. App. 2170(k))” and inserting “(50*
19 *U.S.C. 4565(k))”.*

20 (B) *Section 2537(c) is amended by striking*
21 *“(50 U.S.C. App. 2170(a))” and inserting “(50*
22 *U.S.C. 4565(a))”.*

23 (C) *Section 9511(6) is amended by striking*
24 *“(50 U.S.C. App. 2071)” and inserting “(50*
25 *U.S.C. 4511)”.*

1 (D) Section 9513(e) is amended by striking
2 “(50 U.S.C. App. 2071)” and inserting “(50
3 U.S.C. 4511)”.

4 (5) *MERCHANT SHIP SALES ACT OF 1946 CITA-*
5 *TION CHANGES.*—Section 2218 of title 10, United
6 States Code, is amended—

7 (A) in subsection (c)(1)(E), by striking “(50
8 U.S.C. App. 1744)” and inserting “(50 U.S.C.
9 4405)”; and

10 (B) in subsection (k)(3)(B), by striking “(50
11 U.S.C. App. 1744)” and inserting “(50 U.S.C.
12 4405)”.

13 (c) *NATIONAL DEFENSE AUTHORIZATION ACT FOR*
14 *FISCAL YEAR 2016.*—Effective as of November 25, 2015,
15 and as if included therein as enacted, the National Defense
16 Authorization Act for Fiscal Year 2016 (Public Law 114–
17 92) is amended as follows:

18 (1) Section 563(a) is amended by striking “Sec-
19 tion 5(c)(5)” and inserting “Section 5(c)(2)”.

20 (2) Section 883(a)(2) (129 Stat. 947) is amended
21 by striking “such chapter” and inserting “chapter
22 131 of such title”.

23 (3) Section 883 (129 Stat. 942) is amended by
24 adding at the end the following new subsection:

25 “(f) *CONFORMING AMENDMENTS.*—

1 “(1) *Effective on the effective date specified in*
2 *subsection (a)(1) of section 901 of the Carl Levin and*
3 *Howard P. ‘Buck’ McKeon National Defense Author-*
4 *ization Act for Fiscal Year 2015 (Public Law 113–*
5 *291; 128 Stat. 3462; 10 U.S.C. 132a note), section*
6 *2222 of title 10, United States Code, is amended—*

7 “(A) *by striking ‘Deputy Chief Management*
8 *Officer of the Department of Defense’ each place*
9 *it appears in subsections (c)(2), (e)(1), (g)(2)(A),*
10 *(g)(2)(B)(ii), and (i)(5)(B) and inserting ‘Under*
11 *Secretary of Defense for Business Management*
12 *and Information’; and*

13 “(B) *by striking ‘Deputy Chief Management*
14 *Officer’ in subsection (f)(1) and inserting ‘Under*
15 *Secretary of Defense for Business Management*
16 *and Information’.*

17 “(2) *The second paragraph (3) of section 901(k)*
18 *of such Act (Public Law 113–291; 128 Stat. 3468; 10*
19 *U.S.C. 2222 note) is repealed.”.*

20 (4) *Section 1079(a) is amended to read as fol-*
21 *lows:*

22 “(a) *ANNUAL REPORT ON PRIZES FOR ADVANCED*
23 *TECHNOLOGY ACHIEVEMENTS.—Section 2374a of title 10,*
24 *United States Code, is amended—*

25 “(1) *by striking subsection (f); and*

1 “(2) by redesignating subsection (g) as subsection
2 (f).”.

3 (5) Section 1086(f)(11)(A) is amended by strik-
4 ing “Not later than one year” and inserting “Not
5 later than one year”.

6 (d) *COORDINATION WITH OTHER AMENDMENTS MADE*
7 *BY THIS ACT.*—For purposes of applying amendments
8 made by provisions of this Act other than this section, the
9 amendments made by this section shall be treated as having
10 been enacted immediately before any such amendments by
11 other provisions of this Act.

12 **SEC. 1082. MODIFICATION TO SUPPORT FOR NON-FEDERAL**
13 **DEVELOPMENT AND TESTING OF MATERIAL**
14 **FOR CHEMICAL AGENT DEFENSE.**

15 Section 1034 of the National Defense Authorization
16 Act for Fiscal Year 2008 (Public Law 110–181) is amend-
17 ed—

18 (1) in subsection (d)—

19 (A) by striking “report on the use of the au-
20 thority under subsection (a)” and all that follows
21 and inserting “report that includes—”

22 “(A) a description of—

23 “(i) each use of the authority under
24 subsection (a); and

1 “(i) for each such use, the specific ma-
2 terial made available and to whom it was
3 made available; and

4 “(B) a description of—

5 “(i) any instance in which the Depart-
6 ment of Defense made available to a State,
7 a unit of local government, or a private en-
8 tity any biological select agent or toxin for
9 the development or testing of any biodefense
10 technology; and

11 “(ii) for each such instance, the spe-
12 cific material made available and to whom
13 it was made available.”; and

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

16 “(3) The requirement to submit a report under
17 paragraph (1) shall terminate on January 31,
18 2021.”; and

19 (2) in subsection (e), by striking “this section”
20 and all that follows and inserting “this section:”

21 “(1) The terms ‘precursor’, ‘protective purposes’,
22 and ‘toxic chemical’ have the meanings given those
23 terms in the convention referred to in subsection (c),
24 in paragraph 2, paragraph 9(b), and paragraph 1,
25 respectively, of article II of that convention.

1 “(2) *The term ‘biological select agent or toxin’*
2 *means any agent or toxin identified under any of the*
3 *following:*

4 “(A) *Section 331.3 of title 7, Code of Fed-*
5 *eral Regulations.*

6 “(B) *Section 121.3 or section 121.4 of title*
7 *9, Code of Federal Regulations.*

8 “(C) *Section 73.3 or section 73.4 of title 42,*
9 *Code of Federal Regulations.”.*

10 **SEC. 1083. INCREASE IN MAXIMUM AMOUNT AVAILABLE FOR**
11 **EQUIPMENT, SERVICES, AND SUPPLIES PRO-**
12 **VIDED FOR HUMANITARIAN DEMINING AS-**
13 **SISTANCE.**

14 *Section 407(c)(3) of title 10, United States Code, is*
15 *amended by striking “\$10,000,000” and inserting*
16 *“\$15,000,000”.*

17 **SEC. 1084. LIQUIDATION OF UNPAID CREDITS ACCRUED AS**
18 **A RESULT OF TRANSACTIONS UNDER A**
19 **CROSS-SERVICING AGREEMENT.**

20 *(a) LIQUIDATION OF UNPAID CREDITS.—Section 2345*
21 *of title 10, United States Code, is amended by adding at*
22 *the end the following new subsection:*

23 “(c)(1) *Any credits of the United States accrued as a*
24 *result of the provision of logistic support, supplies, and*
25 *services under the authority of this subchapter that remain*

1 *unliquidated more than 18 months after the date of delivery*
2 *of the logistic support, supplies, or services may, at the op-*
3 *tion of the Secretary of Defense, with the concurrence of*
4 *the Secretary of State, be liquidated by offsetting the credits*
5 *against any amount owed by the Department of Defense,*
6 *pursuant to a transaction or transactions concluded under*
7 *the authority of this subchapter, to the government or inter-*
8 *national organization to which the logistic support, sup-*
9 *plies, or services were provided by the United States.*

10 “(2) *The amount of any credits offset pursuant to*
11 *paragraph (1) shall be credited as specified in section 2346*
12 *of this title as if it were a receipt of the United States.”.*

13 **(b) EFFECTIVE DATE.**—*Subsection (c) of section 2345*
14 *of title 10, United States Code, as added by subsection (a),*
15 *shall apply with respect to credits accrued by the United*
16 *States that—*

17 (1) *were accrued prior to, and remain unpaid as*
18 *of, the date of the enactment of this Act; or*

19 (2) *are accrued after the date of the enactment*
20 *of this Act.*

21 **SEC. 1085. CLARIFICATION OF CONTRACTS COVERED BY**
22 **AIRLIFT SERVICE PROVISION.**

23 *Section 9516 of title 10, United States Code, is amend-*
24 *ed by adding at the end the following new subsection:*

1 “(f) *CONTRACT FOR AIRLIFT SERVICE DEFINED.*—In
2 *this section, the term ‘contract for airlift service’ means—*

3 “(1) *a contract with the Department of Defense*
4 *for airlift service;*

5 “(2) *any contract with the Department of De-*
6 *fense other than a contract described in paragraph*
7 *(1), if transportation services are used in the perform-*
8 *ance of the contract; or*

9 “(3) *any subcontract (at any tier) under a con-*
10 *tract described in paragraph (1) or (2) if the sub-*
11 *contract is for airlift service or if transportation serv-*
12 *ices are used in the performance of the subcontract.”.*

13 **SEC. 1086. NATIONAL BIODEFENSE STRATEGY.**

14 (a) *STRATEGY AND IMPLEMENTATION PLAN RE-*
15 *QUIRED.*—*The Secretary of Defense, the Secretary of Health*
16 *and Human Services, the Secretary of Homeland Security,*
17 *and the Secretary of Agriculture shall jointly develop a na-*
18 *tional biodefense strategy and associated implementation*
19 *plan, which shall include a review and assessment of bio-*
20 *defense policies, practices, programs and initiatives. Such*
21 *Secretaries shall review and, as appropriate, revise the*
22 *strategy biennially.*

23 (b) *ELEMENTS.*—*The strategy and associated imple-*
24 *mentation plan required under subsection (a) shall include*
25 *each of the following:*

1 (1) *An inventory and assessment of all existing*
2 *strategies, plans, policies, laws, and interagency*
3 *agreements related to biodefense, including preven-*
4 *tion, deterrence, preparedness, detection, response, at-*
5 *tribution, recovery, and mitigation.*

6 (2) *A description of the biological threats, in-*
7 *cluding biological warfare, bioterrorism, naturally oc-*
8 *curring infectious diseases, and accidental exposures.*

9 (3) *A description of the current programs, ef-*
10 *forts, or activities of the United States Government*
11 *with respect to preventing the acquisition, prolifera-*
12 *tion, and use of a biological weapon, preventing an*
13 *accidental or naturally occurring biological outbreak,*
14 *and mitigating the effects of a biological epidemic.*

15 (4) *A description of the roles and responsibilities*
16 *of the Executive Agencies, including internal and ex-*
17 *ternal coordination procedures, in identifying and*
18 *sharing information related to, warning of, and pro-*
19 *tection against, acts of terrorism using biological*
20 *agents and weapons and accidental or naturally oc-*
21 *curring biological outbreaks.*

22 (5) *An articulation of related or required inter-*
23 *agency capabilities and whole-of-Government activi-*
24 *ties required to support the national biodefense strat-*
25 *egy.*

1 (6) *Recommendations for strengthening and im-*
2 *proving the current biodefense capabilities, authori-*
3 *ties, and command structures of the United States*
4 *Government.*

5 (7) *Recommendations for improving and for-*
6 *malizing interagency coordination and support mech-*
7 *anisms with respect to providing a robust national*
8 *biodefense.*

9 (8) *Any other matters the Secretary of Defense,*
10 *the Secretary of Health and Human Services, the Sec-*
11 *retary of Homeland Security, and the Secretary of*
12 *Agriculture determine necessary.*

13 (c) *SUBMITTAL TO CONGRESS.*—*Not later than 275*
14 *days after the date of the enactment of this Act, the Sec-*
15 *retary of Defense, the Secretary of Health and Human*
16 *Services, the Secretary of Homeland Security, and the Sec-*
17 *retary of Agriculture shall submit to the appropriate con-*
18 *gressional committees the strategy and associated imple-*
19 *mentation plan required by subsection (a). The strategy and*
20 *implementation plan shall be submitted in unclassified*
21 *form, but may include a classified annex.*

22 (d) *BRIEFINGS.*—*Not later than March 1, 2017, and*
23 *annually thereafter until March 1, 2019, the Secretary of*
24 *Defense, the Secretary of Health and Human Services, the*
25 *Secretary of Homeland Security, and the Secretary of Agri-*

1 *culture shall provide to the Committee on Armed Services*
2 *of the House of Representatives, the Committee on Energy*
3 *and Commerce of the House of Representatives, the Com-*
4 *mittee on Homeland Security of the House of Representa-*
5 *tives, and the Committee on Agriculture of the House of*
6 *Representatives a joint briefing on the strategy developed*
7 *under subsection (a) and the status of the implementation*
8 *of such strategy.*

9 *(e) GAO REVIEW.—Not later than 180 days after the*
10 *date of the submittal of the strategy and implementation*
11 *plan under subsection (c), the Comptroller General of the*
12 *United States shall conduct a review of the strategy and*
13 *implementation plan to analyze gaps and resources mapped*
14 *against the requirements of the National Biodefense Strat-*
15 *egy and existing United States biodefense policy documents.*

16 *(f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
17 *FINED.—In this section, the term “appropriate congres-*
18 *sional committees” means the following:*

19 *(1) The congressional defense committees.*

20 *(2) The Committee on Energy and Commerce of*
21 *the House of Representatives and the Committee on*
22 *Health, Education, Labor, and Pensions of the Sen-*
23 *ate.*

24 *(3) The Committee on Homeland Security of the*
25 *House of Representatives and the Committee on*

1 *Homeland Security and Governmental Affairs of the*
2 *Senate.*

3 (4) *The Committee on Agriculture of the House*
4 *of Representatives and the Committee on Agriculture,*
5 *Nutrition, and Forestry of the Senate.*

6 **SEC. 1087. GLOBAL CULTURAL KNOWLEDGE NETWORK.**

7 (a) *PROGRAM AUTHORIZED.*—*The Secretary of the*
8 *Army shall carry out a program to support the socio-cul-*
9 *tural understanding needs of the Department of the Army,*
10 *to be known as the Global Cultural Knowledge Network.*

11 (b) *GOALS.*—*The Global Cultural Knowledge Network*
12 *shall support the following goals:*

13 (1) *Provide socio-cultural analysis support to*
14 *any unit deployed, or preparing to deploy, to an exer-*
15 *cise or operation in the assigned region of responsi-*
16 *bility of the unit being supported.*

17 (2) *Make recommendations or support policy de-*
18 *velopment to increase the social science expertise of*
19 *military and civilian personnel of the Department of*
20 *the Army.*

21 (3) *Provide reimbursable support to other mili-*
22 *tary departments or Federal agencies if requested*
23 *through an operational needs request process.*

1 (c) *ELEMENTS OF THE PROGRAM.*—*The Global Cul-*
2 *tural Knowledge Network shall include the following ele-*
3 *ments:*

4 (1) *A center in the continental United States (re-*
5 *ferred to in this section as a “reach-back center”) to*
6 *support requests for information and analysis.*

7 (2) *Outreach to academic institutions and other*
8 *Federal agencies involved in social science research to*
9 *increase the network of resources for the reach-back*
10 *center.*

11 (3) *Training with operational units during an-*
12 *ual training exercises or during pre-deployment*
13 *training.*

14 (4) *The training, contracting, and human re-*
15 *sources capacity to rapidly respond to contingencies*
16 *in which social science expertise is requested by oper-*
17 *ational commanders through an operational needs re-*
18 *quest process.*

19 (d) *DIRECTIVE REQUIRED.*—*The Secretary of the*
20 *Army shall issue a directive within one year after the date*
21 *of the enactment of this Act for the governance of the Global*
22 *Cultural Knowledge Network, including oversight and proc-*
23 *ess controls for auditing the activities of personnel of the*
24 *Network, the employment of the Global Cultural Knowledge*
25 *Network by operation forces, and processes for requesting*

1 *support by operational Army units and other Department*
2 *of Defense and Federal entities.*

3 (e) *PROHIBITION ON DEPLOYMENTS UNDER GLOBAL*
4 *CULTURAL KNOWLEDGE NETWORK.—*

5 (1) *PROHIBITION.—The Secretary of the Army*
6 *may not deploy social scientists in a conflict zone.*

7 (2) *WAIVER.—The Secretary of the Army may*
8 *waive the prohibition in paragraph (1) if the Sec-*
9 *retary submits, at least 10 days before the deploy-*
10 *ment, to the Committees on Armed Services of the*
11 *House of Representatives and the Senate—*

12 (A) *notice of the waiver; and*

13 (B) *a certification that there is a compel-*
14 *ling national security interest for the deployment*
15 *or there will be a benefit to the safety and wel-*
16 *fare of members of the Armed Forces from the de-*
17 *ployment.*

18 (3) *ELEMENTS OF WAIVER NOTICE.—A waiver*
19 *notice under this subsection also shall include the fol-*
20 *lowing:*

21 (A) *The operational unit, or units, request-*
22 *ing support, including the location or locations*
23 *where the social scientists are to be deployed.*

1 (B) *The number of Global Cultural Knowl-*
2 *edge Network personnel to be deployed and the*
3 *anticipated duration of such deployments.*

4 (C) *The anticipated resource needs for such*
5 *deployment.*

6 **SEC. 1088. MODIFICATION OF REQUIREMENTS RELATING**
7 **TO MANAGEMENT OF MILITARY TECHNI-**
8 **CIANS.**

9 (a) *CONVERSION OF CERTAIN MILITARY TECHNICIAN*
10 *(DUAL STATUS) POSITIONS.—Subsection (a) of section 1053*
11 *of the National Defense Authorization Act for Fiscal Year*
12 *2016 (Public Law 114–92; 129 Stat. 981; 10 U.S.C. 10216*
13 *note) is amended—*

14 (1) *by striking paragraph (1) and inserting the*
15 *following new paragraph (1):*

16 “(1) *IN GENERAL.—By not later than October 1,*
17 *2017, the Secretary of Defense shall convert not fewer*
18 *than 20 percent of all military technician positions*
19 *to positions filled by individuals who are employed*
20 *under section 3101 of title 5, United States Code, or*
21 *section 1601 of title 10, United States Code, or serv-*
22 *ing under section 328 of title 32, United States Code,*
23 *and are not military technicians. The positions to be*
24 *converted are described in paragraph (2).”;*

1 (2) *in paragraph (2), by striking “in the report”*
2 *and all that follows and inserting “by the Army Re-*
3 *serve, the Air Force Reserve, the National Guard Bu-*
4 *reau, and the State adjutants general in the course of*
5 *reviewing all military technician positions for pur-*
6 *poses of implementing this section.”; and*

7 (3) *in paragraph (3), by striking “may fill” and*
8 *inserting “shall fill”.*

9 (b) *CONVERSION OF ARMY RESERVE, AIR FORCE RE-*
10 *SERVE, AND NATIONAL GUARD NON-DUAL STATUS POSI-*
11 *TIONS.—Subsection (e) of section 10217 of title 10, United*
12 *States Code, is amended is amended to read as follows:*

13 “(e) *CONVERSION OF POSITIONS.—(1) No individual*
14 *may be newly hired or employed, or rehired or reemployed,*
15 *as a non-dual status technician for purposes of this section*
16 *after September 30, 2017.*

17 “(2) *On October 1, 2017, the Secretary of Defense shall*
18 *convert all non-dual status technicians to positions filled*
19 *by individuals who are employed under section 3101 of title*
20 *5 or section 1601 of this title and are not military techni-*
21 *cians.*

22 “(3) *In the case of a position converted under para-*
23 *graph (2) for which there is an incumbent employee on Oc-*
24 *tober 1, 2017, the Secretary shall fill that position, as con-*
25 *verted, with the incumbent employee without regard to any*

1 *requirement concerning competition or competitive hiring*
2 *procedures.*

3 “(4) *Any individual newly hired or employed, or re-*
4 *hired or employed, to a position required to be filled by*
5 *reason of paragraph (1) shall an individual employed in*
6 *such position under section 3101 of title 5 or section 1601*
7 *of this title.”.*

8 (c) *REPORT ON CONVERSION OF MILITARY TECHN-*
9 *ICIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE*
10 *GUARD AND RESERVE DUTY.—*

11 (1) *IN GENERAL.—Not later than March 1, 2017,*
12 *the Secretary of Defense, shall in consultation with*
13 *the Chief of the National Guard Bureau, submit to*
14 *the Committees on Armed Services of the Senate and*
15 *the House of Representatives a report on the feasi-*
16 *bility and advisability of converting any remaining*
17 *military technicians (dual status) to personnel per-*
18 *forming active Guard and Reserve duty under section*
19 *328 of title 32, United States Code, or other applica-*
20 *ble provisions of law. The report shall include the fol-*
21 *lowing:*

22 (A) *An analysis of the fully-burdened costs*
23 *of the conversion taking into account the new*
24 *modernized military retirement system.*

1 (B) *An assessment of the ratio of members*
2 *of the Armed Forces performing active Guard*
3 *and Reserve duty and civilian employees of the*
4 *Department of Defense under title 5, United*
5 *States Code, required to best contribute to the*
6 *readiness of the National Guard and the Re-*
7 *serves.*

8 (2) *ACTIVE GUARD AND RESERVE DUTY DE-*
9 *FINED.—In this subsection, the term “active Guard*
10 *and Reserve duty” has the meaning given that term*
11 *in section 101(d)(6) of title 10, United States Code.*

12 **SEC. 1089. SENSE OF CONGRESS REGARDING CONNECTI-**
13 **CUT’S SUBMARINE CENTURY.**

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

15 (1) *On March 2, 1867, Congress enacted a naval*
16 *appropriations Act that authorized the Secretary of*
17 *the Navy to “receive and accept a deed of gift, when*
18 *offered by the State of Connecticut, of a tract of land*
19 *with not less than one mile of shore front on the*
20 *Thames River near New London, Connecticut, to be*
21 *held by the United States for naval purposes”.*

22 (2) *The people of Connecticut and the towns and*
23 *cities in the southeastern region of Connecticut subse-*
24 *quently gifted land to establish a military installation*

1 *to fulfil the Nation’s need for a naval facility on the*
2 *Atlantic coast.*

3 (3) *On April 11, 1868, the Navy accepted the*
4 *deed of gift of land from Connecticut to establish a*
5 *naval yard and storage depot along the eastern shore*
6 *of the Thames River in Groton, Connecticut;*

7 (4) *Between 1868 and 1912, the New London*
8 *Navy Yard supported a diverse range of missions, in-*
9 *cluding berthing inactive Civil War era ironclad war-*
10 *ships and serving as a coaling station for refueling*
11 *naval ships traveling in New England waters.*

12 (5) *Congress rejected the Navy’s proposal to close*
13 *New London Navy Yard in 1912, following an impas-*
14 *sioned effort by Congressman Edwin W. Higgins, who*
15 *stated that “this action proposed is not only unjust*
16 *but unreasonable and unsound as a military propo-*
17 *sition”.*

18 (6) *The outbreak of World War I and the enemy*
19 *use of submarines to sink allied military and civilian*
20 *ships in the Atlantic sparked a new focus on devel-*
21 *oping submarine capabilities in the United States.*

22 (7) *October 18, 1915, marked the arrival at the*
23 *New London Navy Yard of the submarines G-1, G-*
24 *2, and G-4 under the care of the tender U.S.S.*
25 *OZARK, soon followed by the arrival of submarines*

1 *E-1, D-1, and D-3 under the care of the tender*
2 *U.S.S. TONOPAH, and on November 1, 1915, the ar-*
3 *ival of the first ship built as a submarine tender, the*
4 *U.S.S. FULTON (AS-1).*

5 *(8) On June 21, 1916, Commander Yeates Stir-*
6 *ling assumed the command of the newly designated*
7 *Naval Submarine Base New London, the New London*
8 *Submarine Flotilla, and the Submarine School;*

9 *(9) In the 100 years since the arrival of the first*
10 *submarines to the base, Naval Submarine Base New*
11 *London has grown to occupy more than 680 acres*
12 *along the east side of the Thames River, with more*
13 *than 160 major facilities, 15 nuclear submarines, and*
14 *more than 70 tenant commands and activities, in-*
15 *cluding the Submarine Learning Center, Naval Sub-*
16 *marine School, the Naval Submarine Medical Re-*
17 *search Laboratory, the Naval Undersea Medical Insti-*
18 *tute, and the newly established Undersea Warfighting*
19 *Development Center.*

20 *(10) In addition to being the site of the first sub-*
21 *marine base in the United States, Connecticut was*
22 *home to the foremost submarine manufacturers of the*
23 *time, the Lake Torpedo Boat Company in Bridgeport*
24 *and the Electric Boat Company in Groton, which*
25 *later became General Dynamics Electric Boat.*

1 (11) *General Dynamics Electric Boat, its tal-*
2 *ented workforce, and its Connecticut-based and na-*
3 *tionwide network of suppliers have delivered more*
4 *than 200 submarines from its current location in*
5 *Groton, Connecticut, including the first nuclear-pow-*
6 *ered submarine, the U.S.S. NAUTILUS (SSN 571),*
7 *and nearly half of the nuclear submarines ever built*
8 *by the United States.*

9 (12) *The Submarine Force Library and Museum,*
10 *located adjacent to Naval Submarine Base New Lon-*
11 *don in Groton, Connecticut, is the only submarine*
12 *museum operated by the United States Navy and*
13 *today serves as the primary repository for artifacts,*
14 *documents, and photographs relating to the bold and*
15 *courageous history of the Submarine Force and high-*
16 *lights as its core exhibit the Historic Ship NAU-*
17 *TILUS (SSN 571) following her retirement from*
18 *service.*

19 (13) *Reflecting the close ties between Connecticut*
20 *and the Navy that began with the gift of land that*
21 *established the base, the State of Connecticut has set*
22 *aside \$40,000,000 in funding for critical infrastruc-*
23 *ture investments to support the mission of the base,*
24 *including construction of a new dive locker building,*

1 *expansion of the Submarine Learning Center, and*
2 *modernization of energy infrastructure.*

3 *(14) On September 29, 2015, Connecticut Gov-*
4 *ernor Dannel Malloy designated October 2015 through*
5 *October 2016 as Connecticut’s Submarine Century, a*
6 *year-long observance that celebrates 100 years of sub-*
7 *marine activity in Connecticut, including the Town*
8 *of Groton’s distinction as the Submarine Capital of*
9 *the World, to coincide with the centennial anniver-*
10 *sary of the establishment of Naval Submarine Base*
11 *New London and the Naval Submarine School.*

12 *(15) Whereas Naval Submarine Base New Lon-*
13 *don still proudly proclaims its motto of “The First*
14 *and Finest”.*

15 *(16) Congressman Higgins’ statement before*
16 *Congress in 1912 that “Connecticut stands ready, as*
17 *she always has, to bear her part of the burdens of the*
18 *national defense” remains true today.*

19 *(b) SENSE OF CONGRESS.—Congress—*

20 *(1) commends the longstanding dedication and*
21 *contribution to the Navy and submarine force by the*
22 *people of Connecticut, both through the initial deed of*
23 *gift that established what would become Naval Sub-*
24 *marine Base New London and through their ongoing*

1 *tion for the authorization to export natural gas under*
2 *section 3 of the Natural Gas Act (15 U.S.C. 717b) not*
3 *later than 30 days after the later of—*

4 *(A) the conclusion of the review to site, con-*
5 *struct, expand, or operate the LNG facilities re-*
6 *quired by the National Environmental Policy*
7 *Act of 1969 (42 U.S.C. 4321 et seq.); or*

8 *(B) the date of enactment of this Act.*

9 *(2) CONCLUSION OF REVIEW.—For purposes of*
10 *paragraph (1), review required by the National Envi-*
11 *ronmental Policy Act of 1969 shall be considered con-*
12 *cluded—*

13 *(A) for a project requiring an Environ-*
14 *mental Impact Statement, 30 days after publica-*
15 *tion of a Final Environmental Impact State-*
16 *ment;*

17 *(B) for a project for which an Environ-*
18 *mental Assessment has been prepared, 30 days*
19 *after publication by the Department of Energy of*
20 *a Finding of No Significant Impact; and*

21 *(C) upon a determination by the lead agen-*
22 *cy that an application is eligible for a categor-*
23 *ical exclusion pursuant National Environmental*
24 *Policy Act of 1969 implementing regulations.*

1 (3) *JUDICIAL ACTION.*—(A) *The United States*
2 *Court of Appeals for the circuit in which the export*
3 *facility will be located pursuant to an application de-*
4 *scribed in paragraph (1) shall have original jurisdic-*
5 *tion over any civil action for the review of—*

6 (i) *an order issued by the Department of*
7 *Energy with respect to such application; or*

8 (ii) *the Department of Energy’s failure to*
9 *issue a final decision on such application.*

10 (B) *If the Court in a civil action described in*
11 *subparagraph (A) finds that the Department of En-*
12 *ergy has failed to issue a final decision on the appli-*
13 *cation as required under paragraph (1), the Court*
14 *shall order the Department of Energy to issue such*
15 *final decision not later than 30 days after the Court’s*
16 *order.*

17 (C) *The Court shall set any civil action brought*
18 *under this paragraph for expedited consideration and*
19 *shall set the matter on the docket as soon as practical*
20 *after the filing date of the initial pleading.*

21 (b) *PUBLIC DISCLOSURE OF EXPORT DESTINA-*
22 *TIONS.*—*Section 3 of the Natural Gas Act (15 U.S.C. 717b)*
23 *is amended by adding at the end the following:*

24 “(g) *PUBLIC DISCLOSURE OF LNG EXPORT DESTINA-*
25 *TIONS.*—*As a condition for approval of any authorization*

1 *to export LNG, the Secretary of Energy shall require the*
2 *applicant to publicly disclose the specific destination or des-*
3 *tinations of any such authorized LNG exports.”.*

4 **SEC. 1091. SENSE OF CONGRESS REGARDING THE REPORT-**
5 **ING OF THE MV-22 MISHAP IN MARANA, ARI-**
6 **ZONA, ON APRIL 8, 2000.**

7 *It is the sense of Congress that—*

8 *(1) in the report accompanying H.R. 1735 of the*
9 *114th Congress (House Report 114-102), the Com-*
10 *mittee on Armed Services of the House of Representa-*
11 *tives encouraged the Secretary of Defense to “publicly*
12 *clarify the causes of the MV-22 mishap at Marana*
13 *Northwest Regional Airport, Arizona, in a way con-*
14 *sistent with the results of all investigations as soon as*
15 *possible”;*

16 *(2) the Deputy Secretary of Defense Robert O.*
17 *Work did an excellent job reviewing the investigations*
18 *of such mishap and concluded that there was a mis-*
19 *representation of facts by the media which incorrectly*
20 *identified pilot error as the cause of the mishap which*
21 *the Deputy Secretary publicly made known in March*
22 *2016; and*

23 *(3) Congress is grateful for the successful conclu-*
24 *sion to this tragic situation.*

1 **SEC. 1092. TRANSFER OF SURPLUS FIREARMS TO CORPORA-**
2 **TION FOR THE PROMOTION OF RIFLE PRAC-**
3 **TICE AND FIREARMS SAFETY.**

4 (a) *IN GENERAL.*—Section 40728(h) of title 36, United
5 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 a
10 reasonable schedule for the transfer of such surplus
11 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 appears
18 and inserting “shall”; and

19 (B) by striking “not more than 10,000”;
20 and

21 (2) by striking subsection (c).

22 **SEC. 1093. SENSE OF CONGRESS REGARDING THE IMPOR-**
23 **TANCE OF PANAMA CITY, FLORIDA, TO THE**
24 **HISTORY AND FUTURE OF THE ARMED**
25 **FORCES.**

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

1 (1) *On December 6, 1941—one day before the at-*
2 *tack on Pearl Harbor—the War Department estab-*
3 *lished Tyndall Field as an Army Air Force gunnery*
4 *school in Panama City, Florida.*

5 (2) *Tyndall Field was named in honor of native*
6 *Floridian Lieutenant Francis B. Tyndall, who re-*
7 *ceived the U.S. Air Force flying ace designation for*
8 *his service in the First World War.*

9 (3) *Tyndall Field became an important center*
10 *for aerial gunnery training during the Second World*
11 *War, hosting training missions using aircraft includ-*
12 *ing A-33, O-47, AT-6, Martin B-26 Marauders, and*
13 *B-17 bombers.*

14 (4) *On January 13, 1948, Tyndall Field became*
15 *Tyndall Air Force Base and was an active site for air*
16 *training and defense throughout the Cold War.*

17 (5) *Tyndall AFB is now home to the First Air*
18 *Force as well as the 325th Fighter Wing Head-*
19 *quarters and their F-22 Raptors.*

20 (6) *The 325th Fighter Wing has been instru-*
21 *mental to national security at such crucial junctures*
22 *as the Cuban Missile Crisis, throughout the Cold War,*
23 *and more recently in intercepting unidentified air-*
24 *craft and supporting anti-smuggling efforts.*

1 (7) *On July 20, 1945, the Navy Mine Counter-*
2 *measure Station was established in Panama City.*

3 (8) *The Navy Mine Countermeasure Station de-*
4 *veloped into the Naval Support Activity Panama*
5 *City (NSAPC), which has faithfully carried out its*
6 *mission since its inception and continues to support*
7 *the crucial efforts and important research of tenant*
8 *command organizations such as the Naval Surface*
9 *Warfare Center: Panama City Division (NSWC*
10 *PCD) and the Navy Experimental Diving Unit*
11 *(NEDU).*

12 (9) *Research performed at NSWC PCD has been*
13 *integral to equipping the Navy with the personnel*
14 *and technology necessary to maintaining its status as*
15 *the world's greatest and most technologically ad-*
16 *vanced.*

17 (10) *NSWC PCD's newest facility, the Littoral*
18 *Warfare Research Facility, is one of the Navy's major*
19 *research, development, test, and evaluation labora-*
20 *tories and where standards for weapons integration*
21 *on Littoral Combat Ships are often developed.*

22 (11) *NEDU is a global hub of research, develop-*
23 *ment, and testing for undersea operations.*

24 (12) *During the Second World War, the Wain-*
25 *wright Shipyard in Panama City built over 100 ves-*

1 *sels for the war effort and employed over 15,000 peo-*
2 *ple.*

3 *(13) Panama City's shipbuilding legacy con-*
4 *tinues as home to one of today's most prolific domes-*
5 *tic shipbuilders, Eastern Shipbuilding.*

6 *(14) The Department of Defense is the largest*
7 *employer in Panama City, where many of the resi-*
8 *dents and their relatives have proudly served in the*
9 *Armed Forces for generations.*

10 *(b) SENSE OF CONGRESS.—Congress—*

11 *(1) commends the longstanding dedication and*
12 *contribution to the Armed Forces by the people of*
13 *Panama City, both through the legacy of naval ship-*
14 *building and through their ongoing commitment to*
15 *support the mission of Panama City's military in-*
16 *stallations and the personnel assigned to them;*

17 *(2) honors the members of the Armed Forces who*
18 *have trained and served at the several military instal-*
19 *lations in and around Panama City;*

20 *(3) recognizes the contribution of the industry*
21 *and workforce of Panama City to naval shipbuilding;*
22 *and*

23 *(4) encourages the recognition of the importance*
24 *of Panama City to the history of the Armed Forces*
25 *by Congress, the Air Force, the Navy, and the Amer-*

1 *icy, guidance, or rules to carry out such executive order or*
2 *otherwise implement any provision of such executive order*
3 *or any related implementation rules or regulations.*

4 **SEC. 1096. DETERMINATION AND DISCLOSURE OF TRANS-**
5 **PORTATION COSTS INCURRED BY SECRETARY**
6 **OF DEFENSE FOR CONGRESSIONAL TRIPS**
7 **OUTSIDE THE UNITED STATES.**

8 *(a) DETERMINATION AND DISCLOSURE OF COSTS BY*
9 *SECRETARY.—In the case of a trip taken by a Member, offi-*
10 *cer, or employee of the House of Representatives or Senate*
11 *in carrying out official duties outside the United States for*
12 *which the Department of Defense provides transportation,*
13 *the Secretary of Defense shall—*

14 *(1) determine the cost of the transportation pro-*
15 *vided with respect to the Member, officer, or employee;*
16 *and*

17 *(2) provide the Member, officer, or employee with*
18 *a written statement of the cost not later than 10 days*
19 *after completion of the trip involved.*

20 *(b) INCLUSION OF INFORMATION IN TRAVEL RE-*
21 *PORTS.—Any Member, officer, or employee of the House of*
22 *Representatives or Senate who takes a trip to which sub-*
23 *section (a) applies shall include the information contained*
24 *in the written statement provided to the Member, officer,*
25 *or employee under subsection (a)(2) with respect to the trip*

1 *in any report that the Member, officer, or employee is re-*
2 *quired to file with respect to the trip under any provision*
3 *of law and under any provision of the Rules of the House*
4 *of Representatives or the Standing Rules of the Senate (as*
5 *the case may be).*

6 (c) *EXCEPTIONS.—This section does not apply with re-*
7 *spect to any trip the sole purpose of which is to visit one*
8 *or more United States military installations or to visit*
9 *United States military personnel in a war zone (or both).*

10 (d) *DEFINITIONS.—In this section:*

11 (1) *MEMBER.—The term “Member”, with respect*
12 *to the House of Representatives, includes a Delegate*
13 *or Resident Commissioner to the Congress.*

14 (2) *UNITED STATES.—The term “United States”*
15 *means the several States, the District of Columbia, the*
16 *Commonwealth of Puerto Rico, the Commonwealth of*
17 *the Northern Mariana Islands, the Virgin Islands,*
18 *Guam, American Samoa, and any other territory or*
19 *possession of the United States.*

20 (e) *EFFECTIVE DATE.—This section shall apply with*
21 *respect to trips taken on or after the date of the enactment*
22 *of this Act, except that this section does not apply with re-*
23 *spect to any trip which began prior to such date.*

1 **SEC. 1097. WAIVER OF CERTAIN POLYGRAPH EXAMINATION**
2 **REQUIREMENTS.**

3 *The Secretary of Homeland Security, acting through*
4 *the Commissioner of U.S. Customs and Border Protection,*
5 *may waive the polygraph examination requirement under*
6 *section 3 of the Anti-Border Corruption Act of 2010 (Public*
7 *Law 111–376) for any applicant who—*

8 *(1) the Commissioner determines is suitable for*
9 *employment;*

10 *(2) holds a current, active Top Secret clearance*
11 *and is able to access sensitive compartmented infor-*
12 *mation;*

13 *(3) has a current single scope background inves-*
14 *tigation;*

15 *(4) was not granted any waivers to obtain the*
16 *clearance; and*

17 *(5) is a veteran (as such term is defined in sec-*
18 *tion 2108 or 2109a of title 5, United States Code).*

19 **TITLE XI—CIVILIAN PERSONNEL**
20 **MATTERS**

21 **SEC. 1101. TEMPORARY DIRECT HIRE AUTHORITY FOR DO-**
22 **MESTIC DEFENSE INDUSTRIAL BASE FACILI-**
23 **TIES AND THE MAJOR RANGE AND TEST FA-**
24 **CILITIES BASE.**

25 *(a) AUTHORITY.—During fiscal years 2017 and 2018,*
26 *the Secretary of Defense may appoint, without regard to*

1 *the provisions of subchapter I of chapter 33 of title 5,*
2 *United States Code, other than sections 3303 and 3328 of*
3 *such title, qualified candidates to positions in the competi-*
4 *tive service at any defense industrial base facility or the*
5 *Major Range and Test Facilities Base.*

6 (b) *REPORT.*—*Not later than 60 days after the end of*
7 *fiscal year 2018, the Secretary of Defense shall submit a*
8 *report to the Committees on Armed Services of the House*
9 *of Representatives and the Senate on the use of the author-*
10 *ity provided under subsection (a). Such report shall include*
11 *the total number of individuals appointed under such au-*
12 *thority and the effectiveness of such authority in fulfilling*
13 *the manpower needs of the defense industrial base facilities*
14 *or the Major Range and Test Facilities Base.*

15 (c) *DEFINITION.*—*In this section, the term “defense in-*
16 *dustrial base facility” means any Department of Defense*
17 *depot, arsenal, or shipyard located within the United*
18 *States.*

19 **SEC. 1102. TEMPORARY PERSONNEL FLEXIBILITIES FOR**
20 **DOMESTIC DEFENSE INDUSTRIAL BASE FA-**
21 **CILITIES AND MAJOR RANGE AND TEST FA-**
22 **CILITIES BASE CIVILIAN PERSONNEL.**

23 (a) *IN GENERAL.*—*Notwithstanding chapter 33 of title*
24 *5, United States Code, or any other provision of law relat-*
25 *ing to the examination, certification, and appointment of*

1 *individuals in the competitive service, during fiscal years*
2 *2017 and 2018, an employee of a defense industrial base*
3 *facility or the Major Range and Test Facilities Base serving*
4 *under a time-limited appointment in the competitive serv-*
5 *ice is eligible to compete for a permanent appointment in*
6 *the competitive service at (A) any such facility, Base, or*
7 *any other component of the Department of Defense when*
8 *such facility, Base, or component (as the case may be) is*
9 *accepting applications from individuals within the facility,*
10 *Base, or component's workforce under merit promotion pro-*
11 *cedures, or (B) any agency when the agency is accepting*
12 *applications from individuals outside its own workforce*
13 *under merit promotion procedures of the applicable agency,*
14 *if—*

15 (1) *the employee was appointed initially under*
16 *open, competitive examination under subchapter I of*
17 *chapter 33 of such title to the time-limited appoint-*
18 *ment;*

19 (2) *the employee has served under 1 or more*
20 *time-limited appointments by a defense industrial*
21 *base facility or the Major Range and Test Facilities*
22 *Base for a period or periods totaling more than 24*
23 *months without a break of 2 or more years; and*

24 (3) *the employee's performance has been at an*
25 *acceptable level of performance throughout the period*

1 or periods (as the case may be) referred to in para-
2 graph (2).

3 (b) *WAIVER OF AGE REQUIREMENT.*—In determining
4 the eligibility of a time-limited employee under this section
5 to be examined for or appointed in the competitive service,
6 the Office of Personnel Management or other examining
7 agency shall waive requirements as to age, unless the re-
8 quirement is essential to the performance of the duties of
9 the position.

10 (c) *STATUS.*—An individual appointed under this sec-
11 tion—

12 (1) becomes a career-conditional employee, unless
13 the employee has otherwise completed the service re-
14 quirements for career tenure; and

15 (2) acquires competitive status upon appoint-
16 ment.

17 (d) *FORMER EMPLOYEES.*—A former employee of a de-
18 fense industrial base facility or the Major Range and Test
19 Facilities Base who served under a time-limited appoint-
20 ment and who otherwise meets the requirements of this sec-
21 tion shall be deemed a time-limited employee for purposes
22 of this section if—

23 (1) such employee applies for a position covered
24 by this section within the period of 2 years after the
25 most recent date of separation; and

1 (2) *such employee’s most recent separation was*
2 *for reasons other than misconduct or performance.*

3 (e) *DEFINITION.—In this section, the term “defense in-*
4 *dustrial base facility” means any Department of Defense*
5 *depot, arsenal, or shipyard located within the United*
6 *States.*

7 **SEC. 1103. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
8 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
9 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
10 **FICIAL DUTY IN A COMBAT ZONE.**

11 *Paragraph (2) of section 1603(a) of the Emergency*
12 *Supplemental Appropriations Act for Defense, the Global*
13 *War on Terror, and Hurricane Recovery, 2006 (Public Law*
14 *109–234; 120 Stat. 443), as added by section 1102 of the*
15 *Duncan Hunter National Defense Authorization Act for*
16 *Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616)*
17 *and as most recently amended by section 1102 of the Na-*
18 *tional Defense Authorization Act for Fiscal Year 2016 (Pub-*
19 *lic Law 114–92; 129 Stat. 1022), is further amended by*
20 *striking “2017” and inserting “2018”.*

21 **SEC. 1104. ADVANCE PAYMENTS FOR EMPLOYEES RELO-**
22 **CATING WITHIN THE UNITED STATES AND ITS**
23 **TERRITORIES.**

24 (a) *IN GENERAL.—Subsection (a) of section 5524a of*
25 *title 5, United States Code, is amended—*

1 (1) *by striking “(a) The head” and inserting*
2 *“(a)(1) The head”; and*

3 (2) *by adding at the end the following:*

4 *“(2) The head of each agency may provide for the ad-*
5 *vance payment of basic pay, covering not more than 6 pay*
6 *periods, to an employee who is assigned to a position in*
7 *the agency that is located—*

8 *“(A) outside of the employee’s commuting area;*
9 *and*

10 *“(B) in the United States, the Commonwealth of*
11 *Puerto Rico, the Commonwealth of the Northern Mar-*
12 *iana Islands, or any territory or possession of the*
13 *United States.”.*

14 (b) *CONFORMING AMENDMENTS.—Subsection (b) of*
15 *such section is amended—*

16 (1) *in paragraph (1), by inserting “or assigned”*
17 *after “appointed”; and*

18 (2) *in paragraph (2)(B)—*

19 (A) *by inserting “or assignment” after “ap-*
20 *pointment”; and*

21 (B) *by inserting “or assigned” after “ap-*
22 *pointed”.*

23 (c) *CLERICAL AMENDMENTS.—*

24 (1) *SECTION HEADING.—The heading of such sec-*
25 *tion is amended by inserting “**and employees re-***

1 ***locating within the United States and its***
 2 ***territories” after “appointees”.***

3 (2) *TABLE OF SECTIONS.*—*The item relating to*
 4 *such section in the table of sections of chapter 55 of*
 5 *such title is amended to read as follows:*

*“5524a. Advance payments for new appointees and employees relocating within
 the United States and its territories.”.*

6 ***SEC. 1105. PERMANENT AUTHORITY FOR ALTERNATIVE***
 7 ***PERSONNEL PROGRAM FOR SCIENTIFIC AND***
 8 ***TECHNICAL PERSONNEL.***

9 (a) *PERMANENT AUTHORITY AND CODIFICATION.*—
 10 *Chapter 81 of title 10, United States Code, is amended by*
 11 *inserting after section 1589 a new section 1590 consisting*
 12 *of—*

13 (1) *a heading as follows:*

14 ***“§ 1590. Alternative personnel program for scientific***
 15 ***and technical personnel”;*** ***and***

16 (2) *a text consisting of the text of subsection (a),*
 17 *(b), (c), and (d) of section 1101 of the Strom Thur-*
 18 *mond National Defense Authorization Act for Fiscal*
 19 *Year 1999 (Public Law 105–261; 5 U.S.C. 3104*
 20 *note).*

21 (b) *CONFORMING AMENDMENTS.*—*Section 1590 of title*
 22 *10, United States Code, as added by subsection (a), is*
 23 *amended—*

24 (1) *in subsection (a)—*

1 (A) by striking “During the program period
2 specified in subsection (e)(1), the” and inserting
3 “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 it
13 appears.

14 (c) *CLERICAL AMENDMENT.*—The table of sections at
15 the beginning of chapter 81 of such title is amended by in-
16 serting after the item relating to section 1589 the following
17 new item:

 “1590. Alternative personnel program for scientific and technical personnel.”.

18 (d) *CONFORMING REPEAL.*—Section 1101 of the Strom
19 Thurmond National Defense Authorization Act for Fiscal
20 Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) is
21 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 “**CYBER***
7 ***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” be-*
12 *fore “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 pro-*
20 *vide that, with respect to per diem rates for Ohio, the local-*
21 *ity described as Dayton/Fairborn and the locality described*
22 *as Cincinnati are considered 1 locality for purposes of es-*
23 *tablishing per diem allowance or maximum amount of re-*
24 *imbursement 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 ef-*

1 *fective on the same date as the application of the first recal-*
2 *ulation of per diem allowances by the Administrator that*
3 *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 amend-*
9 *ed—*

10 *(1) in subsection (a) by striking “any land man-*
11 *agement agency or any other agency (as defined in*
12 *section 101 of title 31) under the internal merit pro-*
13 *motion procedures of the applicable agency” and in-*
14 *serting “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 applica-*
21 *ble agency”; and*

22 *(2) in subsection (d) by inserting “of the agency*
23 *from which the former employee was most recently*
24 *separated” after “deemed a time-limited employee”.*

1 **SEC. 1109. LIMITATION ON ADMINISTRATIVE LEAVE.**

2 (a) *IN GENERAL.*—Subchapter II of chapter 63 of title
3 5, United States Code, is amended by adding at the end
4 the following:

5 **“§ 6330. Limitation on administrative leave**

6 “(a) *IN GENERAL.*—During any calendar year, an em-
7 ployee may not be placed on administrative leave, or any
8 other paid non-duty status without charge to leave, for more
9 than 14 total days for reasons relating to misconduct or
10 performance. After an employee has been placed on admin-
11 istrative leave for 14 days, the employing agency shall re-
12 turn the employee to duty status, utilizing telework if avail-
13 able, and assign the employee to duties if such employee
14 is not a threat to safety, the agency mission, or Government
15 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, or
19 Government property and upon the expiration of the
20 14-day period described in subsection (a), an agency
21 head may place the employee on extended administra-
22 tive leave for additional periods of not more than 30
23 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 Representa-*
4 *tives and the Senate, and the Committee on Home-*
5 *land Security and Governmental Affairs of the Senate*
6 *a report, not later than 5 business days after granting*
7 *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 the*
12 *employee;*

13 *“(C) the reason the employee is on adminis-*
14 *trative leave;*

15 *“(D) an explanation as to why the employee*
16 *is a threat to safety, the agency mission, or Gov-*
17 *ernment property;*

18 *“(E) an explanation as to why the employee*
19 *is not able to telework or be reassigned to an-*
20 *other 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 investiga-*
15 *tive entity, additional time is needed to complete the*
16 *investigation, such entity shall certify to the applica-*
17 *ble agency that such additional time is needed and*
18 *include in the certification an estimate of the length*
19 *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 employee*
23 *on or after the date that is 30 days after the comple-*
24 *tion of a related investigation by an investigative en-*
25 *tity.*

1 “(d) *DEFINITIONS.*—*In this section, the following defi-*
2 *nitions apply:*

3 “(1) *INVESTIGATIVE ENTITY.*—*The term ‘inves-*
4 *tigative entity’ means an internal investigative unit*
5 *of the agency granting administrative leave, the Office*
6 *of Inspector General, the Office of the Attorney Gen-*
7 *eral, or the Office of Special Counsel.*

8 “(2) *RELATED INVESTIGATION.*—*The term ‘re-*
9 *lated investigation’ means an investigation that per-*
10 *tains to the underlying reasons an employee was*
11 *placed on administrative leave.’.*

12 “(b) *EFFECTIVE DATE.*—*The amendment made by sub-*
13 *section (a) shall begin to apply 90 days after the date of*
14 *enactment of this Act.*

15 “(c) *RULES OF CONSTRUCTION.*—*Nothing in the*
16 *amendment made by subsection (a) shall be construed to—*

17 “(1) *supersede the provisions of chapter 75 of title*
18 *5, United States Code; or*

19 “(2) *limit the number of days that an employee*
20 *may be placed on administrative leave, or any other*
21 *paid non-duty status without charge to leave, for rea-*
22 *sons unrelated to misconduct or performance.*

23 “(d) *CLERICAL AMENDMENT.*—*The table of sections for*
24 *subchapter II of chapter 63 of title 5, United States Code,*

1 *is amended by adding after the item relating to section 6329*
2 *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 section*
8 *3321 the following:*

9 **“§ 3322. Voluntary separation before resolution of per-**
10 **sonnel 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 in-*
15 *vestigation, the head of the agency from which such em-*
16 *ployee so resigns shall, if an adverse finding was made with*
17 *respect to such employee pursuant to such investigation,*
18 *make a permanent notation in the employee’s official per-*
19 *sonnel record file. The head shall make such notation not*
20 *later than 40 days after the date of the resolution of such*
21 *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 provide
3 such employee a copy of the adverse finding and any
4 supporting documentation;

5 “(2) provide the employee with a reasonable
6 time, but not less than 30 days, to respond in writing
7 and to furnish affidavits and other documentary evi-
8 dence to show why the adverse finding was unfounded
9 (a summary of which shall be included in any nota-
10 tion made to the employee’s personnel file under sub-
11 section (d)); and

12 “(3) provide a written decision and the specific
13 reasons therefore to the employee at the earliest prac-
14 ticable date.

15 “(c) An employee is entitled to appeal the decision of
16 the head of the agency to make a permanent notation under
17 subsection (a) to the Merit Systems Protection Board under
18 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 official
22 personnel record file indicating that an appeal disputing
23 the notation is pending not later than 2 weeks after the
24 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 the
9 notation made under paragraph (1) and the notation of an
10 adverse finding made under subsection (a) from the employ-
11 ee’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 43
19 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 sub-
23 section) who leaves the service after the date of enactment
24 of this Act.

1 (c) *CLERICAL AMENDMENT.*—*The table of sections of*
2 *subchapter I of chapter 33 of title 5, United States Code,*
3 *is amended by inserting after the item relating to section*
4 *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 excepted*
15 *service, prior to making any determination with respect to*
16 *the appointment or reinstatement of such employee to such*
17 *position, the appointing authority shall review and con-*
18 *sider the information relating to such employee’s former pe-*
19 *riod or periods of service in such employee’s official per-*
20 *sonnel 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 section.*”.

3 (b) *APPLICATION.—The amendment made by sub-*
4 *section (a) shall apply to any former Government employee*
5 *(as described in section 3330e of title 5, United States Code,*
6 *as added by such subsection) appointed or reinstated on or*
7 *after the date that is 180 days after the date of enactment*
8 *of this Act.*

9 (c) *CLERICAL AMENDMENT.—The table of sections of*
10 *subchapter I of chapter 33 of title 5, United States Code,*
11 *is amended by adding at the end the following:*

“3330e. Review of official personnel file of former Federal employees before rehiring.”.

12 ***TITLE XII—MATTERS RELATING***
13 ***TO FOREIGN NATIONS***
14 ***Subtitle A—Assistance and***
15 ***Training***

16 ***SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT***
17 ***FOR COALITION FORCES SUPPORTING CER-***
18 ***TAIN UNITED STATES MILITARY OPERATIONS.***

19 *Section 1234 of the National Defense Authorization*
20 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*
21 *394), as most recently amended by section 1201 of the Na-*
22 *tional Defense Authorization Act for Fiscal Year 2016 (Pub-*
23 *lic Law 114–92; 129 Stat. 1035), is further amended—*

1 (1) *in subsection (a), by striking “fiscal year*
2 *2016” and inserting “fiscal year 2017”;*

3 (2) *in subsection (d), by striking “during the pe-*
4 *riod beginning on October 1, 2015, and ending on De-*
5 *cember 31, 2016” and inserting “during the period*
6 *beginning on October 1, 2016, and ending on Decem-*
7 *ber 31, 2017”;* and

8 (3) *in subsection (e)(1), by striking “December*
9 *31, 2016” and inserting “December 31, 2017”.*

10 **SEC. 1202. EXTENSION OF AUTHORITY FOR TRAINING OF**
11 **GENERAL PURPOSE FORCES OF THE UNITED**
12 **STATES ARMED FORCES WITH MILITARY AND**
13 **OTHER SECURITY FORCES OF FRIENDLY FOR-**
14 **EIGN COUNTRIES.**

15 *Section 1203(h) of the National Defense Authorization*
16 *Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat.*
17 *894; 10 U.S.C. 2011 note) is amended by striking “Sep-*
18 *tember 30, 2017” and inserting “December 31, 2019”.*

19 **SEC. 1203. MODIFICATION AND EXTENSION OF AUTHORITY**
20 **TO CONDUCT ACTIVITIES TO ENHANCE THE**
21 **CAPABILITY OF FOREIGN COUNTRIES TO RE-**
22 **SPOND TO INCIDENTS INVOLVING WEAPONS**
23 **OF MASS DESTRUCTION.**

24 (a) **LIMITATION ON AVAILABILITY OF AUTHORITY FOR**
25 **OTHER COUNTRIES.**—*Subsection (b) of section 1204 of the*

1 *National Defense Authorization Act for Fiscal Year 2014*
2 *(Public Law 113–66; 127 Stat. 896; 10 U.S.C. 401 note)*
3 *is amended by striking “of the Secretary’s intention” and*
4 *inserting “not later than 48 hours after the Secretary makes*
5 *a determination”.*

6 (b) *AVAILABILITY OF FUNDS.—Subsection (d)(1) of*
7 *such section is amended to read as follows:*

8 “(1) *FUNDS AVAILABLE.—Of the funds author-*
9 *ized to be appropriated for the Department of Defense*
10 *for Operation and Maintenance, Defense-wide, and*
11 *available for the Defense Threat Reduction Agency for*
12 *a fiscal year, not more than \$20,000,000 may be*
13 *made available for assistance under this section for*
14 *such fiscal year.”.*

15 (c) *NOTICE TO CONGRESS ON CERTAIN ASSISTANCE.—*
16 *Subsection (e) of such section, as amended by section 1202*
17 *of the Carl Levin and Howard P. “Buck” McKeon National*
18 *Defense Authorization Act for Fiscal Year 2015 (Public*
19 *Law 113–291; 128 Stat. 3530), is further amended—*

20 (1) *by striking “If the amount” and inserting*
21 *“If the Secretary of Defense determines that the*
22 *amount”;*

23 (2) *by striking “the Secretary of Defense shall*
24 *notify” and inserting “the Secretary shall notify”;*
25 *and*

1 (3) *by striking “of that fact” and inserting “of*
2 *such determination not later than 48 hours after*
3 *making the determination”.*

4 (d) *EXPIRATION.*—*Subsection (h) of such section, as*
5 *amended by section 1273 of the National Defense Authoriza-*
6 *tion Act for Fiscal Year 2016 (Public Law 114–92; 129*
7 *Stat. 1076), is further amended by striking “September 30,*
8 *2019” and inserting “September 30, 2020”.*

9 (e) *EFFECTIVE DATE.*—*The amendments made by this*
10 *section take effect on the date of the enactment of this Act*
11 *and apply with respect to assistance authorized to be pro-*
12 *vided under subsection (a) of section 1204 of the National*
13 *Defense Authorization Act for Fiscal Year 2014 on or after*
14 *such date of enactment.*

15 **SEC. 1204. EXTENSION OF AUTHORITY FOR SUPPORT OF**
16 **SPECIAL OPERATIONS TO COMBAT TER-**
17 **RORISM.**

18 *Subsection (h) of section 1208 of the Ronald W.*
19 *Reagan National Defense Authorization Act for Fiscal Year*
20 *2005 (Public Law 108–375; 118 Stat. 2086), as most re-*
21 *cently amended by section 1208(b) of the Carl Levin and*
22 *Howard P. “Buck” McKeon National Defense Authoriza-*
23 *tion Act for Fiscal Year 2015 (Public Law 113–291; 128*
24 *Stat. 3541), is further amended by striking “2017” and in-*
25 *serting “2020”.*

1 **SEC. 1205. MODIFICATION AND CODIFICATION OF REPORT-**
2 **ING REQUIREMENTS RELATING TO SECURITY**
3 **COOPERATION AUTHORITIES.**

4 (a) *ANNUAL REPORT REQUIRED.*—Subsection (a) of
5 section 1211 of the Carl Levin and Howard P. “Buck”
6 McKeon National Defense Authorization Act for Fiscal Year
7 2015 (Public Law 113–291; 128 Stat. 3544) is amended—

8 (1) by striking “*BIENNIAL*” and all that follows
9 through “*the Secretary of Defense*” and inserting
10 “*ANNUAL REPORT REQUIRED.—Not later than Janu-*
11 *ary 31 of each year through January 31, 2021, the*
12 *Secretary of Defense*”;

13 (2) by striking “*congressional defense commit-*
14 *tees*” and inserting “*appropriate congressional com-*
15 *mittees*”;

16 (3) by striking “*security assistance*” and insert-
17 *ing “assistance*”; and

18 (4) by striking “*the two fiscal years*” and insert-
19 *ing “the fiscal year*”.

20 (b) *ELEMENTS OF REPORT.*—Subsection (b) of such
21 section is amended—

22 (1) in paragraph (1), by inserting “, *duration,*”
23 after “*purpose*”;

24 (2) in paragraph (2), by striking “*The cost*” and
25 *inserting “The cost and expenditures*”;

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

1 “(4) For each foreign country in which the
2 training, equipment, or other assistance or reimburse-
3 ment was provided, a description of the extent of par-
4 ticipation, if any, by the military forces and security
5 forces or other government organizations of such for-
6 eign country.

7 “(5) The number of members of the Armed
8 Forces involved in providing such training, equip-
9 ment, or assistance and a description of the military
10 benefits for such members involved in providing such
11 training, equipment or assistance.

12 “(6) A summary, by authority, of the activities
13 carried out under each authority specified in sub-
14 section (c).”.

15 (c) *MODIFICATION TO SPECIFIED AUTHORITIES.*—
16 Subsection (c) of such section is amended—

17 (1) by striking paragraph (1) and inserting the
18 following:

19 “(1) Sections 256, 263, 271, 272, 273, 281, 284,
20 285, 286, and 287.”.

21 (2) by striking paragraphs (4), (5), (7), and
22 (11);

23 (3) by redesignating paragraphs (6), (8), (9),
24 (10), and (12) through (17) as paragraphs (4)
25 through (13), respectively;

1 (4) *by adding at the end the following:*

2 “(14) *Section 401, relating to humanitarian and*
3 *civic assistance provided in conjunction with military*
4 *operations.*

5 “(15) *Section 1206 of the Carl Levin and How-*
6 *ard P. ‘Buck’ McKeon National Defense Authoriza-*
7 *tion Act for Fiscal Year 2015 (128 Stat. 3538; 10*
8 *U.S.C. 2282 note), relating to authority to conduct*
9 *human rights training of security forces and associ-*
10 *ated security ministries of foreign countries.*

11 “(16) *Section 1534 of the Carl Levin and How-*
12 *ard P. ‘Buck’ McKeon National Defense Authoriza-*
13 *tion Act for Fiscal Year 2015 (128 Stat. 3616), relat-*
14 *ing to the Counterterrorism Partnerships Fund.*

15 “(17) *Section 1203 of the National Defense Au-*
16 *thorization Act for Fiscal Year 2014 (Public Law*
17 *113–66; 127 Stat. 894; 10 U.S.C. 2011 note), relating*
18 *to training of general purpose forces of the United*
19 *States Armed Forces with military and other security*
20 *forces of friendly foreign countries.”; and*

21 (5) *by striking “of title 10, United States Code”*
22 *each place it appears.*

23 (d) *FORM.—Subsection (e) of such section is amended*
24 *by adding “that may also include other sensitive informa-*
25 *tion” after “annex”.*

1 (e) *CODIFICATION OF SECTION 1211 OF FY 2015*
2 *NDAA.*—

3 (1) *CODIFICATION.*—Chapter 11 of title 10,
4 *United States Code, as amended by section 1261 of*
5 *this Act, is further amended by inserting after section*
6 *251 a new section 252 consisting of—*

7 (A) *a heading as follows:*

8 **“§252. Annual report on programs carried out by the**
9 **Department of Defense to provide train-**
10 **ing, equipment, or other assistance or re-**
11 **imbursement to foreign security forces”;**
12 **and**

13 (B) *a text consisting of the text of sub-*
14 *sections (a) through (e) of section 1211 of the*
15 *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*
19 *section.*

20 (2) *CONFORMING REPEAL.*—Section 1211 of the
21 *Carl Levin and Howard P. “Buck” McKeon National*
22 *Defense Authorization Act for Fiscal Year 2015 (Pub-*
23 *lic Law 113–291; 128 Stat. 3544), as amended by*
24 *subsections (a) through (d) of this section, is repealed.*

25 (f) *REPEAL OF OTHER REPORTING REQUIREMENTS.*—

1 (1) *ANNUAL REPORT ON HUMANITARIAN AND*
2 *CIVIC ASSISTANCE ACTIVITIES.*—Section 401 of title
3 *10, United States Code, is amended—*

4 (A) *by striking subsection (d); and*

5 (B) *by redesignating subsection (e) as sub-*
6 *section (d).*

7 (2) *SEMI-ANNUAL REPORTS ON COUNTERTER-*
8 *RORISM PARTNERSHIPS FUND.*—Section 1534 of the
9 *Carl Levin and Howard P. “Buck” McKeon National*
10 *Defense Authorization Act for Fiscal Year 2015 (Pub-*
11 *lic Law 113–291; 128 Stat. 3616) is amended—*

12 (A) *by striking subsection (g); and*

13 (B) *by redesignating subsection (h) as sub-*
14 *section (g).*

15 (3) *ANNUAL REPORT ON USE OF AUTHORITY TO*
16 *TRAIN GENERAL PURPOSE FORCES OF THE UNITED*
17 *STATES ARMED FORCES WITH MILITARY AND OTHER*
18 *SECURITY FORCES OF FRIENDLY FOREIGN COUN-*
19 *TRIES.*—Section 1203 of the *National Defense Author-*
20 *ization Act for Fiscal Year 2014 (Public Law 113–*
21 *66; 127 Stat. 894; 10 U.S.C. 2011 note) is amended—*

22 (A) *in subsection (a)(1), by striking “sub-*
23 *section (f)” and inserting “subsection (e)”;*

24 (B) *by striking subsection (e); and*

1 (C) by redesignating subsections (f), (g),
2 and (h) as subsections (e), (f), and (g), respec-
3 tively.

4 (4) ANNUAL REPORT ON USE OF AUTHORITY FOR
5 NATIONAL GUARD STATE PARTNERSHIP PROGRAM.—
6 Section 1205 of the National Defense Authorization
7 Act for Fiscal Year 2014 (Public Law 113–66; 127
8 Stat. 897; 32 U.S.C. 107 note) is amended—

9 (A) by striking subsection (f); and

10 (B) by redesignating subsection (g), sub-
11 section (h), the second subsection (h), and sub-
12 section (i) as subsections (f), (g), (h), and (i), re-
13 spectively.

14 **SEC. 1206. INDEPENDENT ASSESSMENT OF DEPARTMENT**
15 **OF DEFENSE SECURITY COOPERATION PRO-**
16 **GRAMS.**

17 (a) ASSESSMENT REQUIRED.—

18 (1) IN GENERAL.—*The Secretary of Defense shall*
19 *enter into an agreement with a federally funded re-*
20 *search and development center, or another appro-*
21 *prate independent entity, with expertise in security*
22 *cooperation to conduct an assessment of the Strategic*
23 *Framework for Department of Defense Security Co-*
24 *operation.*

1 (2) *ELEMENTS.*—*The assessment under para-*
2 *graph (1) shall include the following:*

3 (A) *An assessment of each of the elements of*
4 *the Strategic Framework for Department of De-*
5 *fense Security Cooperation, as directed by sec-*
6 *tion 1202 of the National Defense Authorization*
7 *Act for Fiscal Year 2016 (Public Law 114–92;*
8 *129 Stat. 1036; 10 U.S.C. 113 note).*

9 (B) *An assessment of the extent to which se-*
10 *curity cooperation programs, individually and*
11 *in combination, as identified in the Comptroller*
12 *General Inventory of Department of Defense Se-*
13 *curity Cooperation Programs directed in the*
14 *committee report (H. Rept. 114–102) accom-*
15 *panying the National Defense Authorization Act*
16 *for Fiscal Year 2016, and any other relevant*
17 *studies, contribute to the strategic goals, primary*
18 *objectives, priorities, and desired end-states of*
19 *Department of Defense security cooperation pro-*
20 *grams.*

21 (C) *Any other matters the entity that con-*
22 *ducts the assessment considers appropriate.*

23 (b) *REPORT REQUIRED.*—

24 (1) *IN GENERAL.*—*Not later than November 1,*
25 *2017, the Secretary of Defense shall submit to the con-*

1 *gressional defense committees, the Committee on For-*
2 *oreign Relations of the Senate, and the Committee on*
3 *Foreign Affairs of the House of Representatives a re-*
4 *port that includes the assessment under subsection (a)*
5 *and any other matters the Secretary considers appro-*
6 *priate.*

7 (2) *FORM.—The report required under para-*
8 *graph (1) shall be submitted in unclassified form, but*
9 *may include a classified annex.*

10 ***Subtitle B—Matters Relating to***
11 ***Afghanistan and Pakistan***

12 ***SEC. 1211. EXTENSION AND MODIFICATION OF COM-***
13 ***MANDERS' EMERGENCY RESPONSE PROGRAM.***

14 (a) *EXTENSION.—Section 1201 of the National Defense*
15 *Authorization Act for Fiscal Year 2012 (Public Law 112–*
16 *81; 125 Stat. 1619), as most recently amended by section*
17 *1211 of the National Defense Authorization Act for Fiscal*
18 *Year 2016 (Public Law 114–92; 129 Stat. 1042), is further*
19 *amended—*

20 (1) *in subsection (a)—*

21 (A) *by striking “During fiscal year 2016”*
22 *and inserting “During the period beginning on*
23 *October 1, 2016, and ending on December 31,*
24 *2017”; and*

1 (B) by striking “in such fiscal year” and
2 inserting “in such period”;

3 (2) in subsection (b), by striking “fiscal year
4 2016” and inserting “fiscal year 2017”; and

5 (3) in subsection (f), by striking “in fiscal year
6 2016” and inserting “during the period beginning on
7 October 1, 2016, and ending on December 31, 2017”.

8 (b) *AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS*
9 *INJURY AND LOSS IN IRAQ.—*

10 (1) *IN GENERAL.—*During the period beginning
11 on October 1, 2016, and ending on December 31,
12 2017, amounts available pursuant to section 1201 of
13 the National Defense Authorization Act for Fiscal
14 Year 2012, as amended by this section, shall also be
15 available for *ex gratia* payments for damage, personal
16 injury, or death that is incident to combat operations
17 of the Armed Forces in Iraq.

18 (2) *NOTICE AND WAIT.—*The authority in this
19 subsection may not be used until 30 days after the
20 date on which the Secretary of Defense submits to the
21 congressional defense committees a report setting forth
22 the following:

23 (A) The amount that will be used for pay-
24 ments pursuant to this subsection.

1 (B) *The manner in which claims for pay-*
2 *ments shall be verified.*

3 (C) *The officers or officials who shall be au-*
4 *thorized to approve claims for payments.*

5 (D) *The manner in which payments shall*
6 *be made.*

7 (3) *LIMITATION ON AMOUNT AVAILABLE.—The*
8 *total amount of payments made pursuant to this sub-*
9 *section during the period beginning on October 1,*
10 *2016, and ending on December 31, 2017, may not ex-*
11 *ceed \$5,000,000.*

12 (4) *AUTHORITIES APPLICABLE TO PAYMENT.—*
13 *Any payment made pursuant to this subsection shall*
14 *be made in accordance with the authorities and limi-*
15 *tations in section 8121 of the Department of Defense*
16 *Appropriations Act, 2015 (division C of Public Law*
17 *113–235), other than subsection (h) of such section.*

18 (5) *CONSTRUCTION WITH RESTRICTION ON*
19 *AMOUNT OF PAYMENTS.—For purposes of the applica-*
20 *tion of subsection (e) of such section 1201, as so*
21 *amended, to any payment pursuant to this sub-*
22 *section, such payment shall be deemed to be a project*
23 *described by such subsection (e).*

1 **SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY**
2 **FOR REIMBURSEMENT OF CERTAIN COALI-**
3 **TION NATIONS FOR SUPPORT PROVIDED TO**
4 **UNITED STATES MILITARY OPERATIONS.**

5 (a) *EXTENSION.*—Subsection (a) of section 1233 of the
6 *National Defense Authorization Act for Fiscal Year 2008*
7 (*Public Law 110–181; 122 Stat. 393*), as most recently
8 amended by section 1212 of the *National Defense Authoriza-*
9 *tion Act for Fiscal Year 2016 (Public Law 114–92; 129*
10 *Stat. 1043)*, is further amended by striking “fiscal year
11 2016” and inserting “the period beginning on October 1,
12 2016, and ending on December 31, 2017,”.

13 (b) *LIMITATION ON AMOUNTS AVAILABLE.*—Subsection
14 (d)(1) of such section, as so amended, is further amended—

15 (1) in the second sentence, by striking “during
16 fiscal year 2016 may not exceed \$1,160,000,000” and
17 inserting “during the period beginning on October 1,
18 2016, and ending on December 31, 2017, may not ex-
19 ceed \$1,100,000,000” ; and

20 (2) in the third sentence, by striking “fiscal year
21 2016” and inserting “the period beginning on October
22 1, 2016, and ending on December 31, 2017,”.

23 (c) *EXTENSION OF NOTICE REQUIREMENT RELATING*
24 *TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PRO-*
25 *VIDED BY PAKISTAN.*—Section 1232(b)(6) of the *National*
26 *Defense Authorization Act for Fiscal Year 2008 (122 Stat.*

1 393), as most recently amended by section 1212(c) of the
2 *National Defense Authorization Act for Fiscal Year 2016*
3 (129 Stat. 1043), is further amended by striking “Sep-
4 tember 30, 2016” and inserting “December 31, 2017”.

5 (d) *EXTENSION OF LIMITATION ON REIMBURSEMENT*
6 *OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.*—
7 *Section 1227(d)(1) of the National Defense Authorization*
8 *Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.*
9 *2001), as most recently amended by section 1212(d) of the*
10 *National Defense Authorization Act for Fiscal Year 2016*
11 *(129 Stat. 1043), is further amended by striking “for fiscal*
12 *year 2016 or any prior fiscal year” and inserting “for any*
13 *period prior to December 31, 2017”.*

14 (e) *ADDITIONAL LIMITATION ON REIMBURSEMENT OF*
15 *PAKISTAN PENDING CERTIFICATION ON PAKISTAN.*—*Of the*
16 *total amount of reimbursements and support authorized for*
17 *Pakistan during the period beginning on October 1, 2016,*
18 *and ending on December 31, 2017, pursuant to the third*
19 *sentence of section 1233(d)(1) of the National Defense Au-*
20 *thorization Act for Fiscal Year 2008 (as amended by sub-*
21 *section (b)(2)), \$450,000,000 shall not be eligible for the*
22 *waiver under section 1227(d)(2) of the National Defense*
23 *Authorization Act for Fiscal Year 2013 (126 Stat. 2001)*
24 *unless the Secretary of Defense certifies to the congressional*
25 *defense committees that—*

1 (1) *Pakistan continues to conduct military oper-*
2 *ations in North Waziristan that are contributing to*
3 *significantly disrupting the safe haven and freedom of*
4 *movement of the Haqqani Network in Pakistan;*

5 (2) *Pakistan has taken steps to demonstrate its*
6 *commitment to prevent the Haqqani Network from*
7 *using North Waziristan as a safe haven; and*

8 (3) *the Government of Pakistan actively coordi-*
9 *nates with the Government of Afghanistan to restrict*
10 *the movement of militants, such as the Haqqani Net-*
11 *work, along the Afghanistan-Pakistan border.*

12 **SEC. 1213. EXTENSION OF AUTHORITY TO ACQUIRE PROD-**
13 **UCTS AND SERVICES PRODUCED IN COUN-**
14 **TRIES ALONG A MAJOR ROUTE OF SUPPLY TO**
15 **AFGHANISTAN.**

16 *Section 801(f) of the National Defense Authorization*
17 *Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
18 *2399), as most recently amended by section 1214 of the Na-*
19 *tional Defense Authorization Act for Fiscal Year 2016 (Pub-*
20 *lic Law 114–92; 129 Stat. 1045), is further amended by*
21 *striking “December 31, 2016” and inserting “December 31,*
22 *2017”.*

1 **SEC. 1214. EXTENSION OF AUTHORITY TO TRANSFER DE-**
2 **FENSE ARTICLES AND PROVIDE DEFENSE**
3 **SERVICES TO THE MILITARY AND SECURITY**
4 **FORCES OF AFGHANISTAN.**

5 (a) *EXTENSION.*—Subsection (h) of section 1222 of the
6 *National Defense Authorization Act for Fiscal Year 2013*
7 (*Public Law 112–239; 126 Stat. 1992*), as most recently
8 amended by section 1215 of the *National Defense Authoriza-*
9 *tion Act for Fiscal Year 2016 (Public Law 114–92; 129*
10 *Stat. 1045)*, is further amended by striking “December 31,
11 2016” and inserting “December 31, 2017”.

12 (b) *QUARTERLY REPORTS.*—Subsection (f)(1) of such
13 section, as so amended, is further amended by striking
14 “March 31, 2017” and inserting “March 31, 2018”.

15 (c) *EXCESS DEFENSE ARTICLES.*—Subsection (i)(2) of
16 such section, as so amended, is further amended by striking
17 “, 2015, and 2016” each place it appears and inserting
18 “, 2015, 2016, and 2017”.

19 **SEC. 1215. SENSE OF CONGRESS ON UNITED STATES POL-**
20 **ICY AND STRATEGY IN AFGHANISTAN.**

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

22 (1) *The United States continues to have vital na-*
23 *tional security interests in ensuring that Afghanistan*
24 *is a stable, sovereign country.*

25 (2) *President Obama signed a Strategic Partner-*
26 *ship Agreement and a Bilateral Security Agreement*

1 *with the President of the Islamic Republic of Afghani-*
2 *stan, which commits the United States to the long-*
3 *term security of, and defense cooperation with, the*
4 *Government of Afghanistan and designates Afghani-*
5 *stan as a “major non-NATO ally”.*

6 *(3) The unity government in Afghanistan, led by*
7 *President Ghani and Chief Executive Abdullah,*
8 *should be applauded for their continued leadership*
9 *and commitment to Afghanistan’s stability and secu-*
10 *rity.*

11 *(4) Stability and security in Afghanistan rein-*
12 *forces stability and security in the region.*

13 *(5) The best long-term guarantor of stability and*
14 *security in Afghanistan is a stable unity government*
15 *and a capable Afghan National Defense and Security*
16 *Forces (ANDSF).*

17 *(6) The President’s current policy is to draw*
18 *down from 9,800 to 5,500 United States troops by*
19 *January 1, 2017. As the recent commander in Af-*
20 *ghanistan, General John Campbell, testified to the*
21 *Senate Armed Services Committee, “the 5,500 [U.S.*
22 *troops] plan was developed primarily around counter-*
23 *terrorism. There’s very limited train-advise-and-as-*
24 *sist...in those numbers. To continue to build on the*
25 *Afghan Security Forces, the gaps and seams in avia-*

1 *tion, logistics, intelligence...we'd have to make some*
2 *adjustments to that number."*

3 *(7) The President's policy of limiting the number*
4 *of United States troops that the commander can em-*
5 *ploy in Afghanistan is hindering the effectiveness of*
6 *the United States mission therein.*

7 *(8) Further, at the current policy of 9,800*
8 *United States troops, the new commander of Oper-*
9 *ation Resolute Support in Afghanistan, General John*
10 *"Mick" Nicholson, agreed in testimony with the Sen-*
11 *ate Armed Services Committee that the security situa-*
12 *tion in Afghanistan has been deteriorating rather*
13 *than improving.*

14 *(9) General John Campbell also stated*
15 *". . . Afghan shortfalls will persist beyond 2016. Ca-*
16 *pability gaps still exist in fixed and rotary-wing*
17 *aviation, combined arms operations, intelligence col-*
18 *lection and dissemination, and maintenance."*

19 *(10) General John Campbell further stated "I*
20 *have the authority to protect coalition members*
21 *against any insurgents. . .to attack the Taliban just*
22 *because they're Taliban, I do not have that author-*
23 *ity."*

1 (11) *The Taliban have made territorial gains*
2 *and are holding terrain in key geographic areas in*
3 *Afghanistan, including in Helmand Province.*

4 (12) *The Taliban held the city of Kunduz, Af-*
5 *ghanistan, which is the first time the Taliban have*
6 *held a major city in Afghanistan in 14 years.*

7 (13) *The Haqqani Network, a designated foreign*
8 *terrorist organization aligned with the Taliban, is the*
9 *most lethal group on the battlefield in Afghanistan,*
10 *and continues to provide safe haven to al-Qaeda.*

11 (14) *The Islamic State of Iraq and the Levant*
12 *(ISIL) has established an affiliate in Afghanistan.*

13 (15) *Since the death of the Taliban's leader,*
14 *Mullah Mohammad Omar, and the ascendance of*
15 *Mullah Akhtar Mansoor and Saraj Haqqani, head of*
16 *the Haqqani Network, to Taliban leadership, the*
17 *Taliban have not engaged in political reconciliation*
18 *negotiations with the Government of Afghanistan.*

19 (16) *The President has the statutory, legal au-*
20 *thority to strike the Taliban and the Haqqani Net-*
21 *work.*

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

24 (1) *the President should authorize at least 9,800*
25 *United States troops to continue the train, advise,*

1 *and assist and counterterrorism missions in Afghani-*
2 *stan after 2016;*

3 *(2) the President should provide the United*
4 *States commander in Afghanistan with the authority*
5 *to unilaterally strike the Taliban and the Haqqani*
6 *Network;*

7 *(3) the President should provide additional re-*
8 *sources to strike the Islamic State of Iraq and the Le-*
9 *vant (ISIL) in Afghanistan;*

10 *(4) the President should provide the United*
11 *States commander in Afghanistan the authority to*
12 *conduct the train, advise, and assist mission below*
13 *the corps level of the Afghan National Defense and Se-*
14 *curity Forces (ANDSF);*

15 *(5) the United States should provide United*
16 *States Armed Forces lift and close air support to*
17 *ANDSF units until the ANDSF has a fully capable,*
18 *organic lift and close air support capability and ca-*
19 *capacity;*

20 *(6) the United States should provide monetary*
21 *and advisory support for 352,000 ANDSF personnel*
22 *and 30,000 Afghan Local Police, including intel-*
23 *ligence, surveillance, and reconnaissance support,*
24 *through 2018;*

1 (7) *it should continue to be a top priority to pro-*
2 *vide United States Armed Forces deployed to Afghan-*
3 *istan with necessary medical, force protection, and*
4 *combat search and rescue support; and*

5 (8) *United States military personnel who are*
6 *tasked with the mission of providing combat search*
7 *and rescue support, casualty evacuation, and medical*
8 *support should not be counted as part of any force*
9 *management level limitation on the number of United*
10 *States ground forces in Afghanistan.*

11 **SEC. 1216. SPECIAL IMMIGRANT STATUS FOR CERTAIN AF-**
12 **GHANS.**

13 (a) *ALIENS DESCRIBED.*—*Section 602(b)(2)(A)(i)(I)*
14 *of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101*
15 *note) is amended to read as follows:*

16 *“(I)(aa) by, or on behalf of, the*
17 *United States Government, in the case*
18 *of an application for Chief of Mission*
19 *approval submitted before May 31,*
20 *2016; or*

21 *“(bb) in the case of an applica-*
22 *tion for Chief of Mission approval sub-*
23 *mitted on or after May 31, 2016, in a*
24 *capacity that required the alien—*

1 “(AA) to serve as an inter-
2 preter or translator for United
3 States military personnel in Af-
4 ghanistan while traveling off-base
5 with such personnel; or

6 “(BB) to perform sensitive
7 and trusted activities for United
8 States military personnel sta-
9 tioned in Afghanistan; or”.

10 (b) *NUMERICAL LIMITATIONS*.—Clauses (i) and (ii) of
11 section 602(b)(3)(F) of such Act are each amended by strik-
12 ing “December 31, 2016;” and inserting “December 31,
13 2017;”.

14 (c) *REPORT*.—Section 602(b)(14) of such Act is
15 amended—

16 (1) by striking “Not later than 60 days after the
17 date of the enactment of this paragraph,” and insert-
18 ing “Not later than December 31, 2016, and annually
19 thereafter through January 31, 2021;” and

20 (2) in subparagraph (A)(i), by striking “under
21 this section;” and inserting “under subclause (I) or
22 (II)(bb) of paragraph (2)(A)(ii);”.

1 ***Subtitle C—Matters Relating to***
2 ***Syria and Iraq***

3 **SEC. 1221. MODIFICATION AND EXTENSION OF AUTHORITY**
4 **TO PROVIDE ASSISTANCE TO THE VETTED**
5 **SYRIAN OPPOSITION.**

6 (a) *IN GENERAL.*—Subsection (a) of section 1209 of
7 the Carl Levin and Howard P. “Buck” McKeon National
8 Defense Authorization Act for Fiscal Year 2015 (Public
9 Law 113–291; 128 Stat. 3541) is amended by striking “De-
10 cember 31, 2016” and inserting “December 31, 2017”.

11 (b) *REPROGRAMMING REQUIREMENT.*—Subsection (f)
12 of such section, as amended by section 1225(e) of the Na-
13 tional Defense Authorization Act for Fiscal Year 2016 (Pub-
14 lic Law 114–92; 129 Stat. 1055), is further amended—

15 (1) in paragraph (1), by striking “December 31,
16 2016” and inserting “December 31, 2017”; and

17 (2) by adding at the end the following:

18 “(3) **CERTIFICATION ACCOMPANYING RE-**
19 **PROGRAMMING REQUESTS.**—Each request under para-
20 graph (1) shall include a certification of the Secretary
21 of Defense that—

22 “(A) a required number and type of United
23 States Armed Forces have been deployed to sup-
24 port the strategy for Syria required under sec-
25 tion 1225(b) of the National Defense Authoriza-

1 *tion Act for Fiscal Year 2016 (Public Law 114–*
2 *92; 129 Stat. 1054) and to support a plan to re-*
3 *take and hold Raqqa, Syria; and*

4 *“(B) a required number and type of United*
5 *States Armed Forces have been deployed to sup-*
6 *port the elements of the Syrian opposition and*
7 *other Syrian groups and individuals that are to*
8 *be trained and equipped under this section to en-*
9 *sure that such elements, groups, and individuals*
10 *are able to defend themselves from attacks by the*
11 *Islamic State of Iraq and the Levant (ISIL) and*
12 *Government of Syria forces consistent with the*
13 *purposes set forth in subsection (a).”.*

14 **SEC. 1222. MODIFICATION AND EXTENSION OF AUTHORITY**
15 **TO PROVIDE ASSISTANCE TO COUNTER THE**
16 **ISLAMIC STATE OF IRAQ AND THE LEVANT.**

17 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
18 *that—*

19 *(1) it should be the policy of the United States*
20 *to support, within the framework of the Iraqi Con-*
21 *stitution, the Iraqi Kurdish Peshmerga, the Iraqi Se-*
22 *curity Forces, and Sunni tribal forces in the fight*
23 *against the Islamic State of Iraq and the Levant;*

24 *(2) recognizing the important role of the Iraqi*
25 *Kurdish Peshmerga within the military campaign*

1 *against ISIL in Iraq, the United States should pro-*
2 *vide arms, training, and appropriate equipment di-*
3 *rectly to the Kurdistan Regional Government; and*

4 *(3) efforts should be made to ensure transparency*
5 *and oversight mechanisms are in place for oversight*
6 *of United States assistance to combat waste, fraud,*
7 *and abuse.*

8 *(b) AUTHORITY.—Subsection (a) of section 1236 of the*
9 *Carl Levin and Howard P. “Buck” McKeon National De-*
10 *fense Authorization Act for Fiscal Year 2015 (Public Law*
11 *113–291; 128 Stat. 3559) is amended by striking “Decem-*
12 *ber 31, 2016” and inserting “December 31, 2017”.*

13 *(c) FUNDING.—Subsection (g) of such section, as*
14 *amended by section 1223 of the National Defense Authoriza-*
15 *tion Act for Fiscal Year 2016 (Public Law 114–92; 129*
16 *Stat. 1049), is further amended—*

17 *(1) by striking the first sentence and inserting*
18 *the following: “Of the amounts authorized to be ap-*
19 *propriated in the National Defense Authorization Act*
20 *for Fiscal Year 2017 for Overseas Contingency Oper-*
21 *ations in title XV for fiscal year 2017, there are au-*
22 *thorized to be appropriated \$680,000,000 to carry out*
23 *this section.”; and*

24 *(2) by striking the second sentence.*

1 (d) *SUBMISSION OF PLAN REQUIREMENT.*—Subsection
2 (k) of such section is amended to read as follows:

3 “(k) *SUBMISSION OF PLAN REQUIREMENT.*—Not more
4 than 75 percent of the funds authorized to be appropriated
5 under this section may be obligated or expended until not
6 earlier than 15 days after the date on which the Secretary
7 of Defense, in coordination with the Secretary of State, sub-
8 mits to the appropriate congressional committees a plan to
9 re-take Mosul, Iraq from the Islamic State of Iraq and the
10 Levant (ISIL) and to hold Mosul, Iraq.”.

11 (e) *BRIEFING AND AUTHORITY TO ASSIST DIRECTLY*
12 *CERTAIN COVERED GROUPS.*—Subsection (l) of such sec-
13 tion, as so amended, is further amended—

14 (1) in the subsection heading, by striking “AS-
15 ASSESSMENT” and inserting “BRIEFING”;

16 (2) in paragraph (1)—

17 (A) in the paragraph heading, by striking
18 “ASSESSMENT” and inserting “BRIEFING”;

19 (B) in subparagraph (A)—

20 (i) by striking “National Defense Au-
21 thorization Act for Fiscal Year 2016” and
22 inserting “National Defense Authorization
23 Act for Fiscal Year 2017”; and

24 (ii) by striking “submit to the appro-
25 priate congressional committees an assess-

1 *ment of” and inserting “provide to the ap-*
2 *propriate congressional committees a brief-*
3 *ing that includes an assessment of”;*

4 *(C) in subparagraph (C)—*

5 *(i) by striking “submit to the appro-*
6 *priate congressional committees an update*
7 *of” and inserting “provide to the appro-*
8 *priate congressional committees a briefing*
9 *that includes an update of”; and*

10 *(ii) by striking “the assessment is sub-*
11 *mitted” and inserting “the briefing is pro-*
12 *vided”; and*

13 *(D) by striking subparagraph (D);*

14 *(3) in paragraph (2)—*

15 *(A) in subparagraph (A)—*

16 *(i) by striking “If the President” and*
17 *all that follows through “the Secretary of*
18 *Defense” and inserting “Of the funds au-*
19 *thorized to be appropriated under this sec-*
20 *tion, \$50,000,000 shall be available to the*
21 *Secretary of Defense”;*

22 *(ii) by striking “is authorized”;*

23 *(iii) by striking “assistance” and in-*
24 *serting “stipends and sustainment”; and*

1 (iv) by adding at the end the following:
2 “Of the funds made available to carry out
3 this subparagraph, not less than 33 percent
4 shall be available for stipends and
5 sustainment for the group described in sub-
6 paragraph (D)(i).”.

7 (B) in subparagraph (C)—

8 (i) in the heading, by striking “COST-
9 SHARING” and inserting “SUBMISSION OF
10 PLAN”; and

11 (ii) by striking “cost-sharing” and in-
12 serting “submission of plan”; and

13 (C) in subparagraph (D) to read as follows:

14 “(D) COVERED GROUPS.—The groups de-
15 scribed in this subparagraph are the following
16 groups that are directly engaged in the cam-
17 paign for Mosul, Iraq:

18 “(i) The Iraqi Kurdish Peshmerga.

19 “(ii) Sunni tribal security forces, or
20 other local security forces, with a national
21 security mission.”.

22 (f) PROHIBITION ON ASSISTANCE AND REPORT ON
23 EQUIPMENT OR SUPPLIES TRANSFERRED TO OR ACQUIRED
24 BY VIOLENT EXTREMIST ORGANIZATIONS.—

1 (1) *PROHIBITION.*—*Assistance authorized under*
2 *section 1236 of the Carl Levin and Howard P.*
3 *“Buck” McKeon National Defense Authorization Act*
4 *for Fiscal Year 2015 (Public Law 113–291; 128 Stat.*
5 *3559), as so amended, may not be provided to the*
6 *Government of Iraq after the date that is 90 days*
7 *after the date of the enactment of this Act unless the*
8 *Secretary of Defense certifies to the appropriate con-*
9 *gressional committees, after the date of the enactment*
10 *of this Act, that the Government of Iraq has taken*
11 *such actions as may be reasonably necessary to safe-*
12 *guard against such assistance being transferred to or*
13 *acquired by violent extremist organizations.*

14 (2) *BRIEFING.*—

15 (A) *BRIEFING REQUIRED.*—*Not later than*
16 *30 days after the date on which the Secretary of*
17 *Defense makes any determination that equip-*
18 *ment or supplies provided pursuant to section*
19 *1236(a) of the Carl Levin and Howard P.*
20 *“Buck” McKeon National Defense Authorization*
21 *Act for Fiscal Year 2015 (Public Law 113–291;*
22 *128 Stat. 3559), as so amended, have been trans-*
23 *ferred to or acquired by a violent extremist orga-*
24 *nization, the Secretary shall provide to the ap-*
25 *propriate congressional committees a briefing*

1 *that contains a description of the determination*
2 *of the Secretary and the transfer to or acquisi-*
3 *tion by the violent extremist organization.*

4 (B) *ELEMENTS.—Each briefing under*
5 *paragraph (1) shall include, with respect to the*
6 *transfer covered by the report, the following:*

7 (i) *An assessment of the type and*
8 *quantity of equipment or supplies trans-*
9 *ferred to the violent extremist organization.*

10 (ii) *A description of the criteria used*
11 *to determine that the organization is a vio-*
12 *lent extremist organization.*

13 (iii) *A description, if known, of how*
14 *the equipment or supplies were transferred*
15 *to or acquired by the violent extremist orga-*
16 *nization.*

17 (iv) *If the equipment or supplies are*
18 *determined to remain under the current*
19 *control of the violent extremist organization,*
20 *a description of the organization, including*
21 *its relationship, if any, to the security forces*
22 *of the Government of Iraq.*

23 (v) *A description of the end use moni-*
24 *toring or other policies and procedures in*
25 *place in order to prevent equipment or sup-*

1 *plies to be transferred to or acquired by vio-*
2 *lent extremist organizations.*

3 (3) *DEFINITIONS.—In this subsection:*

4 (A) *APPROPRIATE CONGRESSIONAL COMMIT-*
5 *TEES.—The term “appropriate congressional*
6 *committees” means—*

7 (i) *the congressional defense commit-*
8 *tees; and*

9 (ii) *the Committee on Foreign Rela-*
10 *tions of the Senate and the Committee on*
11 *Foreign Affairs of the House of Representa-*
12 *tives.*

13 (B) *VIOLENT EXTREMIST ORGANIZATION.—*
14 *The term “violent extremist organization” means*
15 *an organization that—*

16 (i) *is a foreign terrorist organization*
17 *designated by the Secretary of State under*
18 *section 219 of the Immigration and Nation-*
19 *ality Act (8 U.S.C. 1189) or is associated*
20 *with a foreign terrorist organization; or*

21 (ii) *is known to be under the command*
22 *and control of, or is associated with, the*
23 *Government of Iran.*

1 **SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY**
2 **TO SUPPORT OPERATIONS AND ACTIVITIES**
3 **OF THE OFFICE OF SECURITY COOPERATION**
4 **IN IRAQ.**

5 (a) *EXTENSION OF AUTHORITY.*—Subsection (f)(1) of
6 section 1215 of the National Defense Authorization Act for
7 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631; 10
8 U.S.C. 113 note), as most recently amended by section 1221
9 of the National Defense Authorization Act for Fiscal Year
10 2016 (Public Law 114–92; 129 Stat. 1047), is further
11 amended—

12 (1) by striking “fiscal year 2016” and inserting
13 “fiscal year 2017”; and

14 (2) by inserting “, Iraqi Border Police,” after
15 “Iraqi Ministry of Defense”.

16 (b) *AUTHORITY.*—Subsection (a) of such section is
17 amended by striking “transition” and inserting “security”.

18 (c) *AMOUNT AVAILABLE.*—Such section, as so amend-
19 ed, is further amended—

20 (1) in subsection (c), by striking “fiscal year
21 2016” and inserting “fiscal year 2017”; and

22 (2) in subsection (d), by striking “fiscal year
23 2016” and inserting “fiscal year 2017”.

1 **SEC. 1224. REPORT ON PREVENTION OF FUTURE TER-**
2 **RORIST ORGANIZATIONS IN IRAQ AND SYRIA.**

3 (a) *REPORT REQUIRED.*—Not later than 180 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall submit to the congressional defense commit-
6 tees a report that describes the political, economic, and secu-
7 rity conditions in Iraq and Syria that would be necessary
8 and sufficient to prevent the formation of future terrorist
9 organizations in Iraq and Syria that may present a danger
10 to the United States, its allies, and the stability of Iraq,
11 Syria, and the rest of the Middle East region.

12 (b) *MATTERS TO BE INCLUDED.*—The report required
13 under subsection (a) shall include the following:

14 (1) *A detailed construct of the conditions that*
15 *must be met for the Islamic State to be considered de-*
16 *feated and a successful conclusion to Operation Inher-*
17 *ent Resolve achieved.*

18 (2) *A detailed explanation of the political, eco-*
19 *nomie, and security conditions that would—*

20 (A) *provide reasonable confidence a new ter-*
21 *rorist organization, including a successor to al*
22 *Qaeda or Islamic State, or an unrelated organi-*
23 *zation, would not form in the region in the short*
24 *and long term;*

1 (B) decrease probability of terrorist attacks
2 on the United States, its allies, and countries in
3 the Middle East;

4 (C) eliminate safe havens for terrorist orga-
5 nizations in Syria and Iraq; and

6 (D) diminish refugee flows within and out
7 of Iraq and Syria.

8 (3) A strategy for the United States and its al-
9 lies and partners to facilitate those political, eco-
10 nomic, and security conditions in the short and long
11 term, including a description of—

12 (A) the posture, roles, and activities of the
13 Department of Defense in Iraq and Syria and
14 the region;

15 (B) the roles and responsibilities of United
16 States' allies and regional partners; and

17 (C) the roles and responsibilities for other
18 countries and groups in the region, including
19 Kurds, Shia, and Sunni groups in Iraq and
20 Syria, and Saudi Arabia and Iran.

21 (4) Any other matters the Secretary of Defense
22 may determine to be appropriate.

23 (c) FORM.—The report required under subsection (a)
24 shall be submitted in unclassified form, but may contain
25 a classified annex if necessary.

1 **SEC. 1225. SEMIANNUAL REPORT ON INTEGRATION OF PO-**
2 **LITICAL AND MILITARY STRATEGIES AGAINST**
3 **ISIL.**

4 *(a) REPORTS REQUIRED.—*

5 *(1) IN GENERAL.—The Secretary of Defense and*
6 *the Secretary of State shall jointly submit to the ap-*
7 *propriate committees of Congress, on a semiannual*
8 *basis, a report on the political and military strategies*
9 *to defeat the Islamic State in Iraq and the Levant.*

10 *(2) SUBMITTAL.— A report under paragraph (1)*
11 *shall be submitted not later than June 15 each year,*
12 *for the 6-month period ending on May 31 of such*
13 *year, and not later than December 15 each year, for*
14 *the 6-month period ending on November 30 of such*
15 *year.*

16 *(3) FORM.—Each report required under para-*
17 *graph (1) shall be submitted in unclassified form, but*
18 *may include a classified annex.*

19 *(b) MATTERS TO BE INCLUDED.—Each report re-*
20 *quired under subsection (a) shall include the following:*

21 *(1) Military strategy and objectives of the United*
22 *States Department of Defense and coalition partners*
23 *against the Islamic State in Iraq and the Levant*
24 *(hereinafter in this section referred to as “ISIL”);*

25 *(2) Political strategy and objectives of the United*
26 *States Department of State and coalition partners to*

1 *address the political roots underlying the growth of*
2 *ISIL, including—*

3 *(A) a comprehensive political plan for*
4 *achieving a transition plan, interim government,*
5 *and free and fair internationally monitored elec-*
6 *tions after the end of the current government*
7 *headed by Bashar al-Assad;*

8 *(B) a comprehensive political plan for Iraqi*
9 *political reform and reconciliation between eth-*
10 *nic groups and political parties (including a*
11 *plan for passage of national guard legislation,*
12 *repeal of de-Baathification laws, and a plan for*
13 *equitable petroleum revenue sharing with the*
14 *Kurdistan Regional Government); and*

15 *(C) a critical assessment of the current size*
16 *and structure of the Iraqi Security Forces (here-*
17 *inafter in this section referred to as “ISF”) in-*
18 *cluding an assessment of—*

19 *(i) provincial and neighborhood mili-*
20 *tias and special counterterrorism units;*

21 *(ii) any changes in strength and mix*
22 *of force structure within the ISF;*

23 *(iii) levels of recruitment, retention,*
24 *and attrition within ISF forces; and*

25 *(iv) the operating budget of the ISF.*

1 (c) *REPORT BY COMPTROLLER GENERAL.*—Not later
2 than 180 days after the date of the enactment of this Act,
3 the Comptroller General of the United States shall submit
4 to the appropriate committees of Congress a review of—

5 (1) *the transparency and anti-fraud, internal*
6 *controls and accounting, and other measures under-*
7 *taken by the Government of Iraq for the ISF, includ-*
8 *ing irregular forces, relating to cash transfers and*
9 *other assistance provided through the Iraq Train and*
10 *Equip Fund; and*

11 (2) *the financial management capacity and ac-*
12 *countability of United States direct assistance with*
13 *respect to all recipients of funding under the Iraq*
14 *Train and Equip Fund.*

15 (d) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
16 *FINED.*—In this section, the term “appropriate committees
17 of Congress” means—

18 (1) *the Committee on Armed Services, the Com-*
19 *mittee on Appropriations, and the Committee on For-*
20 *oreign Relations of the Senate; and*

21 (2) *the Committee on Armed Services, the Com-*
22 *mittee on Appropriations, and the Committee on For-*
23 *oreign Affairs of the House of Representatives.*

1 (e) *SUNSET.*—*The requirements under this section*
2 *shall expire on the date that is three years after the date*
3 *of the enactment of this Act.*

4 ***Subtitle D—Matters Relating to the***
5 ***Russian Federation***

6 ***SEC. 1231. LIMITATION ON USE OF FUNDS TO APPROVE OR***
7 ***OTHERWISE PERMIT APPROVAL OF CERTAIN***
8 ***REQUESTS BY RUSSIAN FEDERATION UNDER***
9 ***OPEN SKIES TREATY.***

10 (a) *DEFINITIONS.*—*In this section:*

11 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
12 *TEES.*—*The term “appropriate congressional commit-*
13 *tees” means—*

14 (A) *the Committee on Armed Services, the*
15 *Committee on Foreign Relations, and the Select*
16 *Committee on Intelligence of the Senate; and*

17 (B) *the Committee on Armed Services, the*
18 *Committee on Foreign Affairs, and the Perma-*
19 *nent Select Committee on Intelligence of the*
20 *House of Representatives.*

21 (2) *COVERED STATE PARTY.*—*The term “covered*
22 *state party” means a foreign country that—*

23 (A) *is a state party to the Open Skies Trea-*
24 *ty; and*

25 (B) *is a United States ally.*

1 (3) *OBSERVATION AIRCRAFT, OBSERVATION*
2 *FLIGHT, AND SENSOR.*—*The terms “observation air-*
3 *craft”, “observation flight”, and “sensor” have the*
4 *meanings given such terms in Article II of the Open*
5 *Skies Treaty.*

6 (4) *OPEN SKIES TREATY.*—*The term “Open*
7 *Skies Treaty” means the Treaty on Open Skies, done*
8 *at Helsinki March 24, 1992, and entered into force*
9 *January 1, 2002.*

10 (b) *LIMITATION.*—*None of the funds authorized to be*
11 *appropriated or otherwise made available by this Act or*
12 *any other Act for fiscal year 2017 or any subsequent fiscal*
13 *year may be used to approve or otherwise permit the ap-*
14 *proval of a request by the Russian Federation to carry out*
15 *an initial or exhibition observation flight or certification*
16 *event of an observation aircraft on which is installed an*
17 *upgraded sensor with infrared or synthetic aperture radar*
18 *capability over the territory of the United States or over*
19 *the territory of a covered state party under the Open Skies*
20 *Treaty unless and until the Secretary of Defense, jointly*
21 *with the Secretary of State, the Secretary of Energy, the*
22 *Secretary of Homeland Security, the Director of the Federal*
23 *Bureau of Investigation, the Director of National Intel-*
24 *ligence, and the commander of U.S. Strategic Command*
25 *and the Commander of U.S. Northern Command in the case*

1 of a flight over the territory of the United States and the
2 Commander of U.S. European Command in the case of
3 other flights, submits to the appropriate congressional com-
4 mittees the following:

5 (1) *CERTIFICATION*.—A certification that—

6 (A) *the Russian Federation*—

7 (i) *is taking no action that is inconsis-*
8 *sistent with the terms of the Open Skies*
9 *Treaty;*

10 (ii) *is not exceeding the imagery limits*
11 *set forth in the Treaty; and*

12 (iii) *is allowing overflights by covered*
13 *state parties over all of Moscow, Chechnya,*
14 *Abkhazia, South Ossetia, and Kaliningrad*
15 *without restriction and without inconsis-*
16 *tency to requirements under the Open Skies*
17 *Treaty; and*

18 (B) *covered state parties have been notified*
19 *and briefed on concerns of the intelligence com-*
20 *munity (as defined in section 3 of the National*
21 *Security Act of 1947 (50 U.S.C. 3003)) regard-*
22 *ing upgraded sensors used under the Open Skies*
23 *Treaty.*

24 (2) *REPORT*.—A report on the Open Skies Trea-
25 *ty that includes the following:*

1 (A) *The annual costs to the United States*
2 *associated with countermeasures to combat po-*
3 *tential abuses of Russian flights carried out*
4 *under the Open Skies Treaty over European and*
5 *United States territories with a sensor described*
6 *in paragraph (1)(B).*

7 (B) *A plan to replace the Open Skies Trea-*
8 *ty architecture with a more robust sharing of*
9 *overhead commercial imagery, consistent with*
10 *United States national security, with covered*
11 *state parties, excluding the Russian Federation.*

12 (C) *An evaluation by the Director of Na-*
13 *tional Intelligence of matters concerning how an*
14 *observation flight described in subparagraph (A)*
15 *could implicate intelligence activities of the Rus-*
16 *sian Federation in the United States and United*
17 *States counterintelligence activities and*
18 *vulnerabilities.*

19 (D) *An assessment of how such information*
20 *is used by the Russian Federation, for what pur-*
21 *pose, and how the information fits into the Rus-*
22 *sian Federation's overall collection posture.*

23 (c) *NOTICE.*—

24 (1) *IN GENERAL.*—*Not later than 14 days after*
25 *the completion of an observation flight over the*

1 *United States, the Secretary of Defense, jointly with*
2 *the Secretary of Energy, the Secretary of Homeland*
3 *Security, the Director of the Federal Bureau of Inves-*
4 *tigation, and the Director of National Intelligence,*
5 *shall notify the appropriate congressional committees*
6 *of such flight.*

7 (2) *CONTENTS.—Notice submitted for a flight*
8 *pursuant to paragraph (1) shall include the following:*

9 (A) *A description of the flight path.*

10 (B) *An analysis of whether and the extent*
11 *to which any United States critical infrastruc-*
12 *ture was the subject of image capture activities*
13 *of such flight.*

14 (C) *An estimate for the mitigation costs im-*
15 *posed on the Department of Defense or other*
16 *United States Government agencies by such*
17 *flight.*

18 (D) *An assessment of how such information*
19 *is used by the Russian Federation, for what pur-*
20 *pose, and how the information fits into the Rus-*
21 *sian Federation's overall collection posture.*

22 (d) *ADDITIONAL LIMITATION.—*

23 (1) *IN GENERAL.—Not more than 65 percent of*
24 *the funds authorized to be appropriated or otherwise*
25 *made available by this Act or any other Act for fiscal*

1 *year 2017 year may be used to carry out any activi-*
2 *ties to implement the Open Skies Treaty until the re-*
3 *quirements described in paragraph (2) are met.*

4 (2) *REQUIREMENTS DESCRIBED.—The require-*
5 *ments described in this paragraph are the following:*

6 (A) *The Director of National Intelligence*
7 *and the Director of the National Geospatial-In-*
8 *telligence Agency jointly submit to the appro-*
9 *priate congressional committees a report on the*
10 *following:*

11 (i) *Whether it is possible, consistent*
12 *with United States national security inter-*
13 *ests, to provide enhanced access to United*
14 *States commercial imagery or other United*
15 *States capabilities, consistent with the pro-*
16 *tection of sources and methods and United*
17 *States national security, to covered state*
18 *parties that is qualitatively similar to that*
19 *derived by flights over the territory of the*
20 *United States or over the territory of a cov-*
21 *ered state party under the Open Skies Trea-*
22 *ty, on a more timely basis.*

23 (ii) *What the cost would be to provide*
24 *enhanced access to such commercial imagery*
25 *or other capabilities as compared to the cur-*

1 *rent imagery sharing through the Open*
2 *Skies Treaty.*

3 *(iii) Whether any new agreements*
4 *would be needed to provide enhanced access*
5 *to such commercial imagery or other capa-*
6 *bilities and what would be required to ob-*
7 *tain such agreements.*

8 *(iv) Whether transitioning to such*
9 *commercial imagery or other capabilities*
10 *from the current imagery sharing through*
11 *the Open Skies Treaty would reduce oppor-*
12 *tunities by the Russian Federation to exceed*
13 *imagery limits and reduce utility for Rus-*
14 *sian intelligence collection against the*
15 *United States or covered state parties.*

16 *(v) How such commercial imagery or*
17 *other capabilities would compare to the cur-*
18 *rent imagery sharing through the Open*
19 *Skies Treaty.*

20 *(B) The Secretary of State, in consultation*
21 *with the Director of the National Geospatial In-*
22 *telligence Agency and the Secretary of Defense,*
23 *submits to the appropriate congressional com-*
24 *mittees an unclassified report that—*

1 (i) details the costs for implementation
2 of the Open Skies Treaty, including—

3 (I) mitigation costs relating to
4 national security; and

5 (II) aircraft, sensors, and related
6 overhead and treaty implementation
7 costs for covered state parties; and

8 (ii) describes the impact on contribu-
9 tions by covered state parties and relation-
10 ships among covered state parties in the
11 context of the Open Skies Treaty, the North
12 Atlantic Treaty Organization, and any
13 other venues for United States partnership
14 dialogue and activity.

15 **SEC. 1232. MILITARY RESPONSE OPTIONS TO RUSSIAN FED-**
16 **ERATION VIOLATION OF INF TREATY.**

17 (a) *IN GENERAL.*—An amount equal to \$10,000,000
18 of the amount authorized to be appropriated or otherwise
19 made available to the Department of Defense for fiscal year
20 2017 to provide support services to the Executive Office of
21 the President shall be withheld from obligation or expendi-
22 ture until the Secretary of Defense—

23 (1) submits to the appropriate congressional
24 committees the plan for the development of military
25 capabilities as described in paragraph (1) of section

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 subsection*
5 *(a) shall not apply to—*

6 (1) *any activities necessary to ensure the compli-*
7 *ance of the United States with its obligations or the*
8 *exercise of rights of the United States under any bi-*
9 *lateral 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 the*
18 *limitation in subsection (a) if the Secretary of Defense, in*
19 *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.—The*
7 *certification requirement specified in paragraph (1) of sub-*
8 *section (a) shall not apply to military bases of the Russian*
9 *Federation in Ukraine’s Crimean peninsula operating in*
10 *accordance with its 1997 agreement on the Status and Con-*
11 *ditions of the Black Sea Fleet Stationing on the Territory*
12 *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 findings:

7 (1) *The Russian Federation, under the leader-*
8 *ship of President Vladimir Putin, continues to dem-*
9 *onstrate its intent to expand its sphere of influence*
10 *and limit Western influence both regionally and glob-*
11 *ally.*

12 (2) *In March 2016, at a House Armed Services*
13 *Committee hearing discussing worldwide threats,*
14 *Major General James Marrs, Director for Intelligence*
15 *in the Joint Staff stated, “principally, what we are*
16 *seeing in Russia. . .is just a breadth of capabilities*
17 *from strategic systems to anti access area denial to*
18 *even, I would say, a growing adeptness at operating*
19 *sort of just short of traditional military conflict that*
20 *is posing a significant challenge in the future”.*

21 (3) *In July 2015, Chairman of the Joint Chiefs*
22 *of Staff, General Joseph Dunford, testified to the Sen-*
23 *ate Armed Services Committee, that “Russia presents*
24 *the greatest threat to our national security”.* In No-
25 *vember 2015, Secretary of Defense, Ashton Carter,*
26 *discussed the need for “adapting our operational pos-*

1 *ture and contingency plans. . .to deter Russia’s ag-*
2 *gression”.*

3 *(4) In February 2016, the Rand Corporation re-*
4 *leased its report, “Reinforcing Deterrence on NATO’s*
5 *Eastern Flank”, concluding that at a maximum it*
6 *would take Russian forces approximately 60 hours to*
7 *reach the capitals of Estonia and Latvia, exhibiting*
8 *the challenge to North Atlantic Treaty Organization*
9 *(NATO) member countries of successfully defending*
10 *such territory with its current posture and capability.*

11 *(5) In February 2016, the Center for Strategic*
12 *and International Studies released its report, “Evalu-*
13 *ating U.S. Army Force Posture in Europe”, calling*
14 *for increased pre-positioned sets of United States*
15 *military equipment, increased rotational forces and*
16 *associated enablers, increased logistics capabilities,*
17 *and increased investment in combating unconven-*
18 *tional warfare methods in Europe.*

19 *(6) In February 2016, the National Commission*
20 *on the Future of the Army released its findings and*
21 *recommendations, which included Recommendation*
22 *14 calling for stationing an Armored Brigade Combat*
23 *Team Forward in Europe and Recommendation 15*
24 *calling for the conversion of Army Europe Aviation*
25 *Headquarters to a warfighting mission command.*

1 (7) *In the National Defense Authorization Act*
2 *for Fiscal Year 2015 (Public Law 114–92) and the*
3 *National Defense Authorization Act for Fiscal Year*
4 *2016 (Public Law 113–291), Congress authorized ap-*
5 *proximately \$1,800,000,000 for the European Reas-*
6 *surance Initiative to reassure allies through expanded*
7 *United States military presence in Europe through*
8 *rotational deployments of United States troops, bilat-*
9 *eral and multilateral exercises, improved infrastruc-*
10 *ture, increased pre-positioned United States military*
11 *equipment, and building partnership capacity.*

12 (8) *The budget of the President for fiscal year*
13 *2017 submitted to Congress under section 1105(a) of*
14 *title 31, United States Code, includes \$3,420,000,000*
15 *for the European Reassurance Initiative to begin the*
16 *transition from primarily reassuring United States*
17 *partners and allies to deterring the Russian Federa-*
18 *tion.*

19 (9) *The request encompasses a large increase of*
20 *conventional resources, including additional rota-*
21 *tional deployments of United States troops and pre-*
22 *positioning an Armored Brigade Combat Team’s*
23 *worth of equipment into Europe.*

24 (10) *The request also includes increased funding*
25 *for unconventional warfare resources, including cyber*

1 *and special operations forces, as well as for intel-*
2 *ligence and indicators and warning.*

3 *(b) STATEMENT OF POLICY.—*

4 *(1) IN GENERAL.—It is the policy of the United*
5 *States to reassure United States partners and allies*
6 *in Europe and to work with United States partners*
7 *and allies to deter aggression by the Government of*
8 *the Russian Federation in order to enhance regional*
9 *and global security and stability.*

10 *(2) CONDUCT OF POLICY.—The policy described*
11 *in paragraph (1) shall, among other things, be car-*
12 *ried out through a comprehensive defense strategy and*
13 *guidance to outline the future path of defense re-*
14 *sources and capabilities in the European theater.*
15 *Such strategy and guidance shall include—*

16 *(A) use and expansion of conventional*
17 *methods, including increased United States pres-*
18 *ence, pre-positioning of United States military*
19 *equipment, increased infrastructure, and build-*
20 *ing partnership capacity in Europe;*

21 *(B) emphasis on developing capabilities for*
22 *countering unconventional methods of warfare,*
23 *including cyber warfare, economic warfare, in-*
24 *formation operations, and intelligence oper-*
25 *ations; and*

1 (C) encouraging security assistance and ca-
2 pabilities of partners and allies, including
3 NATO member countries.

4 **SEC. 1235. MODIFICATION OF UKRAINE SECURITY ASSIST-**
5 **ANCE INITIATIVE.**

6 (a) *AUTHORITY TO PROVIDE ASSISTANCE.*—Sub-
7 section (a) of section 1250 of the National Defense Author-
8 ization Act for Fiscal Year 2016 (Public Law 114–92; 129
9 Stat. 1068) is amended—

10 (1) by striking “Of the amounts” and all that
11 follows through “the Secretary of Defense” and insert-
12 ing “The Secretary of Defense”; and

13 (2) by inserting “is authorized” before “to pro-
14 vide”.

15 (b) *AVAILABILITY OF FUNDS.*—Subsection (c) of such
16 section is amended—

17 (1) by striking paragraph (1);

18 (2) by redesignating paragraphs (2) and (3) as
19 paragraphs (1) and (2), respectively;

20 (3) in paragraph (1) (as so redesignated)—

21 (A) by striking “paragraph (3)” and insert-
22 ing “paragraph (2)”; and

23 (B) by striking “pursuant to subsection (a)”
24 and inserting “to carry out this section for a fis-
25 cal year”; and

1 (4) *in paragraph (2) (as so redesignated)*—

2 (A) *by striking “paragraph (2)” and insert-*
3 *ing “paragraph (1)”*; and

4 (B) *by striking “commencing on the date*
5 *that is six months after the date of the enactment*
6 *of this Act”*.

7 **SEC. 1236. PROHIBITION ON AVAILABILITY OF FUNDS RE-**
8 **LATING TO SOVEREIGNTY OF THE RUSSIAN**
9 **FEDERATION OVER CRIMEA.**

10 (a) *PROHIBITION.*—*None of the funds authorized to be*
11 *appropriated by this Act or otherwise made available for*
12 *fiscal year 2017 for the Department of Defense may be obli-*
13 *gated or expended to implement any activity that recognizes*
14 *the sovereignty of the Russian Federation over Crimea.*

15 (b) *WAIVER.*—*The Secretary of Defense, with the con-*
16 *currence of the Secretary of State, may waive the restriction*
17 *on the obligation or expenditure of funds required by sub-*
18 *section (a) if the Secretary—*

19 (1) *determines that to do so is in the national*
20 *security interest of the United States*; and

21 (2) *submits to the Committee on Armed Services*
22 *and the Committee on Foreign Relations of the Senate*
23 *and the Committee on Armed Services and the Com-*
24 *mittee on Foreign Affairs of the House of Representa-*

1 *tives a notification of the waiver at the time the*
2 *waiver is invoked.*

3 **SEC. 1237. MODIFICATION AND EXTENSION OF REPORT ON**
4 **MILITARY ASSISTANCE TO UKRAINE.**

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

6 *(1) Ukraine’s border is 6,995 kilometers long, in-*
7 *cluding 1,974 kilometers of controlled border with the*
8 *Russian Federation, 195 kilometers of an administra-*
9 *tive line with Crimea, and 409 kilometers of border*
10 *in the east that is currently uncontrolled.*

11 *(2) Since the beginning of the Russian-Ukrain-*
12 *ian conflict in 2014, 64 Ukrainian border guards*
13 *have been killed and another 391 have been wounded.*

14 *(3) Implementation of the Minsk Agreement,*
15 *signed in February 2015, requires the State Border*
16 *Guard Service of Ukraine to reestablish border check-*
17 *points in currently uncontrolled territory and to*
18 *monitor the border to verify full implementation of*
19 *the Agreement.*

20 *(4) Ukraine is developing engineering and tech-*
21 *nical systems to strengthen the controlled border be-*
22 *tween Ukraine and the Russian Federation, Ukrain-*
23 *ian maritime borders, and areas adjacent to the un-*
24 *controlled territory and occupied Crimea.*

1 (5) *Russian unmanned aerial vehicles are being*
2 *used to support Russian-backed separatist artillery*
3 *fire against Ukrainian forces.*

4 (6) *Due to a lack of resources and equipment,*
5 *Ukraine lacks an effective early warning network to*
6 *warn of any new aggression on the border.*

7 (7) *Section 1250 of the National Defense Author-*
8 *ization Act for Fiscal Year 2016 (Public Law 114–*
9 *92; 129 Stat. 1068) calls for the United States to pro-*
10 *vide to Ukraine critical training and equipment to*
11 *enhance the capabilities of the military and other se-*
12 *curity forces of Ukraine to defend against further ag-*
13 *gression from the Russian Federation and Russian-*
14 *backed separatists.*

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

17 (1) *the United States should continue to support*
18 *the Government of Ukraine’s efforts to provide and*
19 *maintain security in Ukraine;*

20 (2) *the State Border Guard Service of Ukraine*
21 *needs sufficient equipment and technical assistance to*
22 *defend and monitor Ukraine’s borders and to fully*
23 *implement the Minsk Agreement; and*

24 (3) *the Department of Defense should continue*
25 *its work with the Ukrainian military, Ukrainian Na-*

1 *tional Guard, and Ukrainian State Border Guard*
2 *Service to strengthen Ukraine’s defenses and defend*
3 *its borders against aggressive actions.*

4 *(c) MODIFICATION AND EXTENSION OF REPORT ON*
5 *MILITARY ASSISTANCE TO UKRAINE.—*

6 *(1) CONGRESSIONAL COMMITTEES.—Subsection*
7 *(b) of section 1275 of the Carl Levin and Howard P.*
8 *“Buck” McKeon National Defense Authorization Act*
9 *for Fiscal Year 2015 (Public Law 113–291; 128 Stat.*
10 *3591) is amended by inserting “and the Committee*
11 *on Foreign Relations of the Senate and the Committee*
12 *on Foreign Affairs of the House of Representatives”*
13 *after “congressional defense committees”.*

14 *(2) ELEMENTS.—Subsection (c) of such section is*
15 *amended by adding at the end the following:*

16 *“(8) A description of the extent to which the De-*
17 *partment of Defense has provided security assistance*
18 *to the Government of Ukraine for the purposes of pro-*
19 *tecting and monitoring the borders of Ukraine.”.*

20 *(3) EXTENSION.—Subsection (e) of such section,*
21 *as amended by section 1250(g) of the National De-*
22 *fense Authorization Act for Fiscal Year 2016 (Public*
23 *Law 114–92; 129 Stat. 1070), is further amended by*
24 *striking “December 31, 2017” and inserting “Decem-*
25 *ber 31, 2019”.*

1 **SEC. 1238. ADDITIONAL MATTERS IN ANNUAL REPORT ON**
2 **MILITARY AND SECURITY DEVELOPMENTS IN-**
3 **VOLVING THE RUSSIAN FEDERATION.**

4 (a) *ADDITIONAL MATTERS.*—*Subsection (b) of section*
5 *1245 of the Carl Levin and Howard P. “Buck” McKeon*
6 *National Defense Authorization Act for Fiscal Year 2015*
7 *(Public Law 113–291; 128 Stat. 3566), as amended by sec-*
8 *tion 1248(a) of the National Defense Authorization Act for*
9 *Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1066), is*
10 *further amended—*

11 (1) *by redesignating paragraph (18) as para-*
12 *graph (19); and*

13 (2) *by inserting after paragraph (17) the fol-*
14 *lowing:*

15 “(18) *The current state of Russia’s foreign mili-*
16 *tary deployments, which shall include the following:*

17 “(A) *For each such deployment, the esti-*
18 *mated number of forces, types of capabilities to*
19 *include advanced weapons, length of deployment,*
20 *and where possible identifying basing agree-*
21 *ments.*

22 “(B) *The following information with respect*
23 *to such deployments to be disaggregated on a*
24 *country-by-country basis:*

25 “(i) *The number of Russian military*
26 *personnel, including combat troops, mili-*

1 *tary trainers, combat enabling capabilities*
2 *and border security agents, deployed to the*
3 *country with the consent of the national or*
4 *local government. Such information should*
5 *include the length of the basing arrange-*
6 *ments and the strategic importance of the*
7 *location.*

8 *“(ii) The number of such Russian*
9 *military personnel deployed in areas where*
10 *Russian forces entered the country by force*
11 *or are otherwise deployed over the objections*
12 *of the national or local government.”.*

13 *(b) EFFECTIVE DATE.—The amendments made by sub-*
14 *section (a) shall take effect on the date of the enactment*
15 *of this Act, and shall apply with respect to reports sub-*
16 *mitted under section 1245 of the Carl Levin and Howard*
17 *P. “Buck” McKeon National Defense Authorization Act for*
18 *Fiscal Year 2015 after that date.*

19 ***Subtitle E—Other Matters***

20 ***SEC. 1241. SENSE OF CONGRESS ON MALIGN ACTIVITIES OF*** 21 ***THE GOVERNMENT OF IRAN.***

22 *(a) FINDINGS.—Congress finds that the Government of*
23 *Iran continues to conduct provocative, malign activities in*
24 *the region, including—*

1 (1) *the launch of the Shahab-3 medium-range*
2 *ballistic missile and Qiam-1 short-range ballistic mis-*
3 *siles;*

4 (2) *the intent to launch the Simorgh Space-*
5 *Launch Vehicle (SLV) as stated by Lieutenant Gen-*
6 *eral Vincent Stewart in testimony to the House*
7 *Armed Services Committee: “Iran stated publicly it*
8 *intends to launch the Simorgh (SLV), which would be*
9 *capable of intercontinental ballistic missile (ICBM)*
10 *range.”;*

11 (3) *the detention of United States service mem-*
12 *bers, which the Secretary of Defense, Ashton Carter,*
13 *described in testimony to the House Armed Services*
14 *Committee as “unprofessional” and “outrageous”;*

15 (4) *the support of foreign terrorist organizations*
16 *designated by the Department of State, such as Leba-*
17 *nese Hezbollah and Kata’ib Hizbollah;*

18 (5) *the support of the Assad regime in Syria;*

19 (6) *the support of Shia militias in Iraq that*
20 *have been directly responsible for the deaths of United*
21 *States service members; and*

22 (7) *the support of the Houthi rebels in Yemen in*
23 *contravention to the internationally-recognized, legiti-*
24 *mate Government of Yemen.*

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

3 (1) *the Joint Comprehensive Plan of Action*
4 *(JCPOA) does not address the totality of the malign*
5 *activities of the Government of Iran, including bal-*
6 *listic missile launches, support for designated foreign*
7 *terrorist organizations, or other proxies conducting*
8 *malign activities in the region and globally;*

9 (2) *the United States should increase its efforts*
10 *to counter the continued expansion of malign activi-*
11 *ties of the Government of Iran in the Middle East;*

12 (3) *the United States should ensure that it has*
13 *robust, enduring military posture and capabilities*
14 *forward deployed in the Arabian Gulf region to deter*
15 *Iranian aggression and respond to Iranian aggres-*
16 *sion, if necessary; and*

17 (4) *the United States should strengthen ballistic*
18 *missile defense capabilities and increase security as-*
19 *sistance to United States partners and allies in the*
20 *region.*

21 **SEC. 1242. MODIFICATION OF ANNUAL REPORT ON MILI-**
22 **TARY AND SECURITY DEVELOPMENTS IN-**
23 **VOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

24 **(a) ANNUAL REPORT.**—*Subsection (a) of section 1202*
25 *of the National Defense Authorization Act for Fiscal Year*

1 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113
2 note) is amended by striking “March 1 each year” and in-
3 serting “January 31 of each year through January 31,
4 2021”.

5 (b) *MATTERS TO BE INCLUDED.*—Subsection (b) of
6 such section, as most recently amended by section 1252(a)
7 of the Carl Levin and Howard P. “Buck” McKeon National
8 Defense Authorization Act for Fiscal Year 2015 (Public
9 Law 113–291; 128 Stat. 3571), is further amended by add-
10 ing at the end the following:

11 “(21) A summary of the order of battle of the
12 People’s Liberation Army, including anti-ship bal-
13 listic missiles, theater ballistic missiles, and land at-
14 tack cruise missile inventory.”.

15 (c) *EFFECTIVE DATE.*—The amendments made by this
16 section take effect on the date of the enactment of this Act
17 and apply with respect to reports required to be submitted
18 under subsection (a) of section 1202 of the National Defense
19 Authorization Act for Fiscal Year 2000 on or after that
20 date.

21 **SEC. 1243. SENSE OF CONGRESS ON TRILATERAL COOPERA-**
22 **TION BETWEEN JAPAN, SOUTH KOREA, AND**
23 **THE UNITED STATES.**

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

1 (1) *Japan and the Republic of Korea (South*
2 *Korea) are both treaty allies and critically important*
3 *security partners of the United States.*

4 (2) *Japan and South Korea confront a range of*
5 *shared challenges to their national security and to*
6 *stability in the Asia-Pacific region, including the*
7 *multitude of threats posed by the Democratic People's*
8 *Republic of Korea (North Korea).*

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

11 (1) *the United States should continue to support*
12 *trilateral cooperation with Japan and South Korea;*

13 (2) *the United States should continue to support*
14 *defense cooperation between Japan and South Korea*
15 *on the full range of issues related to North Korea and*
16 *to other security challenges in the Asia-Pacific region;*
17 *and*

18 (3) *the United States should seek to facilitate*
19 *closer security cooperation with and between Japan*
20 *and South Korea on—*

21 (A) *non-proliferation;*

22 (B) *cyber security;*

23 (C) *maritime security;*

24 (D) *security technology and capability de-*
25 *velopment; and*

1 (E) other areas of mutual security benefit.

2 **SEC. 1244. SENSE OF CONGRESS ON COOPERATION BE-**
3 **TWEEN SINGAPORE AND THE UNITED**
4 **STATES.**

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

6 (1) 2016 is the 50th year of relations between the
7 United States and the Republic of Singapore.

8 (2) The United States and Singapore signed an
9 enhanced defense cooperation agreement on December
10 7, 2015.

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

13 (1) the United States should continue to conduct
14 bilateral cooperation and support the strategic part-
15 nership with Singapore to promote peace and sta-
16 bility in the Asia-Pacific region;

17 (2) the United States welcomes the signing of the
18 enhanced Defense Cooperation Agreement with Singa-
19 pore and should expand bilateral training and co-
20 operation on security issues, including maritime secu-
21 rity, cyber security, countering violent extremism, hu-
22 manitarian assistance, and disaster relief;

23 (3) the United States should continue efforts
24 with Singapore to address transnational issues and
25 strengthen regional and multilateral institutions that

1 *promote security cooperation based on internationally*
2 *accepted rules and norms; and*

3 *(4) the United States should improve joint inter-*
4 *operability and security collaboration with Singapore*
5 *to enhance capabilities to maintain regional stability.*

6 **SEC. 1245. MONITORING AND EVALUATION OF OVERSEAS**
7 **HUMANITARIAN, DISASTER, AND CIVIC AID**
8 **PROGRAMS OF THE DEPARTMENT OF DE-**
9 **FENSE.**

10 *(a) IN GENERAL.—Of the amounts authorized to be*
11 *appropriated by this Act for Overseas Humanitarian, Dis-*
12 *aster, and Civic Aid, the Secretary of Defense is authorized*
13 *to use up to 5 percent of such amounts to conduct moni-*
14 *toring and evaluation of programs that are funded using*
15 *such amounts during fiscal year 2017.*

16 *(b) BRIEFING.—Not later than 90 days after the date*
17 *of the enactment of this Act, the Secretary of Defense shall*
18 *provide to the appropriate congressional committees a brief-*
19 *ing on mechanisms to evaluate the programs conducted pur-*
20 *suant to the authorities listed in subsection (a).*

21 *(c) DEFINITION.—In subsection (b), the term “appro-*
22 *priate congressional committees” means—*

23 *(1) the Committee on Armed Services and the*
24 *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 exchange*
11 *of covered support, supplies, and services, to the other Sec-*
12 *retary during a contingency operation and related transi-*
13 *tion period for up to two years following the end of such*
14 *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 by*
20 *providing the covered support, supplies, or services to*
21 *the requesting agency under this section.*

22 (2) *Credits and liabilities of the agencies accrued*
23 *as a result of acquisitions and transfers of covered*
24 *support, supplies, and services under this section shall*
25 *be liquidated not less often than once every 3 months*

1 *by direct payment to the agency supplying such sup-*
2 *port, supplies, or services by the agency receiving such*
3 *support, supplies, or services.*

4 (3) *Exchange entitlements accrued as a result of*
5 *acquisitions and transfers of covered support, sup-*
6 *plies, and services under this section shall be satisfied*
7 *within 12 months after the date of the delivery of the*
8 *covered support, supplies, or services. Exchange enti-*
9 *tlements not so satisfied shall be immediately liq-*
10 *uidated by direct payment to the agency supplying*
11 *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 serv-*
24 *ices” means food, billeting, transportation (including*
25 *airlift), petroleum, oils, lubricants, communications*

1 *services, medical services, ammunition, base oper-*
2 *ations support, use of facilities, spare parts and com-*
3 *ponents, repair and maintenance services, and cali-*
4 *bration services.*

5 (2) *CONTINGENCY OPERATION.*—*The term “con-*
6 *tingency operation” has the meaning given that term*
7 *in section 101(a)(13) of title 10, United States Code.*

8 (e) *CREDITING OF RECEIPTS.*—*Any receipt as a result*
9 *of an agreement entered into under this section shall be*
10 *credited, at the option of the Secretary of Defense with re-*
11 *spect to the Department of Defense and the Secretary of*
12 *State with respect to the Department of State, to—*

13 (1) *the appropriation, fund, or account used in*
14 *incurring the obligation; or*

15 (2) *an appropriate appropriation, fund, or ac-*
16 *count currently available for the purposes for which*
17 *the expenditures were made.*

18 (f) *NOTIFICATION.*—*Not later than 30 days after the*
19 *end of a fiscal year in which covered support, supplies, and*
20 *services are provided or exchanged pursuant to an agree-*
21 *ment under this section, the Secretary of Defense and the*
22 *Secretary of State shall jointly submit to the congressional*
23 *defense committees, the Committee on Foreign Relations of*
24 *the Senate, and the Committee on Foreign Affairs of the*
25 *House of Representatives a notification that contains a*

1 *copy of such agreement and a description of such covered*
2 *support, supplies, and services.*

3 (g) *SUNSET.*—*The authority to enter into an agree-*
4 *ment under this section shall terminate at the close of De-*
5 *cember 31, 2018.*

6 **SEC. 1247. TWO-YEAR EXTENSION AND MODIFICATION OF**
7 **AUTHORIZATION OF NON-CONVENTIONAL AS-**
8 **SISTED RECOVERY CAPABILITIES.**

9 (a) *EXTENSION OF AUTHORITY.*—*Subsection (h) of sec-*
10 *tion 943 of the Duncan Hunter National Defense Author-*
11 *ization Act for Fiscal Year 2009 (Public Law 110–417; 122*
12 *Stat. 4579), as most recently amended by section 1271 of*
13 *the National Defense Authorization Act for Fiscal Year*
14 *2016 (Public Law 114–92; 129 Stat. 1075), is further*
15 *amended by striking “2018” and inserting “2020”.*

16 (b) *MODIFICATION TO AUTHORIZED ACTIVITIES.*—
17 *Subsection (c) of such section is amended by inserting “,*
18 *or other individuals, as determined by the Secretary of De-*
19 *fense, with respect to already established non-conventional*
20 *assisted recovery capabilities” before the period at the end*
21 *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), the
7 Secretary of Defense may destroy the chemical muni-
8 tions 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 sec-
12 tion 321 of the Strom Thurmond National Defense
13 Authorization Act for Fiscal Year 1999 (Public Law
14 105–261; 10 U.S.C. 2701 note).

15 (3) *CONSULTATION BETWEEN SECRETARY OF DE-*
16 *FENSE AND SECRETARY OF STATE.*—The Secretary of
17 Defense and the Secretary of State shall consult and
18 develop any arrangements with the Republic of Pan-
19 ama with respect to this section.

20 (b) *CONDITIONS.*—The Secretary of Defense may exer-
21 cise the authority under subsection (a) only if the Republic
22 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 of*
26 *Chemical Weapons and on Their Destruction to indi-*

1 *cate that the chemical munitions described in sub-*
2 *section (c) are “old chemical weapons” rather than*
3 *“abandoned chemical weapons”; and*

4 *(2) affirmed, in writing, that it understands (A)*
5 *that the United States intends only to destroy the mu-*
6 *nitions described in subsections (c) and (d), and (B)*
7 *that the United States is not legally obligated and*
8 *does not intend to destroy any other munitions, mu-*
9 *nitions constituents, and associated debris that may*
10 *be located on San Jose Island as a result of research,*
11 *development, and testing activities conducted on San*
12 *Jose Island during the period of 1943 through 1947.*

13 *(c) CHEMICAL MUNITIONS.—The chemical munitions*
14 *described in this subsection are the eight United States-ori-*
15 *gin chemical munitions located on San Jose Island, Repub-*
16 *lic of Panama, that were identified in the 2002 Final In-*
17 *spection Report of the Technical Secretariat of the Organi-*
18 *zation for the Prohibition of Chemical Weapons.*

19 *(d) LIMITED INCIDENTAL AUTHORITY TO DESTROY*
20 *OTHER MUNITIONS.—In exercising the authority under*
21 *subsection (a), the Secretary of Defense may destroy other*
22 *munitions located on San Jose Island, Republic of Panama,*
23 *but only to the extent essential and required to reach and*
24 *destroy the chemical munitions described in subsection (c).*

1 *establish directed energy capabilities to detect and de-*
2 *feat ballistic missiles, cruise missiles, unmanned aer-*
3 *ial vehicles, mortars, and improvised explosive devices*
4 *that threaten the United States, deployed forces of the*
5 *United States, or Israel. Any activities carried out*
6 *pursuant to such authority shall be conducted in a*
7 *manner that appropriately protects sensitive informa-*
8 *tion and the national security interests of the United*
9 *States and Israel.*

10 (2) *REPORT.—The activities described in para-*
11 *graph (1) may be carried out after the Secretary of*
12 *Defense submits to the appropriate committees of*
13 *Congress a report setting forth the following:*

14 (A) *A memorandum of agreement between*
15 *the United States and Israel regarding sharing*
16 *of research and development costs for the capa-*
17 *bilities described in paragraph (1), and any sup-*
18 *porting documents.*

19 (B) *A certification that the memorandum of*
20 *agreement—*

21 (i) *requires sharing of costs of projects,*
22 *including in-kind support, between the*
23 *United States and Israel;*

24 (ii) *establishes a framework to nego-*
25 *tiate the rights to any intellectual property*

1 *developed under the memorandum of agree-*
2 *ment; and*

3 *(iii) requires the United States Gov-*
4 *ernment to receive semiannual reports on*
5 *expenditure of funds, if any, by the Govern-*
6 *ment of Israel, including a description of*
7 *what the funds have been used for, when*
8 *funds were expended, and an identification*
9 *of entities that expended the funds.*

10 (3) *ANNUAL LIMITATION ON AMOUNT.—The*
11 *amount of support provided under this subsection in*
12 *any year may not exceed \$25,000,000.*

13 (b) *LEAD AGENCY.—The Secretary of Defense shall*
14 *designate the Missile Defense Agency as the appropriate re-*
15 *search and development entity and as the lead agency of*
16 *the Department of Defense in carrying out this section.*

17 (c) *SEMIANNUAL REPORTS.—The Secretary of Defense*
18 *shall submit to the appropriate committees of Congress on*
19 *a semiannual basis a report that contains a copy of the*
20 *most recent semiannual report provided by the Government*
21 *of Israel to the Department of Defense pursuant to sub-*
22 *section (a)(2)(B)(iii).*

23 (d) *SUNSET.—The authority in this section to carry*
24 *out activities described in subsection (a) shall expire on De-*
25 *cember 31, 2018.*

1 (e) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
2 *FINED.*—*In this section, the term “appropriate committees*
3 *of Congress” means—*

4 (1) *the Committee on Armed Services, the Com-*
5 *mittee on Foreign Relations, the Committee on Home-*
6 *land Security and Governmental Affairs, the Com-*
7 *mittee on Appropriations, and the Select Committee*
8 *on Intelligence of the Senate; and*

9 (2) *the Committee on Armed Services, the Com-*
10 *mittee on Foreign Affairs, the Committee on Home-*
11 *land Security, the Committee on Appropriations, and*
12 *the Permanent Select Committee on Intelligence of the*
13 *House of Representatives.*

14 **SEC. 1251. SENSE OF CONGRESS ON SUPPORT FOR ESTO-**
15 **NIA, LATVIA, AND LITHUANIA.**

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

17 (1) *The Baltic States of Estonia, Latvia, and*
18 *Lithuania are highly valued allies of the United*
19 *States, and they have repeatedly demonstrated their*
20 *commitment to advancing our mutual interests as*
21 *well as those of the NATO Alliance.*

22 (2) *Operation Atlantic Resolve is a series of exer-*
23 *cises and coordinating efforts demonstrating the*
24 *United States’ commitment to its European partners*
25 *and allies, including the Baltic States of Estonia,*

1 *Latvia, and Lithuania, with the shared goal of peace*
2 *and stability in the region. Operation Atlantic Re-*
3 *solve strengthens communication and understanding,*
4 *and is an important effort to deter Russian aggres-*
5 *sion in the region.*

6 (3) *Through Operation Atlantic Resolve, the Eu-*
7 *ropean Reassurance Initiative undertakes exercises,*
8 *training, and rotational presence necessary to reas-*
9 *sure and integrate our allies, including the Baltic*
10 *States, into a common defense framework.*

11 (4) *All three Baltic States contributed to the*
12 *NATO-led International Security Assistance Force in*
13 *Afghanistan, sending disproportionate numbers of*
14 *troops and operating with few caveats. The Baltic*
15 *States continue to engage in Operation Resolute Sup-*
16 *port in Afghanistan.*

17 (b) *SENSE OF CONGRESS.—Congress—*

18 (1) *reaffirms its support for the principle of col-*
19 *lective defense in Article 5 of the North Atlantic Trea-*
20 *ty for our NATO allies, including Estonia, Latvia,*
21 *and Lithuania;*

22 (2) *supports the sovereignty, independence, terri-*
23 *torial integrity, and inviolability of Estonia, Latvia,*
24 *and Lithuania as well as their internationally recog-*
25 *nized borders, and expresses concerns over increas-*

1 *ingly aggressive military maneuvering by the Russian*
2 *Federation near their borders and airspace;*

3 *(3) expresses concern over and condemns subver-*
4 *sive and destabilizing activities by the Russian Fed-*
5 *eration within the Baltic States; and*

6 *(4) encourages the Administration to further en-*
7 *hance defense cooperation efforts with Estonia, Lat-*
8 *via, and Lithuania and supports the efforts of their*
9 *Governments to provide for the defense of their people*
10 *and sovereign territory.*

11 **SEC. 1252. SENSE OF CONGRESS ON SUPPORT FOR GEOR-**

12 **GIA.**

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

14 *(1) Georgia is a valued friend of the United*
15 *States and has repeatedly demonstrated its commit-*
16 *ment to advancing the mutual interests of both coun-*
17 *tries, including the deployment of Georgian forces as*
18 *part of the NATO-led International Security Assist-*
19 *ance Force (ISAF) in Afghanistan and the Multi-Na-*
20 *tional Force in Iraq.*

21 *(2) The European Reassurance Initiative builds*
22 *the partnership capacity of Georgia so it can work*
23 *more closely with the United States and NATO, as*
24 *well as provide for its own defense.*

1 (3) *In addition to the European Reassurance*
2 *Initiative, Georgia's participation in the NATO ini-*
3 *tiative Partnership for Peace is paramount to inter-*
4 *operability with the United States and NATO, and*
5 *establishing a more peaceful environment in the re-*
6 *gion.*

7 (4) *Despite the losses suffered, as a NATO part-*
8 *ner of ISAF, Georgia is engaged in the Resolute Sup-*
9 *port Mission in Afghanistan with the second largest*
10 *contingent on the ground.*

11 (b) *SENSE OF CONGRESS.—Congress—*

12 (1) *reaffirms United States support for Georgia's*
13 *sovereignty and territorial integrity within its inter-*
14 *nationally-recognized borders, and does not recognize*
15 *the independence of the Abkhazia and South Ossetia*
16 *regions currently occupied by the Russian Federation;*
17 *and*

18 (2) *supports continued cooperation between the*
19 *United States and Georgia and the efforts of the Gov-*
20 *ernment of Georgia to provide for the defense of its*
21 *people and sovereign territory.*

1 **SEC. 1253. MODIFICATION OF ANNUAL REPORT ON MILI-**
2 **TARY POWER OF IRAN.**

3 (a) *IN GENERAL.*—Subsection (b)(3) of section 1245
4 of the National Defense Authorization Act for Fiscal Year
5 2010 (Public Law 111–84; 123 Stat. 2542) is amended—

6 (1) by redesignating subparagraphs (E) through
7 (G) as subparagraphs (G) through (I), respectively;
8 and

9 (2) by inserting after subparagraph (D) the fol-
10 lowing:

11 “(E) an estimate of Iran’s military cyber
12 capabilities, including persons and entities oper-
13 ating on behalf of Iran, and any information on
14 those persons or entities responsible for targeting
15 United States critical infrastructure or United
16 States persons or entities;

17 “(F) information on Iranian military and
18 security organizations responsible for detaining
19 members of the United States Armed Forces or
20 interfering in United States military oper-
21 ations;”.

22 (b) *EFFECTIVE DATE.*—The amendments made by sub-
23 section (a) take effect on the date of the enactment of this
24 Act and apply with respect to reports required to be sub-
25 mitted under section 1245 of the National Defense Author-

1 ization Act for Fiscal Year 2010 on or after such date of
2 enactment.

3 **SEC. 1254. SENSE OF CONGRESS ON SENIOR MILITARY EX-**
4 **CHANGES BETWEEN THE UNITED STATES**
5 **AND TAIWAN.**

6 (a) *IN GENERAL.*—It is the sense of Congress that the
7 Secretary of Defense should conduct a program of senior
8 military exchanges between the United States and Taiwan
9 that have the objective of improving military-to-military re-
10 lations and defense cooperation between the United States
11 and Taiwan.

12 (b) *ADMINISTRATION OF PROGRAM.*—It is the sense of
13 Congress that the program described in subsection (a)—

14 (1) should be conducted at least once each cal-
15 endar year; and

16 (2) should be conducted in both the United States
17 and Taiwan.

18 (c) *DEFINITIONS.*—In this section:

19 (1) *SENIOR MILITARY EXCHANGE.*—The term
20 “senior military exchange” means an activity, exer-
21 cise, professional education event, or observation op-
22 portunity in which senior military officers and senior
23 defense officials participate.

1 “(2) *The class of ship or type of aircraft that*
2 *conducted the operation.*

3 “(3) *The geographic location of the operation.*

4 “(4) *Identification of the foreign country that*
5 *made the excessive territorial claim challenged by the*
6 *operation.*

7 “(5) *A description of the excessive territorial*
8 *claim that was challenged by the operation.*

9 “(c) *SUNSET.—This section shall terminate on Sep-*
10 *tember 30, 2018.”.*

11 “(b) *CLERICAL AMENDMENT.—The table of sections at*
12 *the beginning of such chapter is amended by inserting after*
13 *the item relating to section 130h the following new item:*
 “130i. Quarterly report on freedom of navigation operations.”.

14 “(c) *EFFECTIVE DATE.—The amendments made by sub-*
15 *sections (a) and (b) shall take effect on the date of the enact-*
16 *ment of this Act and shall apply with respect to fiscal quar-*
17 *ters beginning after such date.*

1 ***Subtitle F—Codification and Con-***
 2 ***solidation of Department of De-***
 3 ***fense Security Cooperation Au-***
 4 ***thorities***

5 ***SEC. 1261. ENACTMENT OF NEW CHAPTER FOR DEPART-***
 6 ***MENT OF DEFENSE SECURITY COOPERATION***
 7 ***AUTHORITIES AND TRANSFER OF CERTAIN***
 8 ***AUTHORITIES TO NEW CHAPTER.***

9 (a) *STATUTORY CODIFICATION.*—Chapter 11 of part I
 10 of subtitle A of title 10, United States Code, is amended
 11 to read as follows:

12 **“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 committees.*

8 *“(B) The Committee on Foreign Relations*
9 *of the Senate and the Committee on Foreign Af-*
10 *fairs of the House of Representatives.*

11 *“(2) The term ‘small-scale construction’ means,*
12 *with respect to a project, construction at a total cost*
13 *not to exceed \$750,000 for the project.*

1 **“Subchapter II—Military-to-Military**
2 **Engagements**

3 **“Subchapter III—Training With Foreign**
4 **Forces**

5 **“Subchapter IV—Support for Operations and**
6 **Capacity Building**

7 **“Subchapter V—Educational and Training**
8 **Activities**

9 **“Subchapter VI—Limitations on Use of**
10 **Department of Defense Funds”.**

11 (b) *CODIFICATION OF SECTION 1207 OF FY 2010*
12 *NDAA.*—

13 (1) *CODIFICATION.*—Chapter 11 of title 10,
14 *United States Code, as amended by subsection (a), is*
15 *further amended by inserting after the heading of sub-*
16 *chapter II a new section 256 consisting of—*

17 (A) *a heading as follows:*

18 **“§256. Authority for non-reciprocal exchanges of de-**
19 **fense personnel between the United States**
20 **and foreign countries”; and**

21 (B) *a text consisting of the text of section*
22 *1207 of the National Defense Authorization Act*
23 *for Fiscal Year 2010 (Public Law 111–84; 10*
24 *U.S.C. 168 note).*

1 (2) *REPEAL OF REPORTING REQUIREMENT.*—
2 *Section 256 of title 10, United States Code, as added*
3 *by paragraph (1), is amended—*

4 (A) *by striking subsection (e); and*

5 (B) *by redesignating subsection (f) as sub-*
6 *section (e).*

7 (3) *CONFORMING REPEAL.*—*Section 1207 of the*
8 *National Defense Authorization Act for Fiscal Year*
9 *2010 (Public Law 111–84; 10 U.S.C. 168 note) is re-*
10 *pealed.*

11 (c) *TRANSFER OF SECTION 1051b.*—*Section 1051b of*
12 *title 10, United States Code, is transferred to chapter 11*
13 *of such title, as amended by subsection (a), inserted after*
14 *section 256, as inserted by subsection (b), and redesignated*
15 *as section 257.*

16 (d) *TRANSFER OF SECTION 2010.*—*Section 2010 of*
17 *title 10, United States Code, is transferred to chapter 11*
18 *of such title, as amended by subsection (a), inserted after*
19 *the heading of subchapter III, and redesignated as section*
20 *263.*

21 (e) *TRANSFER OF SECTION 127d.*—*Section 127d of*
22 *title 10, United States Code, is transferred to chapter 11*
23 *of such title, as amended by subsection (a), inserted after*
24 *the heading of subchapter IV, and redesignated as section*
25 *271.*

1 (f) *TRANSFER OF SECTION 2282.*—Section 2282 of
2 *title 10, United States Code, is transferred to chapter 11*
3 *of such title, as amended by subsection (a), inserted after*
4 *section 271, as transferred and redesignated by subsection*
5 *(e), and redesignated as section 272.*

6 (g) *CODIFICATION OF SECTION 1081 OF FY 2012*
7 *NDAA.*—

8 (1) *CODIFICATION.*—Chapter 11 of title 10,
9 *United States Code, as amended by subsection (a), is*
10 *amended by inserting after section 272, as transferred*
11 *and redesignated by subsection (f), a new section 273*
12 *consisting of—*

13 (A) *a heading as follows:*

14 **“§273. Friendly foreign countries; international and**
15 **regional organizations: defense institu-**
16 **tion capacity building”; and**

17 (B) *a text consisting of the text of sub-*
18 *sections (a) through (d) of section 1081 of the*
19 *National Defense Authorization Act for Fiscal*
20 *Year 2012 (Public Law 112–81; 10 U.S.C. 168*
21 *note).*

22 (2) *EXTENSION OF AUTHORITY.*—Subsection
23 *(c)(1) of section 273 of title 10, United States Code,*
24 *as added by paragraph (1), is amended by striking*

1 *“at the close of December 31, 2017” and inserting “on*
2 *December 31, 2019”.*

3 (3) *CONFORMING REPEAL.—Section 1081 of the*
4 *National Defense Authorization Act for Fiscal Year*
5 *2012 (Public Law 112–81; 10 U.S.C. 168 note) is re-*
6 *pealed.*

7 (h) *TRANSFER OF SECTION 184 AND CODIFICATION OF*
8 *RELATED PROVISIONS.—*

9 (1) *TRANSFER.—Section 184 of title 10, United*
10 *States Code, is transferred to chapter 11 of title 10,*
11 *United States Code, as amended by subsection (a), in-*
12 *serted after the heading of subchapter V, and redesign-*
13 *ated as section 281.*

14 (2) *CODIFICATION OF REIMBURSEMENT-RELATED*
15 *PROVISIONS.—Subsection (f)(3) of section 281 of title*
16 *10, United States Code, as transferred and redesign-*
17 *ated by paragraph (1), is amended—*

18 (A) *by inserting “(A)” after “(3)”;* and

19 (B) *by adding at the end the following new*
20 *subparagraph:*

21 *“(B)(i) In fiscal years 2017 through 2019, the Sec-*
22 *retary of Defense may, with the concurrence of the Secretary*
23 *of State, waive reimbursement otherwise required under this*
24 *subsection of the costs of activities of Regional Centers*
25 *under this section for personnel of nongovernmental and*

1 *international organizations who participate in activities of*
2 *the Regional Centers that enhance cooperation of non-*
3 *governmental organizations and international organiza-*
4 *tions with United States forces if the Secretary of Defense*
5 *determines that attendance of such personnel without reim-*
6 *bursement is in the national security interests of the United*
7 *States.*

8 “(ii) *The amount of reimbursement that may be*
9 *waived under clause (i) in any fiscal year may not exceed*
10 *\$1,000,000.*”.

11 (3) *CODIFICATION OF PROVISIONS RELATING TO*
12 *SPECIFIC CENTERS.—Section 281 of title 10, United*
13 *States Code, as transferred and redesignated by para-*
14 *graph (1), is amended by adding at the end the fol-*
15 *lowing new subsections:*

16 “(h) *AUTHORITIES SPECIFIC TO MARSHALL CEN-*
17 *TER.—(1) The Secretary of Defense may authorize partici-*
18 *pation by a European or Eurasian country in programs*
19 *of the George C. Marshall European Center for Security*
20 *Studies (in this subsection referred to as the ‘Marshall Cen-*
21 *ter’)* if the Secretary determines, after consultation with the
22 *Secretary of State, that such participation is in the na-*
23 *tional interest of the United States.*

24 “(2)(A) *In the case of any person invited to serve with-*
25 *out compensation on the Marshall Center Board of Visitors,*

1 *the Secretary of Defense may waive any requirement for*
2 *financial disclosure that would otherwise apply to that per-*
3 *son solely by reason of service on such Board.*

4 “(B) *A member of the Marshall Center Board of Visi-*
5 *tors may not be required to register as an agent of a foreign*
6 *government solely by reason of service as a member of the*
7 *Board.*

8 “(C) *Notwithstanding section 219 of title 18, a non-*
9 *United States citizen may serve on the Marshall Center*
10 *Board of Visitors even though registered as a foreign agent.*

11 “(3)(A) *The Secretary of Defense may waive reim-*
12 *bursement of the costs of conferences, seminars, courses of*
13 *instruction, or similar educational activities of the Mar-*
14 *shall Center for military officers and civilian officials from*
15 *states located in Europe or the territory of the former Soviet*
16 *Union if the Secretary determines that attendance by such*
17 *personnel without reimbursement is in the national security*
18 *interest of the United States.*

19 “(B) *Costs for which reimbursement is waived pursu-*
20 *ant to subparagraph (A) shall be paid from appropriations*
21 *available for the Center.*

22 “(i) *AUTHORITIES SPECIFIC TO INOUYE CENTER.—(1)*
23 *The Secretary of Defense may waive reimbursement of the*
24 *cost of conferences, seminars, courses of instruction, or simi-*
25 *lar educational activities of the Daniel K. Inouye Asia-Pa-*

1 *cific Center for Security Studies for military officers and*
2 *civilian officials of foreign countries if the Secretary deter-*
3 *mines that attendance by such personnel, without reim-*
4 *bursement, is in the national security interest of the United*
5 *States.*

6 “(2) *Costs for which reimbursement is waived pursu-*
7 *ant to paragraph (1) shall be paid from appropriations*
8 *available for the Center.*”.

9 (4) *CONFORMING REPEALS.—The following pro-*
10 *visions of law are repealed:*

11 (A) *Section 941(b) of the Duncan Hunter*
12 *National Defense Authorization Act for Fiscal*
13 *Year 2009 (Public Law 110–417; 10 U.S.C. 184*
14 *note).*

15 (B) *Section 1065 of the National Defense*
16 *Authorization Act for Fiscal Year 1997 (Public*
17 *Law 104–201; 10 U.S.C. 113 note).*

18 (C) *Section 1306 of the National Defense*
19 *Authorization Act for Fiscal Year 1995 (Public*
20 *Law 103–337; 10 U.S.C. 113 note).*

21 (D) *Section 8073 of the Department of De-*
22 *fense Appropriations Act, 2003 (Public Law*
23 *107–248; 10 U.S.C. prec. 2161 note).*

24 (i) *TRANSFER OF SECTION 2166.—*

1 (1) *TRANSFER*.—Section 2166 of title 10, United
2 States Code, is transferred to chapter 11 of such title,
3 as amended by subsection (a), inserted after section
4 281, as transferred, redesignated, and amended by
5 subsection (h), and redesignated as section 282.

6 (2) *STYLISTIC AMENDMENTS*.—Section 282 of
7 title 10, United States Code, as transferred and redesi-
8 gnated by paragraph (1), is amended by striking
9 “nations” each place it appears in subsections (b)
10 and (c) and inserting “countries”.

11 (3) *CROSS-REFERENCE*.—Section 2612(a) of title
12 10, United States Code, is amended by striking “sec-
13 tion 2166(f)(4)” and inserting “section 282(f)(4)”.

14 (j) *TRANSFER OF SECTION 2350M*.—Section 2350m of
15 title 10, United States Code, is transferred to chapter 11
16 of such title, as amended by subsection (a), inserted after
17 section 282, as transferred and redesignated by subsection
18 (i), and redesignated as section 283.

19 (k) *TRANSFER OF SECTION 2249D*.—

20 (1) *TRANSFER*.—Section 2249d of title 10,
21 United States Code, is transferred to chapter 11 of
22 such title, as amended by subsection (a), inserted after
23 section 283, as transferred and redesignated by sub-
24 section (j), and redesignated as section 284.

1 (2) *STYLISTIC AMENDMENTS.*—Section 284 of
2 *title 10, United States Code, as transferred and reded-*
3 *esignated by paragraph (1), is amended—*

4 (A) *by striking “nations” in subsections (a)*
5 *and (d) and inserting “countries”; and*

6 (B) *by striking subsection (g).*

7 (l) *CONSOLIDATION OF CHAPTER 905 AND SECTIONS*
8 *9381, 9382, AND 9383.—*

9 (1) *CONSOLIDATION.*—Chapter 11 of title 10,
10 *United States Code, as amended by subsection (a), is*
11 *further amended by inserting after section 284, as*
12 *transferred and redesignated by subsection (k), the fol-*
13 *lowing new section:*

14 **“§285. Aviation leadership program**

15 “(a) *ESTABLISHMENT OF PROGRAM.*—Under regula-
16 *tions prescribed by the Secretary of Defense, the Secretary*
17 *of the Air Force may establish and maintain an Aviation*
18 *Leadership Program to provide undergraduate pilot train-*
19 *ing and necessary related training to personnel of the air*
20 *forces of friendly, developing foreign countries. Training*
21 *under this section shall include language training and pro-*
22 *grams to promote better awareness and understanding of*
23 *the democratic institutions and social framework of the*
24 *United States.*

1 “(b) *SUPPLIES AND CLOTHING.*—(1) *The Secretary of*
2 *the Air Force may, under such conditions as the Secretary*
3 *may prescribe, provide to a person receiving training under*
4 *this section—*

5 “(A) *transportation incident to the training;*

6 “(B) *supplies and equipment to be used during*
7 *the training;*

8 “(C) *flight clothing and other special clothing re-*
9 *quired for the training; and*

10 “(D) *billeting, food, and health services.*

11 “(2) *The Secretary of the Air Force may authorize*
12 *such expenditures from the appropriations of the Air Force*
13 *as the Secretary considers necessary for the efficient and*
14 *effective maintenance of the Program in accordance with*
15 *this section.*

16 “(c) *ALLOWANCES.*—*The Secretary of the Air Force*
17 *may pay to a person receiving training under this section*
18 *a living allowance at a rate to be prescribed by the Sec-*
19 *retary, taking into account the amount of living allowances*
20 *authorized for a member of the armed forces under similar*
21 *circumstances.”.*

22 “(2) *CONFORMING REPEAL.*—*Chapter 905 of title*
23 *10, United States Code, is repealed.*

24 “(m) *TRANSFER OF SECTION 9415.*—*Section 9415 of*
25 *title 10, United States Code, is transferred to chapter 11*

1 of such title, as amended by subsection (a), inserted after
2 section 285, as added by subsection (l), and redesignated
3 as section 286.

4 (n) *CODIFICATION OF SECTION 1268 OF FY 2015*
5 *NDAA.*—

6 (1) *CODIFICATION.*—Chapter 11 of title 10,
7 United States Code, as amended by subsection (a), is
8 further amended by inserting after section 286, as
9 transferred and redesignated by subsection (m), a new
10 section 287 consisting of—

11 (A) a heading as follows:

12 **“§287. Inter-European Air Forces Academy”; and**

13 (B) a text consisting of the text of section
14 1268 of the Carl Levin and Howard P. “Buck”
15 McKeon National Defense Authorization Act for
16 Fiscal Year 2015 (Public Law 113–291; 10
17 U.S.C. 9411 note).

18 (2) *REPEAL OF REPORTING REQUIREMENT.*—
19 Section 287 of title 10, United States Code, as added
20 by paragraph (1), is amended—

21 (A) by striking subsection (g); and

22 (B) by redesignating subsection (h) as sub-
23 section (g).

24 (3) *CONFORMING REPEAL.*—Section 1268 of the
25 Carl Levin and Howard P. “Buck” McKeon National

1 *Defense Authorization Act for Fiscal Year 2015 (Pub-*
2 *lic Law 113–291; 10 U.S.C. 9411 note) is repealed.*

3 *(o) TRANSFER OF SECTIONS 2249A AND 2249E.—*

4 *(1) TRANSFER.—Sections 2249a and 2249e of*
5 *title 10, United States Code, are transferred to chap-*
6 *ter 11 of such title, as amended by subsection (a), in-*
7 *serted after the heading of subchapter VI, and redesign-*
8 *ated as sections 293 and 294, respectively.*

9 *(2) CONFORMING AMENDMENT.—Section 294 of*
10 *title 10, United States Code, as transferred and reded-*
11 *ignated by paragraph (1), is amended by striking*
12 *subsection (f).*

13 *(3) CROSS-REFERENCE.—Section 1204(b) of the*
14 *Carl Levin and Howard P. “Buck” McKeon National*
15 *Defense Authorization Act for Fiscal Year 2015 (Pub-*
16 *lic Law 113–291; 128 Stat. 3533; 10 U.S.C. 2249e*
17 *note) is amended—*

18 *(A) in paragraph (1)—*

19 *(i) in subparagraph (A), by striking*
20 *“section 2249e of title 10, United States*
21 *Code (as added by subsection (a))” and in-*
22 *serting “section 294 of title 10, United*
23 *States Code”; and*

24 *(ii) in subparagraphs (D) and (E), by*
25 *striking “section 2249e of title 10, United*

1 *States Code (as so added)” and inserting*
 2 *“section 294 of such title”; and*
 3 *(B) in paragraph (3), by striking “sub-*
 4 *section (f) of section 2249e of title 10, United*
 5 *States Code (as so added)” and inserting “sec-*
 6 *tion 251(1) of such title”.*

7 *(p) CLERICAL AMENDMENTS.—Title 10, United States*
 8 *Code, is amended as follows:*

9 *(1) The tables of chapters at the beginning of*
 10 *subtitle A, and at the beginning of part I of subtitle*
 11 *A, are amended by striking the item relating to chap-*
 12 *ter 11 and inserting the following new item:*

“11. Security cooperation 251”.

13 *(2) The table of sections at the beginning of*
 14 *chapter 3 is amended by striking the item relating to*
 15 *section 127d.*

16 *(3) The table of sections at the beginning of*
 17 *chapter 7 is amended by striking the item relating to*
 18 *section 184.*

19 *(4) The table of sections at the beginning of*
 20 *chapter 53 is amended by striking the item relating*
 21 *to section 1051b.*

22 *(5) The table of sections at the beginning of*
 23 *chapter 101 is amended by striking the item relating*
 24 *to section 2010.*

1 (6) *The table of sections at the beginning of*
2 *chapter 108 is amended by striking the item relating*
3 *to section 2166.*

4 (7) *The table of sections at the beginning of sub-*
5 *chapter I of chapter 134 is amended by striking the*
6 *items relating to sections 2249a, 2249d, and 2249e.*

7 (8) *The table of sections at the beginning of*
8 *chapter 136 is amended by striking the item relating*
9 *to section 2282.*

10 (9) *The table of sections at the beginning of sub-*
11 *chapter II of chapter 138 is amended by striking the*
12 *item relating to section 2350m.*

13 (10) *The tables of chapters at the beginning of*
14 *subtitle D, and at the beginning of part III of subtitle*
15 *D, are amended by striking the item relating to chap-*
16 *ter 905.*

17 (11) *The table of sections at the beginning of*
18 *chapter 907 is amended by striking the item relating*
19 *to section 9415.*

20 **TITLE XIII—COOPERATIVE**
21 **THREAT REDUCTION**

22 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
23 **DUCTION FUNDS.**

24 (a) *FISCAL YEAR 2017 COOPERATIVE THREAT REDUC-*
25 *TION FUNDS DEFINED.—In this title, the term “fiscal year*

1 *2017 Cooperative Threat Reduction funds*” means the funds
2 *appropriated pursuant to the authorization of appropria-*
3 *tions in section 301 and made available by the funding*
4 *table in division D for the Department of Defense Coopera-*
5 *tive Threat Reduction Program established under section*
6 *1321 of the Department of Defense Cooperative Threat Re-*
7 *duction Act (50 U.S.C. 3711).*

8 (b) *AVAILABILITY OF FUNDS.—Funds appropriated*
9 *pursuant to the authorization of appropriations in section*
10 *301 and made available by the funding table in division*
11 *D for the Department of Defense Cooperative Threat Reduc-*
12 *tion Program shall be available for obligation for fiscal*
13 *years 2017, 2018, and 2019.*

14 **SEC. 1302. FUNDING ALLOCATIONS.**

15 (a) *IN GENERAL.—Of the \$325,604,000 authorized to*
16 *be appropriated to the Department of Defense for fiscal year*
17 *2017 in section 301 and made available by the funding*
18 *table in division D for the Department of Defense Coopera-*
19 *tive Threat Reduction Program established under section*
20 *1321 of the Department of Defense Cooperative Threat Re-*
21 *duction Act (50 U.S.C. 3711), the following amounts may*
22 *be obligated for the purposes specified:*

23 (1) *For strategic offensive arms elimination,*
24 *\$11,791,000.*

1 (2) *For chemical weapons destruction,*
2 \$2,942,000.

3 (3) *For global nuclear security, \$16,899,000.*

4 (4) *For cooperative biological engagement,*
5 \$213,984,000.

6 (5) *For proliferation prevention, \$50,709,000, of*
7 *which—*

8 (A) *\$4,000,000 may be obligated for pur-*
9 *poses relating to nuclear nonproliferation as-*
10 *sisted or caused by additive manufacture tech-*
11 *nology (commonly referred to as “3D printing”);*

12 (B) *\$4,000,000 may be obligated for moni-*
13 *toring the “proliferation pathways” under the*
14 *Joint Comprehensive Plan of Action;*

15 (C) *\$4, 000,000 may be obligated for en-*
16 *hancing law enforcement cooperation and intel-*
17 *ligence sharing; and*

18 (D) *\$4,000,000 may be obligated for the*
19 *Proliferation Security Initiative under subtitle B*
20 *of title XVIII of the Implementing Recommenda-*
21 *tions of the 9/11 Commission Act of 2007 (50*
22 *U.S.C. 2911 et seq.).*

23 (6) *For threat reduction engagement, \$2,000,000.*

24 (7) *For activities designated as Other Assess-*
25 *ments/Administrative Costs, \$27,279,000.*

1 **(b) MODIFICATIONS TO CERTAIN REQUIREMENTS.—**
2 *The Department of Defense Cooperative Threat Reduction*
3 *Act (50 U.S.C. 3701 et seq.) is amended as follows:*

4 (1) *Section 1321(g)(1) (50 U.S.C. 3711(g)(1)) is*
5 *amended by striking “15 days” and inserting “45*
6 *days”.*

7 (2) *Section 1322(b) (50 U.S.C. 3712(b)) is*
8 *amended—*

9 (A) *by striking “At the time at which” and*
10 *inserting “Not later than 15 days before the date*
11 *on which”;*

12 (B) *in paragraph (1), by striking “; and”*
13 *and inserting a semicolon;*

14 (C) *in paragraph (2), by striking the period*
15 *and inserting “; and”; and*

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

18 “(3) *a discussion of—*

19 “(A) *whether authorities other than the au-*
20 *thority under this section are available to the*
21 *Secretaries to perform such project or activity to*
22 *meet the threats or goals identified under sub-*
23 *section (a)(1); and*

1 “(B) if such other authorities exist, why the
2 Secretaries were not able to use such authorities
3 for such project or activity.”.

4 (3) Section 1323(b)(3) (50 U.S.C. 3713(b)(3)) is
5 amended by striking “at the time at which” and in-
6 serting “not later than seven days before the date on
7 which”.

8 (4) Section 1324 (50 U.S.C. 3714) is amended—

9 (A) in subsection (a)(1)(C), by striking “15
10 days” and inserting “45 days”; and

11 (B) in subsection (b)(3), by striking “15
12 days” and inserting “45 days”.

13 (c) *JOINT COMPREHENSIVE PLAN OF ACTION DE-*
14 *FINED.*—*In this section, the term “Joint Comprehensive*
15 *Plan of Action” means the Joint Comprehensive Plan of*
16 *Action, signed at Vienna July 14, 2015, by Iran and by*
17 *the People’s Republic of China, France, Germany, the Rus-*
18 *sian Federation, the United Kingdom and the United*
19 *States, with the High Representative of the European*
20 *Union for Foreign Affairs and Security Policy, and all im-*
21 *plementing materials and agreements related to the Joint*
22 *Comprehensive Plan of Action, and transmitted by the*
23 *President to Congress on July 19, 2015, pursuant to section*
24 *135(a) of the Atomic Energy Act of 1954, as amended by*

1 *the Iran Nuclear Agreement Review Act of 2015 (Public*
2 *Law 114–17; 129 Stat. 201).*

3 **SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR**
4 **COOPERATIVE THREAT REDUCTION IN PEOP-**
5 **PLE’S REPUBLIC OF CHINA.**

6 *The Department of Defense Cooperative Threat Reduc-*
7 *tion Act (50 U.S.C. 3701 et seq.) is amended by inserting*
8 *after section 1334 the following new section:*

9 **“SEC. 1335. LIMITATION ON AVAILABILITY OF FUNDS FOR**
10 **COOPERATIVE THREAT REDUCTION ACTIVI-**
11 **TIES IN PEOPLE’S REPUBLIC OF CHINA.**

12 *“(a) QUARTERLY INSTALLMENTS.—In carrying out*
13 *activities under the Program in the People’s Republic of*
14 *China, the Secretary of Defense shall ensure that Coopera-*
15 *tive Threat Reduction funds for such activities are obligated*
16 *or expended in quarterly installments.*

17 *“(b) QUARTERLY CERTIFICATIONS.—*

18 *“(1) LIMITATION.—The Secretary of Defense*
19 *may not obligate or expend any Cooperative Threat*
20 *Reduction funds for activities in the People’s Repub-*
21 *lic of China during a quarter unless the Secretary*
22 *submits to the congressional defense committees and*
23 *the Committee on Foreign Affairs of the House of*
24 *Representatives and the Committee on Foreign Rela-*

1 *tions of the Senate the certification under paragraph*
2 *(2) with respect to such quarter.*

3 *“(2) SUBMISSION.—On a quarterly basis, the*
4 *Secretary shall submit to the committees specified in*
5 *paragraph (1) a certification, made in concurrence*
6 *with the Secretary of State, of the following:*

7 *“(A) China has taken material steps to—*

8 *“(i) disrupt the proliferation activities*
9 *of Li Fangwei (also known as Karl Lee, or*
10 *any other alias known by the United*
11 *States); and*

12 *“(ii) arrest Li Fangwei pursuant the*
13 *indictment charged in the United States*
14 *District Court for the Southern District of*
15 *New York on April 29, 2014.*

16 *“(B) China has not proliferated to any non-*
17 *nuclear weapons state, or any nuclear weapons*
18 *state in violation of the Treaty on the Non-Pro-*
19 *liferation of Nuclear Weapons, any item that*
20 *contributes to a ballistic missile or nuclear*
21 *weapons delivery system.*

22 *“(3) COVERAGE.—The first notification made*
23 *under paragraph (2) shall cover the preceding 12-*
24 *month period before the date of such notification.*

1 *Each subsequent notification shall cover the quarter*
2 *preceding the date of such notification.”.*

3 **TITLE XIV—OTHER**
4 **AUTHORIZATIONS**
5 ***Subtitle A—Military Programs***

6 **SEC. 1401. WORKING CAPITAL FUNDS.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2017 for the use of the Armed Forces and other*
9 *activities and agencies of the Department of Defense for*
10 *providing capital for working capital and revolving funds,*
11 *as specified in the funding table in section 4501.*

12 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

13 *Funds are hereby authorized to be appropriated for fis-*
14 *cal year 2017 for the National Defense Sealift Fund, as*
15 *specified in the funding table in section 4501.*

16 **SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
17 **TION, DEFENSE.**

18 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
19 *hereby authorized to be appropriated for the Department*
20 *of Defense for fiscal year 2017 for expenses, not otherwise*
21 *provided for, for Chemical Agents and Munitions Destruc-*
22 *tion, Defense, as specified in the funding table in section*
23 *4501.*

24 *(b) USE.—Amounts authorized to be appropriated*
25 *under subsection (a) are authorized for—*

1 (1) the destruction of lethal chemical agents and
2 munitions in accordance with section 1412 of the De-
3 partment of Defense Authorization Act, 1986 (50
4 U.S.C. 1521); and

5 (2) the destruction of chemical warfare materiel
6 of the United States that is not covered by section
7 1412 of such Act.

8 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG AC-**
9 **TIVITIES, DEFENSE-WIDE.**

10 *Funds are hereby authorized to be appropriated for the*
11 *Department of Defense for fiscal year 2017 for expenses, not*
12 *otherwise provided for, for Drug Interdiction and Counter-*
13 *Drug Activities, Defense-wide, as specified in the funding*
14 *table in section 4501.*

15 **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

16 *Funds are hereby authorized to be appropriated for the*
17 *Department of Defense for fiscal year 2017 for expenses, not*
18 *otherwise provided for, for the Office of the Inspector Gen-*
19 *eral of the Department of Defense, as specified in the fund-*
20 *ing table in section 4501.*

21 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

22 *Funds are hereby authorized to be appropriated for fis-*
23 *cal year 2017 for the Defense Health Program, as specified*
24 *in the funding table in section 4501, for use of the Armed*
25 *Forces and other activities and agencies of the Department*

1 of Defense in providing for the health of eligible bene-
2 ficiaries.

3 **SEC. 1407. NATIONAL SEA-BASED DETERRENCE FUND.**

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 2017 for the National Sea-Based Deterrence Fund*
6 *as specified in the funding table in section 4501.*

7 ***Subtitle B—National Defense***
8 ***Stockpile***

9 **SEC. 1411. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
10 **RIALS FROM AND TO ACQUIRE ADDITIONAL**
11 **MATERIALS FOR THE NATIONAL DEFENSE**
12 **STOCKPILE.**

13 *(a) DISPOSAL AUTHORITY.—Pursuant to section 5(b)*
14 *of the Strategic and Critical Materials Stock Piling Act (50*
15 *U.S.C. 98d(b)), the National Defense Stockpile Manager*
16 *may dispose of the following materials contained in the Na-*
17 *tional Defense Stockpile in the following quantities:*

18 *(1) 27 short tons of beryllium.*

19 *(2) 111,149 short tons of chromium, ferroalloy.*

20 *(3) 2,973 short tons of chromium metal.*

21 *(4) 8,380 troy ounces of platinum.*

22 *(5) 275,741 pounds of contained tungsten metal*
23 *powder.*

24 *(6) 12,433,796 pounds of contained tungsten ores*
25 *and concentrates.*

1 **(b) ACQUISITION AUTHORITY.**—

2 **(1) AUTHORITY.**—*Using funds available in the*
3 *National Defense Stockpile Transaction Fund, the*
4 *National Defense Stockpile Manager may acquire the*
5 *following materials determined to be strategic and*
6 *critical materials required to meet the defense, indus-*
7 *trial, and essential civilian needs of the United*
8 *States:*

9 **(A) High modulus and high strength carbon**
10 *fibers.*

11 **(B) Tantalum.**

12 **(C) Germanium.**

13 **(D) Tungsten rhenium metal.**

14 **(E) Boron carbide powder.**

15 **(F) Europium.**

16 **(G) Silicon carbide fiber.**

17 **(2) AMOUNT OF AUTHORITY.**—*The National De-*
18 *fense Stockpile Manager may use up to \$55,000,0000*
19 *in the National Defense Stockpile Transaction Fund*
20 *for acquisition of the materials specified paragraph*
21 *(1).*

22 **(3) FISCAL YEAR LIMITATION.**—*The authority*
23 *under paragraph (1) is available for purchases dur-*
24 *ing fiscal year 2017 through fiscal year 2021.*

1 **SEC. 1412. REVISIONS TO THE STRATEGIC AND CRITICAL**
2 **MATERIALS STOCK PILING ACT.**

3 (a) *MATERIALS CONSTITUTING THE NATIONAL DE-*
4 *FENSE STOCKPILE.*—Section 4 of the Strategic and Critical
5 *Materials Stock Piling Act (50 U.S.C. 98c) is amended—*

6 (1) *in subsection (b), by striking “required for”*
7 *and inserting “suitable for transfer to or disposal*
8 *through”;* and

9 (2) *in subsection (c)—*

10 (A) *by striking “(1)” and all that follows*
11 *through “(2)”;* and

12 (B) *by striking “this subsection” and in-*
13 *serting “subsection (b)”.*

14 (b) *QUALIFICATION OF DOMESTIC SOURCES.*—Section
15 *15(a) of such Act (50 U.S.C. 98h- 6(a)) is amended—*

16 (1) *by striking “and” at the end of paragraph*
17 *(1);*

18 (2) *by striking the period at the end of para-*
19 *graph (2) and inserting a semicolon; and*

20 (3) *by adding at the end the following new para-*
21 *graphs:*

22 “(3) *by qualifying existing domestic facilities*
23 *and domestically produced strategic and critical ma-*
24 *terials to meet the requirements of defense and essen-*
25 *tial civilian industries in times of national emer-*
26 *gencies when existing domestic sources of supply are*

1 *either insufficient or vulnerable to single points of*
2 *failure; and*

3 *“(4) by contracting with domestic facilities to re-*
4 *cycle strategic and critical materials, thereby increas-*
5 *ing domestic supplies when those materials would oth-*
6 *erwise be insufficient to support defense and essential*
7 *civilian industries in times of national emergencies.”.*

8 ***Subtitle C—Other Matters***

9 ***SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT***
10 ***DEPARTMENT OF DEFENSE-DEPARTMENT OF***
11 ***VETERANS AFFAIRS MEDICAL FACILITY DEM-***
12 ***ONSTRATION FUND FOR CAPTAIN JAMES A.***
13 ***LOVELL HEALTH CARE CENTER, ILLINOIS.***

14 *(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the*
15 *funds authorized to be appropriated for section 506 and*
16 *available for the Defense Health Program for operation and*
17 *maintenance, \$122,375,000 may be transferred by the Sec-*
18 *retary of Defense to the Joint Department of Defense–De-*
19 *partment of Veterans Affairs Medical Facility Demonstra-*
20 *tion Fund established by subsection (a)(1) of section 1704*
21 *of the National Defense Authorization Act for Fiscal Year*
22 *2010 (Public Law 111–84; 123 Stat. 2571). For purposes*
23 *of subsection (a)(2) of such section 1704, any funds so*
24 *transferred shall be treated as amounts authorized and ap-*
25 *propriated specifically for the purpose of such a transfer.*

1 **(b) USE OF TRANSFERRED FUNDS.**—*For the purposes*
2 *of subsection (b) of such section 1704, facility operations*
3 *for which funds transferred under subsection (a) may be*
4 *used are operations of the Captain James A. Lovell Federal*
5 *Health Care Center, consisting of the North Chicago Vet-*
6 *erans Affairs Medical Center, the Navy Ambulatory Care*
7 *Center, and supporting facilities designated as a combined*
8 *Federal medical facility under an operational agreement*
9 *covered by section 706 of the Duncan Hunter National De-*
10 *fense Authorization Act for Fiscal Year 2009 (Public Law*
11 *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 fiscal*
15 *year 2017 from the Armed Forces Retirement Home Trust*
16 *Fund the sum of \$64,300,000 for the operation of the Armed*
17 *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, 1505,*
15 *and 1507 for expenses, not otherwise provided for, for*
16 *procurement, research, development, test, and evalua-*
17 *tion, operation and maintenance, military personnel,*
18 *and defense-wide drug interdiction and counter-drug*
19 *activities, as specified in the funding tables in sec-*
20 *tions 4103, 4203, 4303, 4403, and 4503.*

21 *(b) SUPPORT OF BASE BUDGET REQUIREMENTS;*
22 *TREATMENT.—Funds identified in subsection (a)(2) are*
23 *being authorized to be appropriated in support of base*
24 *budget requirements as requested by the President for fiscal*
25 *year 2017 pursuant to section 1105(a) of title 31, United*

1 *States Code. The Director of the Office of Management and*
2 *Budget shall apportion the funds identified in such sub-*
3 *section to the Department of Defense without restriction,*
4 *limitation, or constraint on the execution of such funds in*
5 *support of base requirements, including any restriction,*
6 *limitation, or constraint imposed by, or described in, the*
7 *document entitled “Criteria for War/Overseas Contingency*
8 *Operations Funding Requests” transmitted by the Director*
9 *to the Department of Defense on September 9, 2010, or any*
10 *successor or related guidance.*

11 **SEC. 1502. PROCUREMENT.**

12 *Funds are hereby authorized to be appropriated for fis-*
13 *cal year 2017 for procurement accounts for the Army, the*
14 *Navy and the Marine Corps, the Air Force, and Defense-*
15 *wide activities, as specified in—*

16 *(1) the funding table in section 4102; or*

17 *(2) the funding table in section 4103.*

18 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**

19 **TION.**

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal year 2017 for the use of the Department of Defense for*
22 *research, development, test, and evaluation, as specified*
23 *in—*

24 *(1) the funding table in section 4202; or*

25 *(2) the funding table in section 4203.*

1 **SEC. 1504. OPERATION AND MAINTENANCE.**

2 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
3 hereby authorized to be appropriated for fiscal year 2017
4 for the use of the Armed Forces and other activities and
5 agencies of the Department of Defense for expenses, not oth-
6 erwise provided for, for operation and maintenance, as
7 specified in—

8 (1) the funding table in section 4302, or

9 (2) the funding table in section 4303.

10 (b) *PERIOD OF AVAILABILITY.*—Amounts specified in
11 the funding table in section 4302 shall remain available for
12 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. 1505. MILITARY PERSONNEL.**

16 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
17 hereby authorized to be appropriated for fiscal year 2017
18 for the use of the Armed Forces and other activities and
19 agencies of the Department of Defense for expenses, not oth-
20 erwise provided for, for military personnel, as specified
21 in—

22 (1) the funding table in section 4402; or

23 (2) the funding table in section 4403.

24 (b) *PERIOD OF AVAILABILITY.*—Amounts specified in
25 the funding table in section 4402 shall remain available for
26 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. 1506. WORKING CAPITAL FUNDS.**

4 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
5 *hereby authorized to be appropriated for fiscal year 2017*
6 *for the use of the Armed Forces and other activities and*
7 *agencies of the Department of Defense for providing capital*
8 *for working capital and revolving funds, as specified in the*
9 *funding table in section 4502.*

10 *(b) PERIOD OF AVAILABILITY.—Amounts specified in*
11 *the funding table in section 4502 for providing capital for*
12 *working capital and revolving funds 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 **SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG AC-**
17 **TIVITIES, DEFENSE-WIDE.**

18 *Funds are hereby authorized to be appropriated for the*
19 *Department of Defense for fiscal year 2017 for expenses, not*
20 *otherwise provided for, for Drug Interdiction and Counter-*
21 *Drug Activities, Defense-wide, as specified in—*

22 *(1) the funding table in section 4502; or*

23 *(2) the funding table in section 4503.*

1 **SEC. 1508. DEFENSE INSPECTOR GENERAL.**

2 *Funds are hereby authorized to be appropriated for the*
3 *Department of Defense for fiscal year 2017 for expenses, not*
4 *otherwise provided for, for the Office of the Inspector Gen-*
5 *eral of the Department of Defense, as specified in the fund-*
6 *ing table in section 4502.*

7 **SEC. 1509. DEFENSE HEALTH PROGRAM.**

8 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
9 *hereby authorized to be appropriated for the Department*
10 *of Defense for fiscal year 2017 for expenses, not otherwise*
11 *provided for, for the Defense Health Program, as specified*
12 *in the funding table in section 4502.*

13 *(b) PERIOD OF AVAILABILITY.—Amounts specified in*
14 *the funding table in section 4502 for the Defense Health*
15 *Program shall remain available for obligation only until*
16 *April 30, 2017, at a rate for operations as provided in the*
17 *Department of Defense Appropriations Act, 2016 (division*
18 *C of Public Law 114–113).*

19 **SEC. 1510. COUNTERTERRORISM PARTNERSHIPS FUND.**

20 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
21 *hereby authorized to be appropriated for the Department*
22 *of Defense for fiscal year 2017 for expenses, not otherwise*
23 *provided for, for the Counterterrorism Partnerships Fund,*
24 *as specified in the funding table in section 4502.*

25 *(b) DURATION OF AVAILABILITY.—Amounts appro-*
26 *priated pursuant to the authorization of appropriations in*

1 *subsection (a) shall remain available for obligation through*
2 *September 30, 2018.*

3 ***Subtitle B—Financial Matters***

4 ***SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.***

5 *The amounts authorized to be appropriated by this*
6 *title are in addition to amounts otherwise authorized to be*
7 *appropriated by this Act.*

8 ***SEC. 1522. SPECIAL TRANSFER AUTHORITY.***

9 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

10 *(1) AUTHORITY.—Upon determination by the*
11 *Secretary of Defense that such action is necessary in*
12 *the national interest, the Secretary may transfer*
13 *amounts of authorizations made available to the De-*
14 *partment of Defense in this title for fiscal year 2017*
15 *between any such authorizations for that fiscal year*
16 *(or any subdivisions thereof).*

17 *(2) EFFECT OF TRANSFER.—Amounts of author-*
18 *izations transferred under this subsection shall be*
19 *merged with and be available for the same purposes*
20 *as the authorization to which transferred.*

21 *(3) LIMITATIONS.—The total amount of author-*
22 *izations that the Secretary may transfer under the*
23 *authority of this subsection may not exceed*
24 *\$4,500,000,000.*

1 *fense Authorization Act for Fiscal Year 2011 (Public Law*
2 *111–383; 124 Stat. 4424).*

3 (b) *ALLOCATION OF FUNDS.—*

4 (1) *IN GENERAL.—Of the funds available to the*
5 *Department of Defense for the Afghan Security Forces*
6 *Fund for fiscal year 2017, it is the goal that*
7 *\$25,000,000 shall be used for—*

8 (A) *the recruitment, integration, retention,*
9 *training, and treatment of women in the Afghan*
10 *National Security Forces; and*

11 (B) *the recruitment, training, and con-*
12 *tracting of female security personnel for future*
13 *elections.*

14 (2) *TYPES OF PROGRAMS AND ACTIVITIES.—Such*
15 *programs and activities may include—*

16 (A) *efforts to recruit women into the Afghan*
17 *National Security Forces, including the special*
18 *operations forces;*

19 (B) *programs and activities of the Afghan*
20 *Ministry of Defense Directorate of Human*
21 *Rights and Gender Integration and the Afghan*
22 *Ministry of Interior Office of Human Rights,*
23 *Gender and Child Rights;*

24 (C) *development and dissemination of gen-*
25 *der and human rights educational and training*

1 *materials and programs within the Afghan Min-*
2 *istry of Defense and the Afghan Ministry of Inte-*
3 *rior;*

4 *(D) efforts to address harassment and vio-*
5 *lence against women within the Afghan National*
6 *Security Forces;*

7 *(E) improvements to infrastructure that ad-*
8 *dress the requirements of women serving in the*
9 *Afghan National Security Forces, including ap-*
10 *propriate equipment for female security and po-*
11 *lice forces, and transportation for policewomen*
12 *to their station;*

13 *(F) support for Afghanistan National Police*
14 *Family Response Units; and*

15 *(G) security provisions for high-profile fe-*
16 *male police and army officers.*

17 *(c) REPORTING REQUIREMENT.—*

18 *(1) SEMI-ANNUAL REPORTS.—Not later than*
19 *January 31 and July 31 of each year through Janu-*
20 *ary 31, 2021, the Secretary of Defense shall submit to*
21 *the congressional defense committees a report summa-*
22 *rizing the details of any obligation or transfer of*
23 *funds from the Afghanistan Security Forces Fund*
24 *during the preceding six-calendar month period.*

1 (2) *CONFORMING REPEALS.*—(A) *Section 1513 of*
2 *the National Defense Authorization Act for Fiscal*
3 *Year 2008 (Public Law 110–181; 122 Stat. 428), as*
4 *amended by section 1531(b) of the Ike Skelton Na-*
5 *tional Defense Authorization Act for Fiscal Year 2011*
6 *(Public Law 111–383; 124 Stat. 4424), is further*
7 *amended by striking subsection (g).*

8 (B) *Section 1517 of the John Warner National*
9 *Defense Authorization Act for Fiscal Year 2007 (Pub-*
10 *lic Law 109–364; 120 Stat. 2442) is amended by*
11 *striking subsection (f).*

12 **SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
13 **FUND.**

14 (a) *USE AND TRANSFER OF FUNDS.*—*Subsection*
15 *1532(a) of the National Defense Authorization Act for Fis-*
16 *cal Year 2016 (Public Law 114–92; 129 Stat. 1091) is*
17 *amended by striking “fiscal year 2016” and inserting “fis-*
18 *cal years 2016 and 2017”.*

19 (b) *EXTENSION OF INTERDICTION OF IMPROVISED EX-*
20 *PLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.*—
21 *Section 1532(c) of the National Defense Authorization Act*
22 *for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2057)*
23 *is amended—*

24 (1) *in paragraph (1)—*

1 (A) by striking “for fiscal year 2013 and
2 for fiscal year 2016,” and inserting “for fiscal
3 years 2013, 2016, and 2017”;

4 (B) by inserting “with the concurrence of
5 the Secretary of State” after “may be available
6 to the Secretary of Defense”;

7 (C) by striking “of the Government of Paki-
8 stan” and inserting “of foreign governments”;
9 and

10 (D) by striking “from Pakistan to locations
11 in Afghanistan”;

12 (2) in paragraph (2), by striking “of the Govern-
13 ment of Pakistan” and inserting “of foreign govern-
14 ments”;

15 (3) in paragraph (3)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “the congressional defense com-
18 mittees” and inserting “Congress”; and

19 (B) in subparagraph (B)—

20 (i) by striking “the Government of
21 Pakistan” and inserting “foreign govern-
22 ments”; and

23 (ii) by striking “from Pakistan to loca-
24 tions in Afghanistan”; and

1 (4) in paragraph (4), as most recently amended
2 by section 1532(b)(2) of the National Defense Author-
3 ization Act for Fiscal Year 2016 (Public Law 114-
4 92; 129 Stat. 1091), by striking “December 31, 2016”
5 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 Authorization
12 Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat.
13 1093) is amended by striking “September 30, 2018” and
14 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 Author-
23 ization Act for Fiscal Year 2015 (Public Law 113-291; 128
24 Stat. 3623; 10 U.S.C. 2273 note), as amended by section
25 1606 of the National Defense Authorization Act for Fiscal

1 *Year 2016 (Public Law 114–92; 129 Stat. 1099), is further*
2 *amended by striking subsection (d) and inserting the fol-*
3 *lowing 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 pro-*
10 *pulsion system to replace non-allied space*
11 *launch engines pursuant to subsection (a);*
12 *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 infrastructure.*

19 “(2) *FUNDS DESCRIBED.—The funds described*
20 *in this paragraph are the following:*

21 “(A) *Funds authorized to be appropriated*
22 *by the National Defense Authorization Act for*
23 *Fiscal Year 2017 or otherwise made available for*
24 *fiscal year 2017 or any fiscal year thereafter for*
25 *the Department of Defense for the development of*

1 *the rocket propulsion system under subsection*
2 *(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 made*
6 *available for fiscal years 2015 or 2016 for the*
7 *Department of Defense for the development of the*
8 *rocket propulsion system under subsection (a)*
9 *that are unobligated as of the date of the enact-*
10 *ment of the National Defense Authorization Act*
11 *for Fiscal Year 2017.*

12 “(3) *OTHER PURPOSES.—The Secretary may ob-*
13 *ligate or expend not more than 25 percent of the*
14 *funds described in paragraph (2) in any fiscal year*
15 *for activities not authorized by paragraph (1)(A), in-*
16 *cluding for developing a launch vehicle, an upper*
17 *stage, a strap-on motor, or related infrastructure. The*
18 *Secretary may exceed such limit in a fiscal year for*
19 *such purposes if during such fiscal year—*

20 “(A) *the Secretary certifies to the appro-*
21 *priate congressional committees that, as of the*
22 *date of the certification—*

23 “(i) *the development of the rocket pro-*
24 *pulsion system is being carried out pursu-*
25 *ant to paragraph (1)(A) in a manner that*

1 *ensures that the rocket propulsion system*
2 *will meet each requirement under subsection*
3 *(a)(2); and*

4 *“(i) such obligation or expenditure*
5 *will not negatively affect the development of*
6 *the rocket propulsion system, including with*
7 *respect to meeting such requirements; and*

8 *“(B) the reprogramming or transfer is car-*
9 *ried out in accordance with established proce-*
10 *dures for reprogramming or transfers, including*
11 *with respect to presenting a request for a re-*
12 *programming of funds.*

13 *“(e) DEFINITIONS.—In this section:*

14 *“(1) The term ‘appropriate congressional com-*
15 *mittees’ means—*

16 *“(A) the congressional defense committees;*
17 *and*

18 *“(B) the Permanent Select Committee on*
19 *Intelligence of the House of Representatives and*
20 *the Select Committee on Intelligence of the Sen-*
21 *ate.*

22 *“(2) The term ‘rocket propulsion system’ means,*
23 *with respect to the development authorized by sub-*
24 *section (a), a main booster, first-stage rocket engine*
25 *or motor. The term does not include a launch vehicle,*

1 *an upper stage, a strap-on motor, or related infra-*
2 *structure.”.*

3 (b) *RIGHTS TO INTELLECTUAL PROPERTY.*—Sub-
4 *section (a) of such section 1604 is amended by adding at*
5 *the end the following new paragraph:*

6 *“(3) RIGHTS TO INTELLECTUAL PROPERTY.—In*
7 *developing the system under paragraph (1), the Sec-*
8 *retary shall acquire government purpose rights (or*
9 *greater rights) in technical data, patents, and copy-*
10 *rights pertaining to such system. Such rights may be*
11 *for the purpose of developing alternative sources of*
12 *supply and manufacture in the event such alternative*
13 *sources are necessary and in the best interest of the*
14 *United States.”.*

15 (c) *LIMITATION.*—*Of the amounts authorized to be ap-*
16 *propriated by this Act or otherwise made available for fiscal*
17 *year 2017 for the Office of the Secretary of the Air Force,*
18 *not more than 90 percent may be obligated or expended*
19 *until the date on which the Secretary of the Air Force cer-*
20 *tifies to the congressional defense committees that the Sec-*
21 *retary has carried out the rocket propulsion system pro-*
22 *gram under section 1604 of the Carl Levin and Howard*
23 *P. “Buck” McKeon National Defense Authorization Act for*
24 *Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3623;*
25 *10 U.S.C. 2273 note) during fiscal years 2015 and 2016*

1 *as described in subsection (d)(1) of such section, as added*
2 *by subsection (a).*

3 **SEC. 1602. EXCEPTION TO THE PROHIBITION ON CON-**
4 **TRACTING WITH RUSSIAN SUPPLIERS OF**
5 **ROCKET ENGINES FOR THE EVOLVED EX-**
6 **PENDABLE LAUNCH VEHICLE PROGRAM.**

7 *Section 1608 of the Carl Levin and Howard P. “Buck”*
8 *McKeon National Defense Authorization Act for Fiscal Year*
9 *2015 (Public Law 113–291; 128 Stat. 3626; 10 U.S.C. 2271*
10 *note), as amended by section 1607 of the National Defense*
11 *Authorization Act for Fiscal Year 2016 (Public Law 114–*
12 *92; 129 Stat. 1100), is further amended by striking sub-*
13 *section (c) and inserting the following new subsection:*

14 *“(c) EXCEPTION.—The prohibition in subsection (a)*
15 *shall not apply to any of the following:*

16 *“(1) The placement of orders or the exercise of*
17 *options under the contract numbered FA8811–13–C–*
18 *0003 and awarded on December 18, 2013.*

19 *“(2) Contracts that are awarded for the procure-*
20 *ment of property or services for space launch activi-*
21 *ties that include the use of a total of eighteen rocket*
22 *engines designed or manufactured in the Russian*
23 *Federation, in addition to Russian-designed or -manu-*
24 *factured engines to which paragraph (1) applies.”.*

1 **SEC. 1603. ANALYSIS OF ALTERNATIVES FOR WIDE-BAND**
2 **COMMUNICATIONS.**

3 *Section 1611 of the National Defense Authorization*
4 *Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.*
5 *1103) is amended by striking subsection (b) and inserting*
6 *the following new subsections:*

7 “(b) *SCOPE.—*

8 “(1) *STUDY GUIDANCE.—In conducting the anal-*
9 *ysis of alternatives under subsection (a), the Secretary*
10 *shall develop study guidance that requires such anal-*
11 *ysis to include the full range of military and commer-*
12 *cial satellite communications capabilities, acquisition*
13 *processes, and service delivery models.*

14 “(2) *OTHER CONSIDERATIONS.—The Secretary*
15 *shall ensure that—*

16 “(A) *any cost assessments of military or*
17 *commercial satellite communications systems in-*
18 *cluded in the analysis of alternatives conducted*
19 *under subsection (a) include detailed full life-*
20 *cycle costs, as applicable, including with respect*
21 *to—*

22 “(i) *military personnel, military con-*
23 *struction, military infrastructure operation,*
24 *maintenance costs, and ground and user*
25 *terminal impacts; and*

1 “(ii) any other costs regarding mili-
2 tary or commercial satellite communica-
3 tions systems the Secretary determines ap-
4 propriate; and

5 “(B) such analysis identifies any consider-
6 ations relating to the use of military versus com-
7 mercial systems.

8 “(c) *COMPTROLLER GENERAL REVIEW.*—

9 “(1) *SUBMISSION.*—Upon completion of the
10 analysis of alternatives conducted under subsection
11 (a), the Secretary shall submit such analysis to the
12 Comptroller General of the United States.

13 “(2) *REVIEW.*—Not later than 120 days after the
14 date on which the Comptroller General receives the
15 analysis of alternatives under paragraph (1), the
16 Comptroller General shall submit to the congressional
17 defense committees a review of the analysis.

18 “(3) *MATTERS INCLUDED.*—The review under
19 paragraph (2) of the analysis of alternatives con-
20 ducted under subsection (a) shall include the fol-
21 lowing:

22 “(A) Whether, and to what extent, the Sec-
23 retary—

24 “(i) conducted such analysis using best
25 practices;

1 *Stat. 1103), is further amended by adding at the end the*
2 *following new subsection:*

3 “(e) *IMPLEMENTATION OF GOALS.—In developing*
4 *and carrying out the pilot program under subsection*
5 *(a)(1), by not later than September 30, 2017, the Sec-*
6 *retary shall take actions to begin the implementation*
7 *of each goal specified in subsection (b).”.*

8 **SEC. 1605. SPACE-BASED ENVIRONMENTAL MONITORING.**

9 (a) *ROLES OF DOD AND NOAA.—*

10 (1) *MECHANISMS.—The Secretary of Defense and*
11 *the Director of the National Oceanic and Atmospheric*
12 *Administration shall jointly establish mechanisms to*
13 *collaborate and coordinate in defining the roles and*
14 *responsibilities of the Department of Defense and the*
15 *National Oceanic and Atmospheric Administration*
16 *to—*

17 (A) *carry out space-based environmental*
18 *monitoring; and*

19 (B) *plan for future non-governmental space-*
20 *based environmental monitoring capabilities.*

21 (2) *RULE OF CONSTRUCTION.—Nothing in para-*
22 *graph (1) may be construed to authorize a joint sat-*
23 *ellite program of the Department of Defense and the*
24 *National Oceanic and Atmospheric Administration.*

1 (b) *REPORT.*—Not later than 120 days after the date
2 of the enactment of this Act, the Secretary and the Director
3 shall jointly submit to the appropriate congressional com-
4 mittees a report on the mechanisms established under sub-
5 section (a)(1).

6 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
7 *FINED.*—In this section, the term “appropriate congres-
8 sional committees” means—

9 (1) the congressional defense committees;

10 (2) the Committee on Science, Space, and Tech-
11 nology of the House of Representatives; and

12 (3) the Committee on Commerce, Science, and
13 Transportation of the Senate.

14 **SEC. 1606. PROHIBITION ON USE OF CERTAIN NON-ALLIED**
15 **POSITIONING, NAVIGATION, AND TIMING SYS-**
16 **TEMS.**

17 (a) *PROHIBITION.*—During the period beginning not
18 later than 60 days after the date of the enactment of this
19 Act and ending on September 30, 2018, the Secretary of
20 Defense shall ensure that the Armed Forces and each ele-
21 ment of the Department of Defense do not use a non-allied
22 positioning, navigation, and timing system or service pro-
23 vided by such a system.

24 (b) *WAIVER.*—The Secretary may waive the prohibi-
25 tion in subsection (a) if—

1 (1) *the Secretary determines that the waiver is—*

2 (A) *in the national security interest of the*
3 *United States; and*

4 (B) *necessary to mitigate exigent oper-*
5 *ational concerns;*

6 (2) *the Secretary notifies, in writing, the appro-*
7 *priate congressional committees of such waiver; and*

8 (3) *a period of 30 days has elapsed following the*
9 *date of such notification.*

10 (c) *ASSESSMENT.—Not later than 120 days after the*
11 *date of the enactment of this Act, the Secretary of Defense,*
12 *the Chairman of the Joint Chiefs of Staff, and the Director*
13 *of National Intelligence shall jointly submit to the appro-*
14 *priate congressional committees an assessment of the risks*
15 *to national security and to the operations and plans of the*
16 *Department of Defense from using a non-allied positioning,*
17 *navigation, and timing system or service provided by such*
18 *a system. Such assessment shall—*

19 (1) *address risks regarding—*

20 (A) *espionage, counterintelligence, and tar-*
21 *geting;*

22 (B) *the use of the Global Positioning Sys-*
23 *tem by allies and partners of the United States*
24 *and others; and*

1 (C) harmful interference to the Global Posi-
2 tioning System; and

3 (2) include any other matters the Secretary, the
4 Chairman, and the Director determine appropriate.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “appropriate congressional com-
7 mittees” means—

8 (A) the congressional defense committees;
9 and

10 (B) the Permanent Select Committee on In-
11 telligence of the House of Representatives and the
12 Select Committee on Intelligence of the Senate.

13 (2) The term “non-allied positioning, naviga-
14 tion, and timing system” means any of the following
15 systems:

16 (A) The Beidou system.

17 (B) The Glonass global navigation satellite
18 system.

19 **SEC. 1607. LIMITATION OF AVAILABILITY OF FUNDS FOR**
20 **THE JOINT SPACE OPERATIONS CENTER MIS-**
21 **SION SYSTEM.**

22 Of the funds authorized to be appropriated by this Act
23 or otherwise made available for fiscal year 2017 for incre-
24 ment 3 of the Joint Space Operations Center Mission Sys-
25 tem, not more than 25 percent may be obligated or expended

1 *until the date on which the Secretary of the Air Force, in*
2 *coordination with the Commander of the United States*
3 *Strategic Command, submits to the congressional defense*
4 *committees a report on such increment, including—*

- 5 (1) *an acquisition strategy for such increment;*
6 (2) *the requirements of such increment;*
7 (3) *the funding and schedule for such increment;*
8 (4) *the strategy for use of commercially available*
9 *capabilities, as appropriate, relating to such incre-*
10 *ment to rapidly address warfighter requirements, in-*
11 *cluding the market research and evaluation of such*
12 *commercial capabilities; and*
13 (5) *the relationship of such increment with the*
14 *other related activities and investments of the Depart-*
15 *ment of Defense.*

16 **SEC. 1608. SPACE-BASED INFRARED SYSTEM AND AD-**
17 **VANCED EXTREMELY HIGH FREQUENCY PRO-**
18 **GRAM.**

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

- 20 (1) *The recently completed analysis of alter-*
21 *natives for the space-based infrared system program*
22 *identified the cost and capability trades of various al-*
23 *ternatives, however the criteria and assessment for re-*
24 *silience and mission assurance was undefined.*

1 (2) *The analysis of alternatives for the advanced*
2 *extremely high frequency program is ongoing.*

3 (b) *LIMITATION ON DEVELOPMENT AND ACQUISITION*
4 *OF ALTERNATIVES.—*

5 (1) *LIMITATION.—Except as provided by para-*
6 *graph (4), the Secretary of Defense may not develop*
7 *or acquire an alternative to the space-based infrared*
8 *system program of record or develop or acquire an al-*
9 *ternative to the advanced extremely high frequency*
10 *program of record until the date on which the Com-*
11 *mander of the United States Strategic Command and*
12 *the Director of the Space Security and Defense Pro-*
13 *gram, in consultation with the Defense Intelligence*
14 *Officer for Science and Technology of the Defense In-*
15 *telligence Agency, jointly submit to the appropriate*
16 *congressional committees the assessments described in*
17 *paragraph (2) for the respective program.*

18 (2) *ASSESSMENT.—The assessments described in*
19 *this paragraph are—*

20 (A) *an assessment of the resilience and mis-*
21 *sion assurance of each alternative to the space-*
22 *based infrared system being considered by the*
23 *Secretary of the Air Force; and*

24 (B) *an assessment of the resilience and mis-*
25 *sion assurance of each alternative to the ad-*

1 *vanced extremely high frequency program being*
2 *considered by the Secretary of the Air Force.*

3 (3) *ELEMENTS.*—*An assessment described in*
4 *paragraph (2) shall include, with respect to each al-*
5 *ternative to the space-based infrared system program*
6 *of record and each alternative to the advanced ex-*
7 *tremely high frequency program of record being con-*
8 *sidered by the Secretary of the Air Force, the fol-*
9 *lowing:*

10 (A) *The requirements for resilience and*
11 *mission assurance.*

12 (B) *The criteria to measure such resilience*
13 *and mission assurance.*

14 (C) *How the alternative affects—*

15 (i) *deterrence and full spectrum*
16 *warfighting;*

17 (ii) *warfighter requirements and rel-*
18 *ative costs to include ground station and*
19 *user terminals;*

20 (iii) *the potential order of battle of ad-*
21 *versaries; and*

22 (iv) *the required capabilities of the*
23 *broader space security and defense enter-*
24 *prise.*

1 (4) *EXCEPTION.*—*The limitation in paragraph*
2 *(1) shall not apply to efforts to examine and develop*
3 *technology insertion opportunities for the space-based*
4 *infrared system program of record or the satellite*
5 *communications programs of record.*

6 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
7 *FINED.*—*In this section, the term “appropriate congres-*
8 *sional committees” means the following:*

9 (1) *With respect to the submission of the assess-*
10 *ment described in subparagraph (A) of subsection*
11 *(b)(2), the—*

12 (A) *the congressional defense committees;*
13 *and*

14 (B) *the Permanent Select Committee on In-*
15 *telligence of the House of Representatives.*

16 (2) *With respect to the submission of the assess-*
17 *ment described in subparagraph (B) of subsection*
18 *(b)(2), the congressional defense committees.*

19 **SEC. 1609. PLANS ON TRANSFER OF ACQUISITION AND**
20 **FUNDING AUTHORITY OF CERTAIN WEATHER**
21 **MISSIONS TO NATIONAL RECONNAISSANCE**
22 **OFFICE.**

23 (a) *LIMITATION.*—

24 (1) *IN GENERAL.*—*Of the funds authorized to be*
25 *appropriated or otherwise made available for fiscal*

1 *year 2017 for research, development, test, and evalua-*
2 *tion, Air Force, for the weather satellite follow-on sys-*
3 *tem, not more than 50 percent may be obligated or*
4 *expended until the date on which the Secretary of the*
5 *Air Force submits to the appropriate congressional*
6 *committees the plan under paragraph (2).*

7 (2) *AIR FORCE PLAN.*—*The Secretary shall de-*
8 *velop a plan for the Air Force to transfer, beginning*
9 *with fiscal year 2018, the acquisition authority and*
10 *the funding authority for covered space-based environ-*
11 *mental monitoring missions from the Air Force to the*
12 *National Reconnaissance Office, including a descrip-*
13 *tion of the amount of funds that would be necessary*
14 *to be transferred from the Air Force to the National*
15 *Reconnaissance Office during fiscal years 2018*
16 *through 2022 to carry out such plan.*

17 (b) *NRO PLAN.*—

18 (1) *IN GENERAL.*—*The Director of the National*
19 *Reconnaissance Office shall develop a plan for the Na-*
20 *tional Reconnaissance Office to address how to carry*
21 *out covered space-based environmental monitoring*
22 *missions. Such plan shall include—*

23 (A) *a description of the related national se-*
24 *curity requirements for such missions;*

1 (B) a description of the appropriate man-
2 ner to meet such requirements; and

3 (C) the amount of funds that would be nec-
4 essary to be transferred from the Air Force to the
5 National Reconnaissance Office during fiscal
6 years 2018 through 2022 to carry out such plan.

7 (2) *ACTIVITIES.*—In developing the plan under
8 paragraph (1), the Director may conduct pre-acquisi-
9 tion activities, including with respect to requests for
10 information, analyses of alternatives, study contracts,
11 modeling and simulation, and other activities the Di-
12 rector determines necessary to develop such 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 31,
16 United States Code, the Director shall submit to the
17 appropriate congressional committees the plan under
18 paragraph (1).

19 (c) *INDEPENDENT COST ESTIMATE.*—The Director of
20 the Cost Assessment Improvement Group of the Office of the
21 Director of National Intelligence, in coordination with the
22 Director of Cost Assessment and Program Evaluation, shall
23 certify to the appropriate congressional committees that the
24 amounts of funds identified under subsections (a)(2) and
25 (b)(1)(C) as being necessary to transfer are appropriate and

1 *include funding for positions and personnel to support pro-*
2 *gram 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 In-*
8 *telligence of the House of Representatives; and*

9 *(C) the Select Committee on Intelligence of*
10 *the Senate.*

11 *(2) The term “covered space-based environmental*
12 *monitoring missions” means the acquisition programs*
13 *necessary to meet the national security requirements*
14 *for cloud characterization and theater weather im-*
15 *agery.*

16 **SEC. 1610. PILOT PROGRAM ON COMMERCIAL WEATHER**
17 **DATA.**

18 *(a) IN GENERAL.—Not later than 180 days after the*
19 *date of the enactment of this Act, the Secretary of Defense*
20 *shall establish a pilot program to assess the viability of*
21 *commercial satellite weather data to support requirements*
22 *of the Department of Defense.*

23 *(b) COMMERCIAL WEATHER DATA.—Of the funds au-*
24 *thorized to be appropriated by this Act or otherwise made*
25 *available for fiscal year 2017 for the Secretary of Defense*

1 *to carry out the pilot program under subsection (a), not*
2 *more than \$3,000,000 may be obligated or expended to*
3 *carry out such pilot program by purchasing and evaluating*
4 *commercial weather data that meets the standards and*
5 *specifications set by the Department of Defense.*

6 (c) *DURATION.*—*The Secretary may carry out the pilot*
7 *program under subsection (a) for a period not exceeding*
8 *one year.*

9 (d) *BRIEFINGS.*—

10 (1) *INTERIM BRIEFING.*—*Not later than 60 days*
11 *after the date of the enactment of this Act, the Sec-*
12 *retary of Defense shall provide a briefing to the Com-*
13 *mittees on Armed Services of the House of Represent-*
14 *atives and the Senate (and to any other congressional*
15 *defense committee upon request) demonstrating how*
16 *the Secretary plans to implement the pilot program*
17 *under subsection (a).*

18 (2) *FINAL BRIEFING.*—*Not later than 90 days*
19 *after the pilot program under subsection (a) is com-*
20 *pleted, the Secretary shall provide a briefing to the*
21 *Committees on Armed Services of the House of Rep-*
22 *resentatives and the Senate (and to any other congres-*
23 *sional defense committee upon request) on the utility,*
24 *cost, and other considerations regarding the purchase*

1 of commercial satellite weather data to support the re-
2 quirements of the Department of Defense.

3 **SEC. 1611. ORGANIZATION AND MANAGEMENT OF NA-**
4 **TIONAL SECURITY SPACE ACTIVITIES OF THE**
5 **DEPARTMENT OF DEFENSE.**

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

7 (1) *National security space capabilities are a*
8 *vital element of the national defense of the United*
9 *States.*

10 (2) *The advantages of the United States in na-*
11 *tional security space are now threatened to an un-*
12 *precedented degree by growing and serious*
13 *counterspace capabilities of potential foreign adver-*
14 *saries, and the space advantages of the United States*
15 *must be protected.*

16 (3) *The Department of Defense has recognized*
17 *the threat and has taken initial steps necessary to de-*
18 *fend space, however the organization and manage-*
19 *ment may not be strategically postured to fully ad-*
20 *dress this changed domain of operations over the long*
21 *term.*

22 (4) *The defense of space is currently a priority*
23 *for the leaders of the Department, however the space*
24 *mission is managed within competing priorities of*
25 *each of the Armed Forces.*

1 (5) *Space elements provide critical capabilities*
2 *to all of the Armed Forces in the joint fight, however*
3 *the disparate activities throughout the Department*
4 *have no single leader that is empowered to make deci-*
5 *sions affecting the space forces of the Department.*

6 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
7 *that, to modernize and fully address the growing threat to*
8 *the national security space advantage of the United States,*
9 *the Secretary of Defense must evaluate the range of options*
10 *and take further action to strengthen the leadership, man-*
11 *agement, and organization of the national security space*
12 *activities of the Department of Defense, including with re-*
13 *spect to—*

14 (1) *unifying, integrating, and de-conflicting ac-*
15 *tivities to provide for stronger prioritization, account-*
16 *ability, coherency, focus, strategy, and integration of*
17 *the joint space program of the Department;*

18 (2) *streamlining decision-making, limiting un-*
19 *necessary bureaucracy, and empowering the appro-*
20 *priate level of authority, while enabling effective over-*
21 *sight;*

22 (3) *maintaining the involvement of each of the*
23 *Armed Forces and adapting the culture and improv-*
24 *ing the capabilities of the workforce to ensure the*

1 *workforce has the appropriate training, experience,*
2 *and tools to accomplish the mission; and*

3 *(4) reviewing authorities and preparing for a*
4 *conflict that could extend to space.*

5 *(c) RECOMMENDATIONS.—Not later than 180 days*
6 *after the date of the enactment of this Act, the Secretary*
7 *of Defense and the Director of the Office of Management*
8 *and Budget shall each separately submit to the appropriate*
9 *congressional committees recommendations, in accordance*
10 *with subsection (b), to strengthen the leadership, manage-*
11 *ment, and organization of the Department of Defense with*
12 *respect to the national security space activities of the De-*
13 *partment.*

14 *(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
15 *this section, the term “appropriate congressional commit-*
16 *tees” means the following:*

17 *(1) The congressional defense committees.*

18 *(2) The Permanent Select Committee on Intel-*
19 *ligence of the House of Representatives and the Select*
20 *Committee on Intelligence of the Senate.*

21 **SEC. 1612. REVIEW OF CHARTER OF OPERATIONALLY RE-**
22 **SPONSIVE SPACE PROGRAM OFFICE.**

23 *(a) REVIEW.—The Secretary of Defense shall conduct*
24 *a review of charter of the Operationally Responsive Space*
25 *Program Office established by section 2273a of title 10,*

1 *United States Code (in this section referred to as the “Of-*
2 *fice”).*

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

5 (1) *A review of the key operationally responsive*
6 *space needs with respect to the warfighter and with*
7 *respect to national security.*

8 (2) *How the Office could fit into the broader re-*
9 *silience and space security strategy of the Department*
10 *of Defense.*

11 (3) *An assessment of the potential of the Office*
12 *to focus on the reconstitution capabilities with small*
13 *satellites using low-cost launch vehicles and existing*
14 *infrastructure.*

15 (4) *An assessment of the potential of the Office*
16 *to leverage existing or planned commercial capabili-*
17 *ties.*

18 (5) *A review of the necessary workforce special-*
19 *ties and acquisition authorities of the Office.*

20 (6) *A review of the funding profile of the Office.*

21 (7) *A review of the organizational placement and*
22 *reporting structure of the Office.*

23 (c) *REPORT.—Not later than 180 days after the date*
24 *of the enactment of this Act, the Secretary shall submit to*
25 *the congressional defense committees a report containing the*

1 *review under subsection (a), including any recommenda-*
2 *tions for legislative actions based on such review.*

3 **SEC. 1613. BACKUP AND COMPLEMENTARY POSITIONING,**
4 **NAVIGATION, AND TIMING CAPABILITIES OF**
5 **GLOBAL POSITIONING SYSTEM.**

6 *(a) STUDY.—*

7 *(1) IN GENERAL.—The covered Secretaries shall*
8 *jointly conduct a study to assess and identify the*
9 *technology-neutral requirements to backup and com-*
10 *plement the positioning, navigation, and timing ca-*
11 *pabilities of the Global Positioning System for na-*
12 *tional security and critical infrastructure.*

13 *(2) REPORT.—Not later than one year after the*
14 *date of the enactment of this Act, the covered Secre-*
15 *taries shall submit to the appropriate congressional*
16 *committees a report on the study under paragraph*
17 *(1). Such report shall include—*

18 *(A) with respect to the Department of each*
19 *covered Secretary, the identification of the re-*
20 *spective requirements to backup and complement*
21 *the positioning, navigation, and timing capabili-*
22 *ties of the Global Positioning System for na-*
23 *tional security and critical infrastructure;*

24 *(B) an analysis of alternatives to meet such*
25 *requirements, including, at a minimum—*

1 (i) *an analysis of the viability of a*
2 *public-private partnership to establish a*
3 *complementary positioning, navigation, and*
4 *timing system; and*

5 (ii) *an analysis of the viability of serv-*
6 *ice level agreements to operate a com-*
7 *plementary positioning, navigation, and*
8 *timing system; and*

9 (C) *a plan and estimated costs, schedule,*
10 *and system level technical considerations, includ-*
11 *ing end user equipment and integration consid-*
12 *erations, to meet such requirements.*

13 (b) *SINGLE DESIGNATED OFFICIAL.—Each covered*
14 *Secretary shall designate a single senior official of the De-*
15 *partment of the Secretary to act as the primary representa-*
16 *tive of such Department for purposes of conducting the*
17 *study under subsection (a)(1).*

18 (c) *DEFINITIONS.—In this section:*

19 (1) *The term “appropriate congressional com-*
20 *mittees” means—*

21 (A) *the congressional defense committees;*

22 (B) *the Committee on Science, Space, and*
23 *Technology, the Committee on Transportation*
24 *and Infrastructure, and the Committee on*

1 *Homeland Security of the House of Representa-*
2 *tives; and*

3 *(C) the Committee on Commerce, Science,*
4 *and Transportation and the Committee on*
5 *Homeland Security and Governmental Affairs of*
6 *the Senate.*

7 *(2) The term “covered Secretaries” means the*
8 *Secretary of Defense, the Secretary of Transportation,*
9 *and the Secretary of Homeland Security.*

10 ***Subtitle B—Defense Intelligence***
11 ***and Intelligence-Related Activities***

12 ***SEC. 1621. LIMITATION ON AVAILABILITY OF FUNDS FOR IN-***
13 ***TELLIGENCE MANAGEMENT.***

14 *(a) LIMITATION.—Of the funds authorized to be appro-*
15 *priated by this Act or otherwise made available for fiscal*
16 *year 2017 for operation and maintenance, Defense-wide, for*
17 *intelligence management, not more than 95 percent may be*
18 *obligated or expended until the date on which the Under*
19 *Secretary of Defense for Intelligence submits to the appro-*
20 *priate congressional committees the reports on counterintel-*
21 *ligence activities described in any classified annex accom-*
22 *panying this Act.*

23 *(b) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
24 *FINED.—In this section, the term “appropriate congres-*
25 *sional committees” means the following:*

1 (1) *The congressional defense committees.*

2 (2) *The Permanent Select Committee on Intel-*
3 *ligence of the House of Representatives.*

4 **SEC. 1622. LIMITATIONS ON AVAILABILITY OF FUNDS FOR**
5 **UNITED STATES CENTRAL COMMAND INTEL-**
6 **LIGENCE FUSION CENTER.**

7 (a) *LIMITATIONS.—Of the funds authorized to be ap-*
8 *propriated by this Act or otherwise made available for fiscal*
9 *year 2017 for the Intelligence Fusion Center of the United*
10 *States Central Command—*

11 (1) *25 percent may not be obligated or expended*
12 *until—*

13 (A) *the Commander of the United States*
14 *Central Command submits to the appropriate*
15 *congressional committees the report under sub-*
16 *section (b); and*

17 (B) *a period of 15 days has elapsed fol-*
18 *lowing the date of such submission; and*

19 (2) *25 percent may not be obligated or expended*
20 *until—*

21 (A) *the Commander submits to such com-*
22 *mittees the report under subsection (c); and*

23 (B) *a period of 15 days has elapsed fol-*
24 *lowing the date of such submission.*

1 (b) *REPORT ON PROCEDURES.*—*The Commander shall*
2 *submit to the appropriate congressional committees a report*
3 *on the steps taken by the Commander to formalize and dis-*
4 *seminate procedures for establishing, staffing, and oper-*
5 *ating the Intelligence Fusion Center of the United States*
6 *Central Command.*

7 (c) *REPORT ON IG FINDINGS.*—*The Commander shall*
8 *submit to the appropriate congressional committees a report*
9 *on the steps taken by the Commander to address the find-*
10 *ings of the final report of the Inspector General of the De-*
11 *partment of Defense regarding the processing of intelligence*
12 *information by the Intelligence Directorate of the United*
13 *States Central Command.*

14 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
15 *FINED.*—*In this section, the term “appropriate congress-*
16 *sional committees” means—*

- 17 (1) *the congressional defense committees; and*
18 (2) *the Permanent Select Committee on Intel-*
19 *ligence of the House of Representatives.*

20 **SEC. 1623. LIMITATION ON AVAILABILITY OF FUNDS FOR**
21 **JOINT INTELLIGENCE ANALYSIS COMPLEX.**

22 (a) *LIMITATION.*—*Of the funds authorized to be appro-*
23 *priated by this Act or otherwise made available for fiscal*
24 *year 2017 for increased intelligence manpower positions for*
25 *operation of the Joint Intelligence Analysis Complex at*

1 *Royal Air Force Molesworth, United Kingdom, not more*
2 *than 85 percent may be obligated or expended during fiscal*
3 *year 2017 until the date on which the Secretary of Defense*
4 *submits to the appropriate congressional committees the*
5 *analysis under subsection (b)(1).*

6 (b) ANALYSIS.—

7 (1) IN GENERAL.—Not later than 120 days after
8 the date of the enactment of this Act, the Secretary of
9 Defense, in coordination with the Director of National
10 Intelligence, shall submit to the appropriate congress-
11 sional committees a revised analysis of alternatives
12 for the basing of a new Joint Intelligence Analysis
13 Complex that is—

14 (A) based on the analysis of the operational
15 requirements and costs of the United States; and

16 (B) informed by the findings of the report
17 of the Comptroller General of the United States
18 on the cost estimating and basing decision proc-
19 ess of the Joint Intelligence Analysis Complex.

20 (2) REQUIREMENTS.—The analysis under para-
21 graph (1) shall, at a minimum—

22 (A) be conducted in a manner that—

23 (i) uses best practices;

24 (ii) appropriately accounts for non-re-
25 curring and life cycle costs, including with

1 *respect to cost of living and projected*
2 *growth in cost of living;*

3 *(iii) uses objective and measurable cri-*
4 *teria for evaluating alternative locations*
5 *against mission requirements; and*

6 *(iv) uses reasonable and verifiable as-*
7 *sumptions;*

8 *(B) include the identification and assess-*
9 *ments of—*

10 *(i) possible alternative locations for the*
11 *Joint Intelligence Analysis Complex at ex-*
12 *isting military installations used by the*
13 *United States; and*

14 *(ii) other possible cost-saving alter-*
15 *natives;*

16 *(C) evaluate alternative practices to mini-*
17 *mize the number of support personnel required;*

18 *(D) evaluate alternatives to building a new*
19 *facility, including modifying existing facilities*
20 *and using prefabricated facilities; and*

21 *(E) evaluate the possibility of separating*
22 *the European Command Intelligence Analytic*
23 *Center, the Africa Command Intelligence Ana-*
24 *lytic Center, or the NATO Intelligence Fusion*

1 Center from the rest of the Joint Intelligence
2 Analysis Complex at other viable locations.

3 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
4 *FINED.*—*In this section, the term “appropriate congress-*
5 *sional committees” means—*

6 (1) *the congressional defense committees; and*

7 (2) *the Permanent Select Committee on Intel-*
8 *ligence of the House of Representatives.*

9 ***Subtitle C—Cyberspace-Related***
10 ***Matters***

11 ***SEC. 1631. SPECIAL EMERGENCY PROCUREMENT AUTHOR-***
12 ***ITY TO FACILITATE THE DEFENSE AGAINST***
13 ***OR RECOVERY FROM A CYBER ATTACK.***

14 *Section 1903(a)(2) of title 41, United States Code, is*
15 *amended by inserting “cyber,” before “nuclear,”.*

16 ***SEC. 1632. CHANGE IN NAME OF NATIONAL DEFENSE UNI-***
17 ***VERSITY’S INFORMATION RESOURCES MAN-***
18 ***AGEMENT COLLEGE TO COLLEGE OF INFOR-***
19 ***MATION AND CYBERSPACE.***

20 *Section 2165(b)(5) of title 10, United States Code, is*
21 *amended by striking “Information Resources Management*
22 *College” and inserting “College of Information and Cyber-*
23 *space”.*

1 **SEC. 1633. REQUIREMENT TO ENTER INTO AGREEMENTS**
2 **RELATING TO USE OF CYBER OPPOSITION**
3 **FORCES.**

4 (a) *REQUIREMENT FOR AGREEMENTS.*—Not later than
5 September 30, 2017, the Secretary of Defense shall enter
6 into an agreement with each combatant command relating
7 to the use of cyber opposition forces. Each agreement shall
8 require the command—

9 (1) *to support a high state of mission readiness*
10 *in the command through the use of one or more cyber*
11 *opposition forces in continuous exercises and other*
12 *training activities as considered appropriate by the*
13 *commander of the command; and*

14 (2) *in conducting such exercises and training ac-*
15 *tivities, meet the standard required under subsection*
16 *(b).*

17 (b) *JOINT STANDARD FOR CYBER OPPOSITION*
18 *FORCES.*—Not later than March 31, 2017, the Secretary of
19 Defense shall issue a joint training and certification stand-
20 ard for use by all cyber opposition forces within the Depart-
21 ment of Defense.

22 (c) *BRIEFING REQUIRED.*—Not later than September
23 30, 2017, the Secretary of Defense shall provide to the con-
24 gressional defense committees a briefing on—

25 (1) *a list of each combatant command that has*
26 *entered into an agreement required by subsection (a);*

1 (2) *with respect to each such agreement—*

2 (A) *special conditions in the agreement*
3 *placed on any cyber opposition force used by the*
4 *command;*

5 (B) *the process for making decisions about*
6 *deconfliction and risk mitigation of cyber oppo-*
7 *sition force activities in continuous exercises and*
8 *training;*

9 (C) *identification of cyber opposition forces*
10 *trained and certified to operate at the joint*
11 *standard, as issued under subsection (b);*

12 (D) *identification of the annual exercises*
13 *that will include participation of the cyber oppo-*
14 *sition forces;*

15 (E) *identification of any shortfalls in re-*
16 *sources that may prevent annual exercises using*
17 *cyber opposition forces; and*

18 (3) *any other matters the Secretary of Defense*
19 *considers appropriate.*

20 **SEC. 1634. LIMITATION ON AVAILABILITY OF FUNDS FOR**
21 **CRYPTOGRAPHIC SYSTEMS AND KEY MAN-**
22 **AGEMENT INFRASTRUCTURE.**

23 (a) *LIMITATION.—Of the funds authorized to be appro-*
24 *priated by this Act or otherwise made available for fiscal*
25 *year 2017 for cryptographic systems and key management*

1 *infrastructure, not more than 75 percent may be obligated*
 2 *or expended until the date on which the Secretary of De-*
 3 *fense, in consultation with the Director of the National Se-*
 4 *curity Agency, submits to the appropriate congressional*
 5 *committees a report on the integration of the cryptographic*
 6 *modernization and key management infrastructure pro-*
 7 *grams of the military departments, including a description*
 8 *of how the military departments have implemented stronger*
 9 *leadership, increased integration, and reduced redundancy*
 10 *with respect to such modernization and programs.*

11 *(b) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
 12 *FINED.—In this section, the term “appropriate congres-*
 13 *sional committees” means the following:*

14 *(1) The congressional defense committees.*

15 *(2) The Permanent Select Committee on Intel-*
 16 *ligence of the House of Representatives.*

17 ***Subtitle D—Nuclear Forces***

18 **SEC. 1641. IMPROVEMENTS TO COUNCIL ON OVERSIGHT OF** 19 **NATIONAL LEADERSHIP COMMAND, CON-** 20 **TROL, AND COMMUNICATIONS SYSTEM.**

21 *(a) RESPONSIBILITIES.—Subsection (d) of section*
 22 *171a of title 10, United States Code, is amended—*

23 *(1) in paragraph (1), by inserting before the pe-*
 24 *riod the following: “, and including with respect to*
 25 *the integrated tactical warning and attack assessment*

1 *systems, processes, and enablers, and continuity of the*
2 *governmental functions of the Department of De-*
3 *fense”; and*

4 (2) *in paragraph (2)(C), by inserting before the*
5 *period the following: “(including space system archi-*
6 *tectures and associated user terminals and ground*
7 *segments)”.*

8 (b) *ENSURING CAPABILITIES.—Such section is further*
9 *amended—*

10 (1) *by redesignating subsection (i) as subsection*
11 *(k); and*

12 (2) *by inserting after subsection (h) the following*
13 *new subsections:*

14 “(i) *REPORTS ON SPACE ARCHITECTURE DEVELOP-*
15 *MENT.—(1) Not less than 90 days before each of the dates*
16 *on which a system described in paragraph (2) achieves*
17 *Milestone A or Milestone B approval, the Under Secretary*
18 *of Defense for Acquisitions, Technology, and Logistics shall*
19 *submit to the congressional defense committees a report pre-*
20 *pared by the Council detailing the implications of any*
21 *changes to the architecture of such a system with respect*
22 *to the systems, capabilities, and programs covered under*
23 *subsection (d).*

24 “(2) *A system described in this paragraph is any of*
25 *the following:*

1 “(A) *Advanced extremely high frequency sat-*
2 *ellites.*

3 “(B) *The space-based infrared system.*

4 “(C) *The integrated tactical warning and attack*
5 *assessment system and its command and control sys-*
6 *tem.*

7 “(D) *The enhanced polar system.*

8 “(3) *In this subsection, the terms ‘Milestone A ap-*
9 *proval’ and ‘Milestone B approval’ have the meanings given*
10 *such terms in section 2366(e) of this title.*

11 “(j) *NOTIFICATION OF REDUCTION OF CERTAIN WARN-*
12 *ING TIME.—(1) None of the funds authorized to be appro-*
13 *priated or otherwise made available to the Department of*
14 *Defense for any fiscal year may be used to change any com-*
15 *mand, control, and communications system described in*
16 *subsection (d)(1) in a manner that reduces the warning*
17 *time provided to the national leadership of the United*
18 *States with respect to a warning of a strategic missile at-*
19 *tack on the United States unless—*

20 “(A) *the Secretary of Defense notifies the con-*
21 *gressional defense committees of such proposed change*
22 *and reduction; and*

23 “(B) *a period of one year elapses following the*
24 *date of such notification.*

1 “(2) Not later than March 1, 2017, and each year
2 thereafter, the Council shall determine whether the inte-
3 grated tactical warning and attack assessment system and
4 its command and control system have met all warfighter
5 requirements for operational availability, survivability,
6 and durability. If the Council determines that such sys-
7 tems have not met such requirements, the Secretary of De-
8 fense and the Chairman shall jointly submit to the congres-
9 sional defense committees—

10 “(A) an explanation for such negative deter-
11 mination;

12 “(B) a description of the mitigations that are in
13 place or being put in place as a result of such nega-
14 tive determination; and

15 “(C) the plan of the Secretary and the Chairman
16 to ensure that the Council is able to make a positive
17 determination in the following year.”.

18 (d) *REPORTING REQUIREMENTS.*—Subsection (e) of
19 such section is amended by striking “At the same time”
20 and all that follows through “title 31,” and inserting the
21 following: “During the period preceding January 31, 2021,
22 at the same time each year that the budget of the President
23 is submitted to Congress pursuant to section 1105(a) of title
24 31, and from time to time after such period at the discretion
25 of the Council.”.

1 **SEC. 1642. TREATMENT OF CERTAIN SENSITIVE INFORMA-**
2 **TION BY STATE AND LOCAL GOVERNMENTS.**

3 (a) *SPECIAL NUCLEAR MATERIAL.*—Section 128 of
4 title 10, United States Code, is amended by adding at the
5 end the following new subsection:

6 “(d) Information that the Secretary prohibits to be dis-
7 seminated pursuant to subsection (a) that is provided to
8 a State or local government shall remain under the control
9 of the Department of Defense, and a State or local law au-
10 thorizing or requiring a State or local government to dis-
11 close such information shall not apply to such informa-
12 tion.”.

13 (b) *CRITICAL INFRASTRUCTURE SECURITY INFORMA-*
14 *TION.*—Section 130e of such title is amended—

15 (1) by redesignating subsection (c) as subsection
16 (f) and moving such subsection, as so redesignated, to
17 appear after subsection (e); and

18 (2) by striking subsection (b) and inserting the
19 following new subsections:

20 “(b) *DESIGNATION OF DEPARTMENT OF DEFENSE*
21 *CRITICAL INFRASTRUCTURE SECURITY INFORMATION.*—In
22 addition to any other authority or requirement regarding
23 protection from dissemination of information, the Secretary
24 may designate information as being Department of Defense
25 critical infrastructure security information, including dur-
26 ing the course of creating such information, to ensure that

1 *such information is not disseminated without authoriza-*
2 *tion. Information so designated is subject to the determina-*
3 *tion process under subsection (a) to determine whether to*
4 *exempt such information from disclosure described in such*
5 *subsection.*

6 “(c) *INFORMATION PROVIDED TO STATE AND LOCAL*
7 *GOVERNMENTS.—(1) Department of Defense critical infra-*
8 *structure security information covered by a written deter-*
9 *mination under subsection (a) or designated under sub-*
10 *section (b) that is provided to a State or local government*
11 *shall remain under the control of the Department of De-*
12 *fense.*

13 “(2)(A) *A State or local law authorizing or requiring*
14 *a State or local government to disclose Department of De-*
15 *fense critical infrastructure security information that is*
16 *covered by a written determination under subsection (a)*
17 *shall not apply to such information.*

18 “(B) *If a person requests pursuant to a State or local*
19 *law that a State or local government disclose information*
20 *that is designated as Department of Defense critical infra-*
21 *structure security information under subsection (b), the*
22 *State or local government shall provide the Secretary an*
23 *opportunity to carry out the determination process under*
24 *subsection (a) to determine whether to exempt such informa-*
25 *tion from disclosure pursuant to subparagraph (A).”.*

1 (c) *CONFORMING AMENDMENTS.*—

2 (1) *SECTION 128.*—Section 128 of such title is
3 further amended in the section heading by striking
4 “**Physical**” and inserting “**Control and phys-**
5 **ical**”.

6 (2) *SECTION 130E.*—Section 130e of such title is
7 further amended—

8 (A) by striking the section heading and in-
9 serting the following new section heading:
10 “**Control and protection of critical in-**
11 **frastructure security information**”;

12 (B) in subsection (a), by striking the sub-
13 section heading and inserting the following new
14 subsection heading; “*EXEMPTION FROM FREE-*
15 *DOM OF INFORMATION ACT.*—”;

16 (C) in subsection (d), by striking the sub-
17 section heading and inserting the following new
18 subsection heading: “*DELEGATION OF DETER-*
19 *MINATION AUTHORITY.*—”; and

20 (D) in subsection (e), by striking the sub-
21 section heading and inserting the following new
22 subsection heading: “*TRANSPARENCY OF DETER-*
23 *MINATIONS.*—”.

24 (d) *CLERICAL AMENDMENTS.*—The table of sections at
25 the beginning of chapter 3 of such title is amended—

1 (1) *by striking the item relating to section 128*
2 *and inserting the following new item:*

 “128. *Control and physical protection of special nuclear material: limitation on dissemination of unclassified information.*”; and

3 (2) *by striking the item relating to section 130e*
4 *and inserting the following new item:*

 “130e. *Control and protection of critical infrastructure security information.*”.

5 **SEC. 1643. PROCUREMENT AUTHORITY FOR CERTAIN PARTS**
6 **OF INTERCONTINENTAL BALLISTIC MISSILE**
7 **FUZES.**

8 (a) *AVAILABILITY OF FUNDS.*—*Notwithstanding sec-*
9 *tion 1502(a) of title 31, United States Code, of the amount*
10 *authorized to be appropriated for fiscal year 2017 by sec-*
11 *tion 101 and available for Missile Procurement, Air Force,*
12 *as specified in the funding table in section 4101,*
13 *\$17,095,000 shall be available for the procurement of cov-*
14 *ered parts pursuant to contracts entered into under section*
15 *1645(a) of the Carl Levin and Howard P. “Buck” Mckeon*
16 *National Defense Authorization Act for Fiscal Year 2015*
17 *(Public Law 113–291; 128 Stat. 3651).*

18 (b) *COVERED PARTS DEFINED.*—*In this section, the*
19 *term “covered parts” means commercially available off-the-*
20 *shelf items as defined in section 104 of title 41, United*
21 *States Code.*

1 **SEC. 1644. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
2 **MOBILE VARIANT OF GROUND-BASED STRA-**
3 **TEGIC DETERRENT MISSILE.**

4 *None of the funds authorized to be appropriated by this*
5 *Act or otherwise made available for any of fiscal years 2017*
6 *or 2018 may be obligated or expended to retain the option*
7 *for, or develop, a mobile variant of the ground-based stra-*
8 *tegic deterrent missile.*

9 **SEC. 1645. LIMITATION ON AVAILABILITY OF FUNDS FOR**
10 **EXTENSION OF NEW START TREATY.**

11 *(a) LIMITATION.—None of the funds authorized to be*
12 *appropriated by this Act or otherwise made available for*
13 *fiscal year 2017 or any other fiscal year for the Department*
14 *of Defense may be obligated or expended to extend the New*
15 *START Treaty unless—*

16 *(1) the Chairman of the Joint Chiefs of Staff*
17 *submits the report under subsection (b);*

18 *(2) the Director of National Intelligence submits*
19 *the National Intelligence Estimate under subsection*
20 *(c)(2); and*

21 *(3) a period of 180 days elapses following the*
22 *submission of both the report and the National Intel-*
23 *ligence Estimate.*

24 *(b) REPORT.—The Chairman of the Joint Chiefs of*
25 *Staff shall submit to the appropriate congressional commit-*
26 *tees a report detailing the following:*

1 (1) *The impacts on the nuclear forces and force*
2 *planning of the United States with respect to a State*
3 *Party to the New START Treaty developing a capa-*
4 *bility to conduct a rapid reload of its ballistic mis-*
5 *siles.*

6 (2) *Whether any State Party to the New START*
7 *Treaty has significantly increased its upload capa-*
8 *bility with non-deployed nuclear warheads and the*
9 *degree to which such developments impact crisis sta-*
10 *bility and the nuclear forces, force planning, use con-*
11 *cepts, and deterrent strategy of the United States.*

12 (3) *The extent to which non-treaty-limited nu-*
13 *clear or strategic conventional systems pose a threat*
14 *to the United States or the allies of the United States.*

15 (4) *The extent to which violations of arms con-*
16 *trol treaty and agreement obligations pose a risk to*
17 *the national security of the United States and the al-*
18 *lies of the United States, including the perpetuation*
19 *of violations ongoing as of the date of the enactment*
20 *of this Act, as well as potential further violations.*

21 (5) *The extent to which—*

22 (A) *the “escalate-to-deescalate” nuclear use*
23 *doctrine of the Russian Federation is deterred*
24 *under the current nuclear force structure, weap-*

1 *ons capabilities, and declaratory policy of the*
2 *United States; and*

3 *(B) deterring the implementation of such a*
4 *doctrine has been integrated into the warplans of*
5 *the United States.*

6 *(6) The status of the nuclear weapons, nuclear*
7 *weapons infrastructure, and nuclear command and*
8 *control modernization activities of the United States,*
9 *and the impact such status has on plans to—*

10 *(A) implement the reduction of the nuclear*
11 *weapons of the United States; or*

12 *(B) further reduce the numbers and types of*
13 *such weapons.*

14 *(7) Whether, and if so, the reasons that, the New*
15 *START Treaty, and the extension of the treaty as of*
16 *the date of the report, is in the national security in-*
17 *terests of the United States.*

18 *(c) NATIONAL INTELLIGENCE ESTIMATE.—*

19 *(1) PRODUCTION.—The Director of National In-*
20 *telligence shall produce a National Intelligence Esti-*
21 *mate on the following:*

22 *(A) The nuclear forces and doctrine of the*
23 *Russian Federation.*

24 *(B) The nuclear weapons research and pro-*
25 *duction capability of Russia.*

1 (C) *The compliance of Russia with respect*
2 *to arms control obligations (including treaties,*
3 *agreements, and other obligations).*

4 (D) *The doctrine of Russia with respect to*
5 *targeting adversary critical infrastructure and*
6 *the relationship between such doctrine and other*
7 *Russian war planning, including, at a min-*
8 *imum, “escalate-to-deescalate” concepts.*

9 (2) *SUBMISSION.—The Director of National In-*
10 *telligence shall submit, consistent with the protection*
11 *of sources and methods, to the appropriate congres-*
12 *sional committees the National Intelligence Estimate*
13 *produced under paragraph (1).*

14 (d) *DEFINITIONS.—In this section:*

15 (1) *The term “appropriate congressional com-*
16 *mittees” means—*

17 (A) *the Committees on Armed Services of*
18 *the House of Representatives and the Senate;*

19 (B) *the Committee on Foreign Affairs of the*
20 *House of Representatives and the Committee on*
21 *Foreign Relations of the Senate; and*

22 (C) *the Permanent Select Committee on In-*
23 *telligence of the House of Representatives and the*
24 *Select Committee on Intelligence of the Senate.*

1 (2) *The term “New START Treaty” means the*
2 *Treaty between the United States of America and the*
3 *Russian Federation on Measures for the Further Re-*
4 *duction and Limitation of Strategic Offensive Arms,*
5 *signed on April 8, 2010, and entered into force on*
6 *February 5, 2011.*

7 **SEC. 1646. CONSOLIDATION OF NUCLEAR COMMAND, CON-**
8 **TROL, AND COMMUNICATIONS FUNCTIONS OF**
9 **THE AIR FORCE.**

10 (a) *ROLE OF MAJOR COMMAND.—*

11 (1) *CONSOLIDATION.—Not later than March 31,*
12 *2017, the Secretary of the Air Force shall consolidate*
13 *under a major command commanded by a single gen-*
14 *eral officer the responsibility, authority, account-*
15 *ability, and resources for carrying out the nuclear*
16 *command, control, and communications functions of*
17 *the Air Force, including, at a minimum, with respect*
18 *to the following:*

19 (A) *All terrestrial and aerial components of*
20 *the nuclear command and control system that*
21 *are survivable and enduring.*

22 (B) *All terrestrial and aerial components of*
23 *the integrated tactical warning and attack as-*
24 *essment system that are survivable and endur-*
25 *able.*

1 (2) *OVERSIGHT AND BUDGET APPROVAL.*—Not
2 *later than March 31, 2017, in addition to the respon-*
3 *sibility, authority, accountability, and resources for*
4 *carrying out the nuclear command, control, and com-*
5 *munications functions of the Air Force provided to a*
6 *commander of a major command under paragraph*
7 *(1), the Secretary shall provide to the commander the*
8 *responsibility, authority, accountability, and re-*
9 *sources to—*

10 (A) *conduct oversight over all components of*
11 *the nuclear command and control system and the*
12 *integrated tactical warning and attack assess-*
13 *ment system, regardless of the location or the*
14 *endurability of such components; and*

15 (B) *approve or disapprove of any budgetary*
16 *actions related to all components of the nuclear*
17 *command and control system and the integrated*
18 *tactical warning and attack assessment system,*
19 *regardless of the location or the endurability of*
20 *such components.*

21 (b) *REPORT.*—Not later than January 15, 2017, the
22 *Secretary shall submit to the congressional defense commit-*
23 *tees a report on the plans and actions taken by the Sec-*
24 *retary to carry out subsection (a), including any guidance,*
25 *directives, and orders that have been or will be issued by*

1 *the Secretary, the Chief of Staff of the Air Force, or other*
2 *elements of the Air Force to carry out subsection (a).*

3 **SEC. 1647. REPORT ON RUSSIAN AND CHINESE POLITICAL**
4 **AND MILITARY LEADERSHIP SURVIVABILITY,**
5 **COMMAND AND CONTROL, AND CONTINUITY**
6 **OF GOVERNMENT PROGRAMS AND ACTIVI-**
7 **TIES.**

8 *(a) REPORT.—Not later than January 15, 2017, the*
9 *Director of National Intelligence shall submit to the appro-*
10 *priate congressional committees, consistent with the protec-*
11 *tion of sources and methods, a report on the leadership sur-*
12 *vivability, command and control, and continuity of govern-*
13 *ment programs and activities with respect to the People’s*
14 *Republic of China and the Russian Federation, respectively.*
15 *The report shall include the following:*

16 *(1) The goals and objectives of such programs*
17 *and activities of each respective country.*

18 *(2) An assessment of how such programs and ac-*
19 *tivities fit into the political and military doctrine*
20 *and strategy of each respective country.*

21 *(3) An assessment of the size and scope of such*
22 *activities, including the location and description of*
23 *above-ground and underground facilities important to*
24 *the political and military leadership survivability,*

1 *command and control, and continuity of government*
2 *programs and activities of each respective country.*

3 (4) *An identification of which facilities various*
4 *senior political and military leaders of each respective*
5 *country are expected to operate out of during crisis*
6 *and wartime.*

7 (5) *A technical assessment of the political and*
8 *military means and methods for command and con-*
9 *trol in wartime of each respective country.*

10 (6) *An identification of key officials and organi-*
11 *zations of each respective country involved in man-*
12 *aging and operating such facilities, programs and ac-*
13 *tivities, including the command structure for each or-*
14 *ganization involved in such programs and activities.*

15 (7) *An assessment of how senior leaders of each*
16 *respective country measure the effectiveness of such*
17 *programs and activities.*

18 (8) *An estimate of the annual cost of such pro-*
19 *grams and activities.*

20 (9) *An assessment of the degree of enhanced sur-*
21 *vivability such programs and activities can be ex-*
22 *pected to provide in various military scenarios rang-*
23 *ing from limited conventional conflict to strategic nu-*
24 *clear employment.*

1 (10) *An assessment of the type and extent of for-*
2 *foreign assistance, if any, in such programs and activi-*
3 *ties.*

4 (11) *An assessment of the status and the effec-*
5 *tiveness of the intelligence collection of the United*
6 *States on such programs and capabilities, and any*
7 *gaps in such collection.*

8 (12) *Any other matters the Director determines*
9 *appropriate.*

10 (b) *COUNCIL ASSESSMENT.*—*Not later than 90 days*
11 *after the date on which the Director submits the report*
12 *under subsection (a), the Council on Oversight of the Na-*
13 *tional Leadership Command, Control, and Communica-*
14 *tions System established by section 171a of title 10, United*
15 *States Code, shall submit to the appropriate congressional*
16 *committees an assessment of how the command, control, and*
17 *communications systems for the national leadership of the*
18 *People’s Republic of China and the Russian Federation, re-*
19 *spectively, compare to such system of the United States.*

20 (c) *STRATCOM.*—*Together with the assessment sub-*
21 *mitted under subsection (b), the Commander of the United*
22 *States Strategic Command shall submit to the appropriate*
23 *congressional committees the views of the Commander on*
24 *the report under subsection (a), including a detailed de-*
25 *scription for how the leadership survivability, command*

1 *and control, and continuity of government programs and*
2 *activities of the People’s Republic of China and the Russian*
3 *Federation, respectively, are considered in the plans and*
4 *options under the responsibility of the Commander under*
5 *the unified command plan.*

6 (d) *FORMS.—Each report or assessment submitted*
7 *under this section may be submitted in unclassified form,*
8 *but may include a classified annex.*

9 (e) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
10 *FINED.—In this section, the term “appropriate congres-*
11 *sional committees” means—*

12 (1) *the congressional defense committees; and*

13 (2) *the Permanent Select Committee on Intel-*
14 *ligence of the House of Representatives and the Select*
15 *Committee on Intelligence of the Senate.*

16 **SEC. 1648. SENSE OF CONGRESS ON IMPORTANCE OF INDE-**
17 **PENDENT NUCLEAR DETERRENT OF UNITED**
18 **KINGDOM.**

19 *It is the sense of Congress that—*

20 (1) *the United States believes that the inde-*
21 *pendent nuclear deterrent and decision-making of the*
22 *United Kingdom provides a crucial contribution to*
23 *international stability, the North Atlantic Treaty Or-*
24 *ganization alliance, and the national security of the*
25 *United States;*

1 (2) *nuclear deterrence is and will continue to be*
2 *the highest priority mission of the Department of De-*
3 *fense and the United States benefits when the closest*
4 *ally of the United States clearly and unequivocally*
5 *sets similar priorities;*

6 (3) *the United States sees the nuclear deterrent*
7 *of the United Kingdom as central to trans-Atlantic*
8 *security and to the commitment of the United King-*
9 *dom to NATO to spend two percent of gross domestic*
10 *product on defense;*

11 (4) *the commitment of the United Kingdom to*
12 *maintain a continuous at-sea deterrence posture*
13 *today and in the future complements the deterrent ca-*
14 *pabilities of the United States and provides a credible*
15 *“second center of decision making” which ensures po-*
16 *tential attackers cannot discount the solidarity of the*
17 *mutual relationship of the United States and the*
18 *United Kingdom;*

19 (5) *the United States Navy must execute the*
20 *Ohio-class replacement submarine program on time*
21 *and within budget, seeking efficiencies and cost sav-*
22 *ings wherever possible, to ensure that the program de-*
23 *livers a Common Missile Compartment, the Trident*
24 *II (D5) Strategic Weapon System, and associated*
25 *equipment and production capabilities, that support*

1 *the successful development and deployment of the*
2 *Vanguard-successor submarines of the United King-*
3 *dom; and*

4 *(6) the close technical collaboration, especially*
5 *expert mutual scientific peer review, provides valuable*
6 *resilience and cost effectiveness to the respective deter-*
7 *rence programs of the United States and the United*
8 *Kingdom.*

9 ***Subtitle E—Missile Defense***
10 ***Programs***

11 ***SEC. 1651. EXTENSIONS OF PROHIBITIONS RELATING TO***
12 ***MISSILE DEFENSE INFORMATION AND SYS-***
13 ***TEMS.***

14 *(a) PROHIBITION ON INTEGRATION OF CERTAIN MIS-*
15 *SILE DEFENSE SYSTEMS.—*

16 *(1) IN GENERAL.—Section 130h of title 10,*
17 *United States Code, is amended—*

18 *(A) by redesignating subsection (d) as sub-*
19 *section (e);*

20 *(B) by inserting after subsection (c) the fol-*
21 *lowing new subsection (d):*

22 *“(d) INTEGRATION.—None of the funds authorized to*
23 *be appropriated or otherwise made available for any fiscal*
24 *year for the Department of Defense may be obligated or ex-*
25 *pended to integrate a missile defense system of the Russian*

1 *Federation or a missile defense system of the People’s Re-*
 2 *public of China into any missile defense system of the*
 3 *United States.”; and*

4 *(C) by striking the section heading and in-*
 5 *serting the following: “**Prohibitions relat-***
 6 ***ing to missile defense information and***
 7 ***systems”.***

8 *(2) CLERICAL AMENDMENT.—The table of sec-*
 9 *tions at the beginning of chapter 3 of title 10, United*
 10 *States Code, is amended by striking the item relating*
 11 *to section 130h and inserting the following new item:*

“130h. Prohibitions relating to missile defense information and systems.”.

12 *(3) CONFORMING REPEALS.—Sections 1672 and*
 13 *1673 of the National Defense Authorization Act for*
 14 *Fiscal Year 2016 (Public Law 114–92; 129 Stat.*
 15 *1130) are repealed.*

16 *(b) EXTENSION OF SUNSET.—Section 130h(e) of title*
 17 *10, United States Code, as redesignated by subsection*
 18 *(a)(1), is amended to read as follows:*

19 *“(e) SUNSET.—The prohibitions in subsections (a),*
 20 *(b), and (d) shall expire on January 1, 2027.”.*

21 **SEC. 1652. REVIEW OF THE MISSILE DEFEAT POLICY AND**
 22 **STRATEGY OF THE UNITED STATES.**

23 *(a) NEW REVIEW.—The Secretary of Defense and the*
 24 *Chairman of the Joint Chiefs of Staff shall jointly conduct*

1 *a new review of the missile defeat capability, policy, and*
2 *strategy of the United States, with respect to—*

3 *(1) left- and right-of-launch ballistic missile de-*
4 *fense for—*

5 *(A) both regional and homeland purposes;*
6 *and*

7 *(B) the full range of active, passive, kinetic,*
8 *and nonkinetic defense measures across the full*
9 *spectrum of land-, air-, sea-, and space-based*
10 *platforms;*

11 *(2) the integration of offensive and defensive*
12 *forces for the defeat of ballistic missiles, including*
13 *against weapons initially deployed on ballistic mis-*
14 *siles, such as hypersonic glide vehicles; and*

15 *(3) cruise missile defense of the homeland.*

16 *(b) ELEMENTS.—The review under subsection (a) shall*
17 *address the following:*

18 *(1) The missile defeat policy, strategy, and objec-*
19 *tives of the United States in relation to the national*
20 *security strategy of the United States and the mili-*
21 *tary strategy of the United States.*

22 *(2) The role of deterrence in the missile defeat*
23 *policy and strategy of the United States.*

24 *(3) The missile defeat posture, capability, and*
25 *force structure of the United States.*

1 (4) *With respect to both the five- and ten-year*
2 *periods beginning on the date of the review, the*
3 *planned and desired end-state of the missile defeat*
4 *programs of the United States, including regarding*
5 *the integration and interoperability of such programs*
6 *with the joint forces and the integration and inter-*
7 *operability of such programs with allies, and specific*
8 *benchmarks, milestones, and key steps required to*
9 *reach such end-states.*

10 (5) *The organization, discharge, and oversight of*
11 *acquisition for the missile defeat programs of the*
12 *United States.*

13 (6) *The roles and responsibilities of the Office of*
14 *the Secretary of Defense, Defense Agencies, combatant*
15 *commands, the Joint Chiefs of Staff, and the military*
16 *departments in such programs and the process for en-*
17 *suring accountability of each stakeholder.*

18 (7) *The process for determining requirements for*
19 *missile defeat capabilities under such programs, in-*
20 *cluding input from the joint military requirements*
21 *process.*

22 (8) *The process for determining the force struc-*
23 *ture and inventory objectives for such programs.*

1 (9) *Standards for the military utility, oper-*
2 *ational effectiveness, suitability, and survivability of*
3 *the missile defeat systems of the United States.*

4 (10) *The method in which resources for the mis-*
5 *sile defeat mission are planned, programmed, and*
6 *budgeted within the Department of Defense.*

7 (11) *The near-term and long-term costs and cost*
8 *effectiveness of such programs.*

9 (12) *The options for affecting the offense-defense*
10 *cost curve.*

11 (13) *Accountability, transparency, and oversight*
12 *with respect to such programs.*

13 (14) *The role of international cooperation on*
14 *missile defeat in the missile defeat policy and strategy*
15 *of the United States and the plans, policies, and re-*
16 *quirements for integration and interoperability of*
17 *missile defeat capability with allies.*

18 (15) *Options for enhancing and making routine*
19 *the codevelopment of missile defeat capabilities with*
20 *allies of the United States in the near-term and far-*
21 *term.*

22 (16) *Declaratory policy governing the employ-*
23 *ment of missile defeat capabilities and the military*
24 *options and plans and employment options of such*
25 *capabilities.*

1 (17) *The role of multi-mission defense and other*
2 *assets of the United States, including space and ter-*
3 *restrial sensors and plans to achieve multi-mission*
4 *capability in current, planned, and other future as-*
5 *sets and acquisition programs.*

6 (18) *The indications and warning required to*
7 *meet the missile defeat strategy and objectives of the*
8 *United States described in paragraph (1) and the key*
9 *enablers and programs to achieve such indications*
10 *and warning.*

11 (19) *The impact of the mobility, counter-*
12 *measures, and denial and deception capabilities of*
13 *adversaries on the indications and warning described*
14 *in paragraph (16) and the consequences of such im-*
15 *pact for the missile defeat capability, objectives, and*
16 *military options of the United States and the plans*
17 *of the combatant commanders.*

18 (20) *Any other matters the Secretary determines*
19 *relevant.*

20 (c) *REPORTS.—*

21 (1) *RESULTS.—Not later than January 31,*
22 *2018, the Secretary shall submit to the congressional*
23 *defense committees a report setting forth the results of*
24 *the review under subsection (a).*

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

4 (3) *ANNUAL IMPLEMENTATION UPDATES.*—Dur-
5 ing the five-year period beginning on the date of the
6 submission of the report under paragraph (1), the Di-
7 rector of Cost Assessment and Program Evaluation
8 shall submit to the Secretary of Defense, the Chair-
9 man of the Joint Chiefs of Staff, and the congres-
10 sional defense committees annual status updates de-
11 tailing the progress of the Secretary in implementing
12 the missile defeat strategy of the United States.

13 (4) *THREAT REPORT.*—Not later than 180 days
14 after the date of the enactment of this Act, the Direc-
15 tor of National Intelligence shall submit to the con-
16 gressional defense committees, the Permanent Select
17 Committee on Intelligence of the House of Representa-
18 tives, and the Select Committee on Intelligence of the
19 Senate a report containing an unclassified summary,
20 consistent with the protection of intelligence sources
21 and methods, of—

22 (A) as of the date of the report, the ballistic
23 and cruise missile threat to the United States,
24 deployed forces of the United States, and friends
25 and allies of the United States from short-, me-

1 *dium-, intermediate-, and long-range nuclear*
2 *and non-nuclear ballistic and cruise missile*
3 *threats; and*

4 *(B) an assessment of such threat in 2026.*

5 *(d) NOTIFICATION.—*

6 *(1) IN GENERAL.—None of the funds authorized*
7 *to be appropriated by this Act or otherwise made*
8 *available for fiscal year 2017 or any fiscal year there-*
9 *after for the Secretary of Defense may be obligated or*
10 *expended to change the non-standard acquisition*
11 *processes and responsibilities described in paragraph*

12 *(2) until—*

13 *(A) the Secretary notifies the congressional*
14 *defense committees of such proposed change; and*

15 *(B) a period of 180 days has elapsed fol-*
16 *lowing the date of such notification.*

17 *(2) NON-STANDARD ACQUISITION PROCESSES AND*
18 *RESPONSIBILITIES DESCRIBED.—The non-standard*
19 *acquisition processes and responsibilities described in*
20 *this paragraph are such processes and responsibilities*
21 *described in—*

22 *(A) the memorandum of the Secretary of*
23 *Defense titled “Missile Defense Program Direc-*
24 *tion” signed on January 2, 2002; and*

1 (B) *Department of Defense Directive*
2 5134.09, as in effect on the date of the enactment
3 of this Act.

4 (e) *DESIGNATION REQUIRED.*—

5 (1) *AUTHORITY.*—Not later than March 31,
6 2018, the Secretary of Defense shall designate a mili-
7 tary department or Defense Agency with acquisition
8 authority with respect to—

9 (A) *the capability to defend the homeland*
10 *from cruise missiles; and*

11 (B) *left-of-launch ballistic missile defeat ca-*
12 *pability.*

13 (2) *VALIDATION.*—In making such designation
14 under paragraph (1), the Secretary shall include a
15 description of the manner in which the military re-
16 quirements for such capabilities will be validated.

17 **SEC. 1653. IRON DOME SHORT-RANGE ROCKET DEFENSE**
18 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**
19 **DEFENSE PROGRAM CODEVELOPMENT AND**
20 **COPRODUCTION.**

21 (a) *IRON DOME SHORT-RANGE ROCKET DEFENSE*
22 *SYSTEM.*—

23 (1) *AVAILABILITY OF FUNDS.*—Of the funds au-
24 thorized to be appropriated by section 101 for pro-
25 curement, Defense-wide, and available for the Missile

1 *Defense Agency, not more than \$62,000,000 may be*
2 *provided to the Government of Israel to procure*
3 *Tamir interceptors for the Iron Dome short-range*
4 *rocket defense system, as specified in the funding table*
5 *in division D, through coproduction of such intercep-*
6 *tors in the United States by industry of the United*
7 *States.*

8 (2) *CONDITIONS.—*

9 (A) *AGREEMENT.—Funds described in*
10 *paragraph (1) for the Iron Dome short-range*
11 *rocket defense program shall be available subject*
12 *to the terms and conditions in the Agreement Be-*
13 *tween the Department of Defense of the United*
14 *States of America and the Ministry of Defense of*
15 *the State of Israel Concerning Iron Dome De-*
16 *fense System Procurement, signed on March 5,*
17 *2014, subject to an amended bilateral inter-*
18 *national agreement for coproduction for Tamir*
19 *interceptors. In negotiations by the Missile De-*
20 *fense Agency and the Missile Defense Organiza-*
21 *tion of the Government of Israel regarding such*
22 *production, the goal of the United States is to*
23 *maximize opportunities for coproduction of the*
24 *Tamir interceptors described in paragraph (1)*

1 *in the United States by industry of the United*
2 *States.*

3 (B) *CERTIFICATION.*—*Not later than 30*
4 *days prior to the initial obligation of funds de-*
5 *scribed in paragraph (1), the Director of the*
6 *Missile Defense Agency and the Under Secretary*
7 *of Defense for Acquisition, Technology, and Lo-*
8 *gistics shall jointly submit to the appropriate*
9 *congressional committees—*

10 (i) *a certification that the bilateral*
11 *international agreement specified in sub-*
12 *paragraph (A) is being implemented as pro-*
13 *vided in such bilateral international agree-*
14 *ment; and*

15 (ii) *an assessment detailing any risks*
16 *relating to the implementation of such bilat-*
17 *eral international agreement.*

18 (b) *COOPERATIVE MISSILE DEFENSE PROGRAM CODE-*
19 *VELOPMENT AND COPRODUCTION.*—

20 (1) *IN GENERAL.*—*Subject to paragraph (2), of*
21 *the funds authorized to be appropriated for fiscal year*
22 *2017 for procurement, Defense-wide, and available for*
23 *the Missile Defense Agency—*

24 (A) *not more than \$150,000,000 may be*
25 *provided to the Government of Israel to procure*

1 *the David's Sling Weapon System, including for*
2 *coproduction of parts and components in the*
3 *United States by United States industry; and*

4 *(B) not more than \$120,000,000 may be*
5 *provided to the Government of Israel for the*
6 *Arrow 3 Upper Tier Interceptor Program, in-*
7 *cluding for coproduction of parts and compo-*
8 *nents in the United States by United States in-*
9 *dustry.*

10 (2) *CERTIFICATION.—*

11 *(A) CRITERIA.—Except as provided by*
12 *paragraph (3), the Under Secretary of Defense*
13 *for Acquisition, Technology, and Logistics shall*
14 *submit to the appropriate congressional commit-*
15 *tees a certification that—*

16 *(i) the Government of Israel has dem-*
17 *onstrated the successful completion of the*
18 *knowledge points, technical milestones, and*
19 *production readiness reviews required by*
20 *the research, development, and technology*
21 *agreements for the David's Sling Weapon*
22 *System and the Arrow 3 Upper Tier Devel-*
23 *opment Program, respectively;*

24 *(ii) funds specified in subparagraphs*
25 *(A) and (B) of paragraph (1) will be pro-*

1 *vided on the basis of a one-for-one cash*
2 *match made by Israel for such respective*
3 *systems or in another matching amount*
4 *that otherwise meets best efforts (as mutu-*
5 *ally agreed to by the United States and*
6 *Israel);*

7 *(iii) the United States has entered into*
8 *a bilateral international agreement with*
9 *Israel that establishes, with respect to the*
10 *use of such funds—*

11 *(I) in accordance with clause (iv),*
12 *the terms of coproduction of parts and*
13 *components of such respective systems*
14 *on the basis of the greatest practicable*
15 *coproduction of parts, components, and*
16 *all-up rounds (if appropriate) by*
17 *United States industry and minimizes*
18 *nonrecurring engineering and*
19 *facilitization expenses to the costs need-*
20 *ed for coproduction;*

21 *(II) complete transparency on the*
22 *requirement of Israel for the number of*
23 *interceptors and batteries of such re-*
24 *spective systems that will be procured,*
25 *including with respect to the procure-*

1 *ment plans, acquisition strategy, and*
2 *funding profiles of Israel;*

3 *(III) technical milestones for co-*
4 *production of parts and components*
5 *and procurement of such respective sys-*
6 *tems; and*

7 *(IV) joint approval processes for*
8 *third-party sales of such respective sys-*
9 *tems and the components of such re-*
10 *spective systems;*

11 *(iv) the level of coproduction described*
12 *in clause (iii)(I) for the Arrow 3 and Da-*
13 *vid's Sling Weapon System is not less than*
14 *50 percent; and*

15 *(v) such funds may not be obligated or*
16 *expended to cover costs related to any*
17 *delays, including delays with respect to ex-*
18 *changing technical data or specifications.*

19 *(B) NUMBER.—In carrying out subpara-*
20 *graph (A), the Under Secretary may submit—*

21 *(i) one certification covering both the*
22 *David's Sling Weapon System and the*
23 *Arrow 3 Upper Tier Interceptor Program;*
24 *or*

1 (ii) separate certifications for each
2 such respective system.

3 (C) *TIMING.*—The Under Secretary shall
4 submit to the congressional defense committees
5 the certification under subparagraph (A) by not
6 later than 60 days before the funds specified in
7 paragraph (1) for the respective system covered
8 by the certification are provided to the Govern-
9 ment of Israel.

10 (3) *WAIVER.*—The Under Secretary may waive
11 the certification required by paragraph (2) if the
12 Under Secretary certifies to the appropriate congres-
13 sional committees that the Under Secretary has re-
14 ceived sufficient data from the Government of Israel
15 to demonstrate—

16 (A) the funds specified in subparagraphs
17 (A) and (B) of paragraph (1) are provided to
18 Israel solely for funding the procurement of long-
19 lead components in accordance with a produc-
20 tion plan, including a funding profile detailing
21 Israeli contributions for production, including
22 long-lead production, of either David’s Sling
23 Weapon System or the Arrow 3 Upper Tier In-
24 terceptor Program;

1 (B) such long-lead components have success-
2 fully completed knowledge points, technical mile-
3 stones, and production readiness reviews; and

4 (C) the long-lead procurement will be con-
5 ducted in a manner that maximizes coproduc-
6 tion in the United States without incurring ad-
7 ditional nonrecurring engineering activity or
8 cost.

9 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
10 *FINED.*—*In this section, the term “appropriate congres-*
11 *sional committees” means the following:*

12 (1) *The congressional defense committees.*

13 (2) *The Committee on Foreign Affairs of the*
14 *House of Representatives and the Committee on For-*
15 *eign Relations of the Senate.*

16 **SEC. 1654. MAXIMIZING AEGIS ASHORE CAPABILITY.**

17 (a) *ANTI-AIR WARFARE CAPABILITY OF AEGIS*
18 *ASHORE SITES.*—

19 (1) *EVALUATION.*—*The Secretary of Defense shall*
20 *conduct a complete evaluation of the optimal anti-air*
21 *warfare capability—*

22 (A) *for each current Aegis Ashore site by*
23 *not later than 180 days after the date of the en-*
24 *actment of this Act; and*

1 (B) as part of any future deployment by the
2 United States of an Aegis Ashore site after the
3 date of such enactment.

4 (2) *ASSESSMENTS INCLUDED.*—Each evaluation
5 under paragraph (1) shall include an assessment of
6 the potential deployment of enhanced sea sparrow
7 missiles, standard missile block 2 missiles, standard
8 missile block 6 missiles, or the SeaRAM missile sys-
9 tem.

10 (3) *CONSISTENCY WITH ANNEX.*—The Secretary
11 shall carry out this subsection consistent with any
12 classified annex accompanying this Act.

13 (b) *AEGIS ASHORE CAPABILITY EVALUATION.*—Not
14 later than 120 days after the date of the enactment of this
15 Act, the Secretary of Defense and the Chairman of the Joint
16 Chiefs of Staff shall jointly submit to the congressional de-
17 fense committees an evaluation of each of the following:

18 (1) *The ballistic missile and air threat against*
19 *the continental United States and the efficacy (in-*
20 *cluding with respect to cost, ideal and optimal de-*
21 *ployment locations, and potential deployment sched-*
22 *ule) of deploying one or more Aegis Ashore sites and*
23 *Aegis Ashore components for the ballistic and cruise*
24 *missile defense of the continental United States.*

1 (2) *The ballistic missile and air threat against*
2 *the Armed Forces on Guam and the efficacy (includ-*
3 *ing with respect to cost and schedule) of deploying an*
4 *Aegis Ashore site on Guam.*

5 (c) *AEGIS ASHORE SITE ON THE PACIFIC MISSILE*
6 *RANGE FACILITY.—*

7 (1) *LIMITATION.—The Secretary of Defense may*
8 *not reduce the manning levels or test capability, as*
9 *such levels and capability existed on January 1,*
10 *2015, of the Aegis Ashore site at the Pacific Missile*
11 *Range Facility in Hawaii, including by putting such*
12 *site into a “cold” or “stand by” status.*

13 (2) *ENVIRONMENTAL IMPACT STATEMENT.—*

14 (A) *Not later than 60 days after the date on*
15 *which the Director of the Missile Defense Agency*
16 *submits to the congressional defense committees*
17 *the report under section 1689(b)(2) of the Na-*
18 *tional Defense Authorization Act for Fiscal Year*
19 *2016 (Public Law 114–92; 129 Stat. 1144), the*
20 *Director shall notify such committees on whether*
21 *the preferred alternative for fielding a medium*
22 *range ballistic missile defense sensor for the de-*
23 *fense of Hawaii identified by such report would*
24 *require an update to the environmental impact*

1 *statement required for constructing the Aegis*
2 *Ashore site at the Pacific Missile Range Facility.*

3 *(B) If the Director determines that an up-*
4 *dated environmental impact statement, a new*
5 *environmental impact statement, or another ac-*
6 *tion is required or recommended pursuant to the*
7 *National Environmental Policy Act of 1969 (42*
8 *U.S.C. et seq.), the Director shall commence such*
9 *action by not later than 60 days after the date*
10 *on which the Director makes the notification*
11 *under subparagraph (A).*

12 *(3) EVALUATION.—Not later than 60 days after*
13 *the date of the enactment of this Act, the Secretary of*
14 *Defense and the Chairman of the Joint Chiefs of Staff*
15 *shall jointly submit to the congressional defense com-*
16 *mittees an evaluation of the ballistic missile and air*
17 *threat against Hawaii (including with respect to*
18 *threats to the Armed Forces and installations located*
19 *in Hawaii) and the efficacy (including with respect*
20 *to cost and potential alternatives) of—*

21 *(A) making the Aegis Ashore site at the Pa-*
22 *cific Missile Range Facility operational;*

23 *(B) deploying the preferred alternative for*
24 *fielding a medium range ballistic missile defense*

1 *sensor for the defense of Hawaii described in*
2 *paragraph (2)(A); and*

3 *(C) any other alternative the Secretary and*
4 *the Chairman determine appropriate.*

5 *(d) FORMS.—The evaluations submitted under sub-*
6 *sections (b) and (c)(3) shall each be submitted in unclassi-*
7 *fied form, but may each include a classified annex.*

8 **SEC. 1655. TECHNICAL AUTHORITY FOR INTEGRATED AIR**
9 **AND MISSILE DEFENSE ACTIVITIES AND PRO-**
10 **GRAMS.**

11 *(a) AUTHORITY.—*

12 *(1) IN GENERAL.—The Director of the Missile*
13 *Defense Agency is the technical authority of the De-*
14 *partment of Defense for integrated air and missile de-*
15 *fense activities and programs, including joint engi-*
16 *neering and integration efforts for such activities and*
17 *programs, including with respect to defining and con-*
18 *trolling the interfaces of such activities and programs*
19 *and the allocation of technical requirements for such*
20 *activities and programs.*

21 *(2) DETAILEES.—*

22 *(A) In carrying out the technical authority*
23 *under paragraph (1), the Director may seek to*
24 *have staff detailed to the Missile Defense Agency*
25 *from the Joint Functional Component Command*

1 *for Integrated Missile Defense and the Joint In-*
2 *tegrated Air and Missile Defense Organization*
3 *in a number the Director determines necessary*
4 *in accordance with subparagraph (B).*

5 *(B) In detailing staff under subparagraph*
6 *(A) to carry out the technical authority under*
7 *paragraph (1), the total number of staff, includ-*
8 *ing detailees, of the Missile Defense Agency who*
9 *carry out such authority may not exceed the*
10 *number that is twice the number of such staff*
11 *carrying out such authority as of January 1,*
12 *2016.*

13 ***(b) ASSESSMENTS AND PLANS.—***

14 ***(1) BIENNIAL SUBMISSION.—****Not later than Jan-*
15 *uary 31, 2017, and biennially thereafter through*
16 *2021, the Director shall submit to the congressional*
17 *defense committees an assessment of the state of inte-*
18 *gration and interoperability of the integrated air and*
19 *missile defense capabilities of the Department of De-*
20 *fense.*

21 ***(2) ELEMENTS.—****Each assessment under para-*
22 *graph (1) shall include the following:*

23 ***(A) Identification of any gaps in the inte-***
24 ***gration and interoperability of the integrated air***

1 *and missile defense capabilities of the Depart-*
2 *ment.*

3 *(B) A description of the options to improve*
4 *such capabilities and remediate such gaps.*

5 *(C) A plan to carry out such improvements*
6 *and remediations, including milestones and costs*
7 *for such plan.*

8 *(3) FORM.—Each assessment under paragraph*
9 *(1) shall be submitted in classified form unless the Di-*
10 *rector determines that submitting such assessment in*
11 *unclassified form is useful and expedient.*

12 **SEC. 1656. DEVELOPMENT AND RESEARCH OF NON-TERRES-**
13 **TRIAL MISSILE DEFENSE LAYER.**

14 *(a) DEVELOPMENT.—*

15 *(1) IN GENERAL.—Not later than 30 days after*
16 *the date of the enactment of this Act, the Director of*
17 *the Missile Defense Agency, with the support of feder-*
18 *ally funded research and development centers with*
19 *subject matter expertise, shall commence the planning*
20 *for concept definition, design, research, development,*
21 *engineering evaluation, and test of a space-based bal-*
22 *listic missile intercept and defeat layer to the ballistic*
23 *missile defense system that—*

1 (A) shall provide defense options to ballistic
2 missiles and re-entry vehicles, independent of ad-
3 versary country size and threat trajectory; and

4 (B) may provide a boost-phase missile de-
5 fense capability, as well as additional defensive
6 options against direct ascent anti-satellite weap-
7 ons, hypersonic boost glide vehicles, and maneu-
8 vering re-entry vehicles.

9 (2) *ACTIVITIES.*—The planning activities author-
10 ized under paragraph (1) shall include, at a min-
11 imum, the following:

12 (A) The initiation of formal steps for poten-
13 tial integration into the ballistic missile defense
14 system architecture.

15 (B) Mature planning for early proof of con-
16 cept component demonstrations.

17 (C) Draft operation concepts in the context
18 of a multi-layer architecture.

19 (D) Identification of proof of concept vendor
20 sources for demo components and subassemblies.

21 (E) The development of multi-year tech-
22 nology and risk reduction investment plan.

23 (F) The commencement of the development
24 of a proof of concept master program phasing
25 schedule.

1 (G) *Identification of proof of concept long*
2 *lead items.*

3 (H) *Initiation of requests for proposals*
4 *from industry with significant commercial, civil,*
5 *and national security space experience, includ-*
6 *ing for space launch services.*

7 (I) *Mature options for an aggressive but*
8 *low-risk acquisition strategy.*

9 (b) *SPACE TEST BED.—Not later than 60 days after*
10 *the date of the enactment of this Act, the Director shall com-*
11 *mence planning for research, development, test, and evalua-*
12 *tion activities with respect to a space test bed for a missile*
13 *interceptor capability.*

14 (c) *BUDGET SUBMISSIONS.—The Director shall submit*
15 *with the budget of the President submitted to Congress*
16 *under section 1105(a) of title 31, United States Code, for*
17 *fiscal year 2018 a detailed budget and development plan,*
18 *irrespective of planned budgetary total obligation authority,*
19 *for the activities described in subsections (a) and (b), as-*
20 *suming initial demonstration, on-orbit, of such the capa-*
21 *bilities described in such subsections by 2025.*

22 **SEC. 1657. HYPERSONIC BOOST GLIDE VEHICLE DEFENSE.**

23 (a) *ESTABLISHMENT.—*

24 (1) *IN GENERAL.—Not later than 180 days after*
25 *the date of the enactment of this Act, the Director of*

1 *the Missile Defense Agency shall establish a program*
2 *of record in the ballistic missile defense system to de-*
3 *velop and field a defensive system to defeat hypersonic*
4 *boost-glide and maneuvering ballistic missiles. Such*
5 *defense system may be a new system, a modification*
6 *of an existing system, or developed by integrating ex-*
7 *isting systems.*

8 (2) *CODEVELOPMENT.— In developing the pro-*
9 *gram of record for the defensive system under para-*
10 *graph (1), the Director shall consider opportunities*
11 *for codevelopment, including through financial sup-*
12 *port, with allies and partners of the United States.*

13 (b) *LIMITATION.—Of the funds authorized to be appro-*
14 *priated by this Act or otherwise made available for fiscal*
15 *year 2017 for the headquarters operations of the Under Sec-*
16 *retary of Defense for Policy and the headquarters operations*
17 *of the Under Secretary of Defense for Acquisition, Tech-*
18 *nology, and Logistics, \$25,000,000 may not be obligated or*
19 *expended for each such headquarters operations until—*

20 (1) *the Director certifies to the congressional de-*
21 *fense committees that the Director has established the*
22 *program of record under paragraph (1) of subsection*
23 *(a), including a discussion of—*

1 (A) the options for codevelopment considered
2 by the Director under paragraph (2) of such sub-
3 section;

4 (B) such options the Director has assessed;
5 and

6 (C) such options the Director recommends
7 be pursued in the program of record; and

8 (2) the Chairman of the Joint Chiefs of Staff
9 submits to the congressional defense committees a re-
10 port on the military capability or capabilities and
11 capability gaps relating to the threat posed by
12 hypersonic boost-glide and maneuvering ballistic mis-
13 siles to the United States, the forces of the United
14 States, and the allies of the United States; and

15 (3) a period of 30 days has elapsed following the
16 date on which the congressional defense committees
17 has received both the certification and the report.

18 (c) *REPORT ON MTCR*.—Not later than 120 days after
19 the date of the enactment of this Act, the Secretary of De-
20 fense, with the concurrence of the Secretary of State, shall
21 submit to the congressional defense committees and the
22 Committee on Foreign Relations of the Senate and the Com-
23 mittee on Foreign Affairs of the House of Representatives
24 a report on the implications for the Missile Technology Con-
25 trol Regime regarding the development of a defensive sys-

1 *tem, including with respect to partnering with allies and*
2 *partners of the United States, to counter hypersonic boost-*
3 *glide and maneuvering ballistic missiles.*

4 (d) *PLAN.—Not later than 30 days after the date on*
5 *which the budget of the President for fiscal year 2018 is*
6 *submitted to Congress under section 1105 of title 31, Unites*
7 *States Code, the Director shall submit to the congressional*
8 *defense committees a plan to field the defensive system*
9 *under paragraph (1) of subsection (a) by 2021, including—*

10 (1) *a schedule of required ground, flight, and*
11 *intercept tests; and*

12 (2) *the estimated budget for such plan, including*
13 *a budget with codevelopment described in paragraph*
14 *(2) of such subsection and a budget without such code-*
15 *velopment, required for each year beginning with fis-*
16 *cal year 2018.*

17 **SEC. 1658. LIMITATION ON AVAILABILITY OF FUNDS FOR**
18 **PATRIOT LOWER TIER AIR AND MISSILE DE-**
19 **FENSE CAPABILITY OF THE ARMY.**

20 *Of the funds authorized to be appropriated by this Act*
21 *or otherwise made available for fiscal year 2017 for the Pa-*
22 *triot lower tier air and missile defense capability of the*
23 *Army, not more than 50 percent may be obligated or ex-*
24 *pendent until each of the following occurs:*

1 (1) *The Director of the Missile Defense Agency*
2 *certifies to the congressional defense committees that*
3 *such capability, upon the completion of the mod-*
4 *ernization process addressed by the analysis of alter-*
5 *natives regarding such capability, will be fully inter-*
6 *operable with the ballistic missile defense system and*
7 *other air and missile defense capabilities deployed*
8 *and planned to be deployed by the United States.*

9 (2) *The Chairman of the Joint Chiefs of Staff*
10 *certifies to the congressional defense committees that*
11 *such capability, upon the completion of the mod-*
12 *ernization process addressed by the analysis of alter-*
13 *natives regarding such capability, will meet—*

14 (A) *the desired attributes for modularity*
15 *sought by the geographic combatant commands;*
16 *and*

17 (B) *the validated and objective warfighter*
18 *requirements for air and missile defense capa-*
19 *bility.*

20 (3) *The Chief of Staff of the Army, in coordina-*
21 *tion with the Secretary of the Army, submits to the*
22 *congressional defense committees—*

23 (A) *a determination as to whether the re-*
24 *quirements of the lower tier air and missile de-*
25 *fense program are appropriate for acquisition*

1 through the Army Rapid Capabilities Office, and
2 if the determination is that such requirements
3 are not so appropriate, an evaluation of why;

4 (B) the terms of the competition planned for
5 the lower tier air and missile defense program to
6 ensure fair competition for all competitors; 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 certification
20 will provide the most rapid deployment
21 of a modernized capability to the
22 warfighter at reasonable risk levels (as
23 compared to systems with similar
24 amounts of complexity and techno-
25 logical readiness); or

1 (ii) a revised acquisition strategy for
2 the lower tier air and missile defense acqui-
3 sition program, including a schedule to
4 carry out such strategy.

5 (4) If the Chief of Staff of the Army submits the
6 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 Act
13 or otherwise made available for fiscal year 2017 for re-
14 search, development, test, and evaluation, Defense-wide, for
15 the conventional prompt global strike weapons system, not
16 more than 75 percent may be obligated or expended until
17 the date on which the Chairman of the Joint Chiefs of Staff,
18 in consultation with the Commander of the United States
19 European Command, the Commander of the United States
20 Pacific Command, and the Commander of the United States
21 Strategic Command, submits to the congressional defense
22 committees a report on—

23 (1) whether there are warfighter requirements or
24 integrated priorities list submitted needs for a limited

1 *operational conventional prompt strike capability;*
2 *and*

3 *(2) whether the program plan and schedule pro-*
4 *posed by the program office in the Office of the Under*
5 *Secretary of Defense for Acquisition, Technology, and*
6 *Logistics supports such requirements and integrated*
7 *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 Director*
12 *of the Missile Defense Agency shall carry out a pilot pro-*
13 *gram to implement improvements to the data protection op-*
14 *tions in the programs of the Missile Defense Agency (includ-*
15 *ing the contractors of the Agency), particularly with respect*
16 *to unclassified, controlled technical information and con-*
17 *trolled unclassified information.*

18 *(b) PRIORITY.—In carrying out the pilot program*
19 *under subsection (a), the Director shall give priority to im-*
20 *plementing data protection options that are used by the pri-*
21 *vate sector and have been proven successful.*

22 *(c) DURATION.—The Director shall carry out the pilot*
23 *program under subsection (a) for not more than a 5-year*
24 *period.*

1 (d) *NOTIFICATION.*—Not later than 30 days before the
2 date on which the Director commences the pilot program
3 under subsection (a), the Director shall notify the congress-
4 sional defense committees, the Committee on Oversight and
5 Government Reform of the House of Representatives, and
6 the Committee on Homeland Security and Government Af-
7 fairs of the Senate of—

8 (1) the data protection options that the Director
9 is considering to implement under the pilot program
10 and the potential costs of such options; and

11 (2) such option that is the preferred option of the
12 Director.

13 (e) *DATA PROTECTION OPTIONS.*—In this section, the
14 term “data protection options” means actions to improve
15 processes, practices, and systems that relate to the safe-
16 guarding, 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 the
24 date of the enactment of this Act, the Director of Cost
25 Assessment and Program Evaluation shall submit to

1 *the congressional defense committees a report on the*
2 *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 the*
7 *ground-based midcourse system, including all*
8 *command and control, ground systems, sensors*
9 *and sensor interfaces, boosters and kill vehicles,*
10 *and integration of known future systems and*
11 *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 levels*
17 *of annual funding included in the most recent*
18 *budget and the future-years defense program sub-*
19 *mitted under section 221 of this title fully fund*
20 *the requirements under clause (i).*

21 (3) *UPDATES.*—*Not later than 30 days after the*
22 *date on which each budget is submitted through Janu-*
23 *ary 31, 2021, the Director shall submit to the congres-*
24 *sional defense committees an update to the report*
25 *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 the
5 congressional defense committees that the most recent
6 defense budget materials include a sufficient level of
7 funding for the ground-based midcourse defense sys-
8 tem to modernize the system to remain paced ahead
9 of the developing limited ballistic missile threat to the
10 homeland, including from an accidental or unauthor-
11 ized ballistic missile attack.

12 (b) *EVALUATION OF TRANSPORTABLE GROUND-BASED*
13 *INTERCEPTOR.*—Not later than 180 days after the date of
14 the enactment of this Act, the Director of the Missile Defense
15 Agency shall submit to the congressional defense committees
16 a report on transportable ground-based interceptors. Such
17 report shall detail the views of the Director regarding—

18 (1) *the cost that is unconstrained by current pro-*
19 *jected budget levels for the Missile Defense Agency (in-*
20 *cluding a detailed program development production*
21 *and deployment cost and schedule for the earliest tech-*
22 *nically possible deployment), the associated manning,*
23 *and the comparative cost (including as compared to*
24 *developing a fixed ground-based interceptor site),*
25 *technical readiness, and feasibility of a transportable*

1 *ground-based interceptor as a means to deploy addi-*
2 *tional ground-based interceptors for the defense of the*
3 *United States and the operational value of a trans-*
4 *portable ground-based interceptor for the defense of*
5 *the homeland against a limited ballistic missile at-*
6 *tack, including from accidental or unauthorized bal-*
7 *listic missile launch;*

8 (2) *the type and number of flight and or inter-*
9 *cept tests that would be required to validate the capa-*
10 *bility and compatibility of a transportable ground-*
11 *based interceptor in the ballistic missile defense sys-*
12 *tem;*

13 (3) *the enabling capabilities, and the cost of such*
14 *capabilities, to support such a system;*

15 (4) *any safety consideration of a transportable*
16 *ground-based interceptor; and*

17 (5) *other matters that the Director determines*
18 *pertinent to such a system.*

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

22 (d) *DEFINITIONS.—In this section, the terms “budget”*
23 *and “defense budget materials” have the meanings given*
24 *those terms in section 231 of title 10, United States Code.*

1 **SEC. 1662. DECLARATORY POLICY, CONCEPT OF OPER-**
2 **ATIONS, AND EMPLOYMENT GUIDELINES FOR**
3 **LEFT-OF-LAUNCH CAPABILITY.**

4 *Not later than 120 days after the date of the enactment*
5 *of this Act, the Secretary of Defense and the Chairman of*
6 *the Joint Chiefs of Staff shall jointly submit to the congress-*
7 *sional defense committees the following:*

8 *(1) Both the classified and unclassified declara-*
9 *tory policy of the United States regarding the use of*
10 *the left-of-launch capability of the United States*
11 *against potential targets and how the Secretary and*
12 *the Chairman intend to ensure that such capability*
13 *is a deterrent to attacks by adversaries.*

14 *(2) Both the classified and unclassified concept*
15 *of operations for the use of such capability across and*
16 *between the combatant commands.*

17 *(3) Both the classified and unclassified employ-*
18 *ment strategy, plans, and options for such capability.*

19 **SEC. 1663. PROCUREMENT OF MEDIUM-RANGE DISCRIMINA-**
20 **TION RADAR TO IMPROVE HOMELAND MIS-**
21 **SILE DEFENSE.**

22 *(a) The Director of the Missile Defense Agency shall*
23 *issue a request for proposals for such radar by not later*
24 *than October 1, 2017.*

25 *(b) The Director shall plan to procure a medium-range*
26 *discrimination radar or equivalent sensor for a location the*

1 *Director determines will improve homeland missile defense*
2 *for the defense of Hawaii from the limited ballistic missile*
3 *threat (including accidental or unauthorized launch) and*
4 *plan for such radar to be fielded by not later than December*
5 *31, 2021.*

6 **SEC. 1664. SEMIANNUAL NOTIFICATIONS ON MISSILE DE-**
7 **FENSE TESTS AND COSTS.**

8 *(a) NOTIFICATIONS.—Not less than once every 180-day*
9 *period beginning 90 days after the date of the enactment*
10 *of this Act and ending on January 31, 2021, the Director*
11 *of the Missile Defense Agency shall submit to the congres-*
12 *sional defense committees a notification on—*

13 *(1) the outcome of each planned flight test, in-*
14 *cluding intercept tests, occurring during the period*
15 *covered by the notification; and*

16 *(2) flight tests, including intercept tests, planned*
17 *to occur after the date of the notification.*

18 *(b) ELEMENTS.—Each notification shall include the*
19 *following:*

20 *(1) With respect to each test described in sub-*
21 *section (a)(1)—*

22 *(A) the cost;*

23 *(B) any changes made to the scope or objec-*
24 *tives of the test, or future tests, and an expla-*
25 *nation for such changes;*

1 (C) *in the event of a failure of the test or*
2 *a decision to delay or cancel the test—*

3 (i) *the reasons such test did not succeed*
4 *or occur;*

5 (ii) *the funds expended on such at-*
6 *tempted test; and*

7 (iii) *in the case of a test failure or*
8 *cancelled test that is the result of contractor*
9 *performance, the contractor liability, if ap-*
10 *propriate, as compared to the cost of such*
11 *test and potential retest; and*

12 (D) *the plan to conduct a retest, if nec-*
13 *essary, and an estimate of the cost of such retest.*

14 (2) *With respect to each test described in sub-*
15 *section (a)(2)—*

16 (A) *any changes made to the scope of the*
17 *test;*

18 (B) *whether the test was to occur earlier but*
19 *was delayed; and*

20 (C) *an explanation for any such changes or*
21 *delays.*

22 (3) *The status of any open failure review boards*
23 *or any failure review boards completed during the pe-*
24 *riod covered by the notification.*

1 (c) *FORM.*—Each notification submitted under sub-
2 section (a) shall be submitted in unclassified form, but may
3 include a classified annex.

4 **SEC. 1665. NATIONAL MISSILE DEFENSE POLICY.**

5 (a) *POLICY.*—It is the policy of the United States to
6 maintain and improve a robust layered missile defense sys-
7 tem capable of defending the territory of the United States,
8 allies, deployed forces, and capabilities against the devel-
9 oping and increasingly complex ballistic missile threat with
10 funding subject to the annual authorization of appropria-
11 tions and the annual appropriation of funds for National
12 Missile Defense.

13 (b) *CONFORMING REPEAL.*—Section 2 of the National
14 Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C.
15 2431 note) is repealed.

16 **SEC. 1666. SENSE OF CONGRESS ON INITIAL OPERATING**
17 **CAPABILITY OF PHASE 2 OF EUROPEAN**
18 **PHASED ADAPTIVE APPROACH TO MISSILE**
19 **DEFENSE.**

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

21 (1) President Obama, during his announcement
22 of the European Phased Adaptive Approach on Sep-
23 tember 17, 2009, stated, “This approach is based on
24 an assessment of the Iranian missile threat,” and
25 “the best way to responsibly advance our security and

1 *the security of our allies is to deploy a missile defense*
2 *system that best responds to the threats we face and*
3 *that utilizes technology that is both proven and cost-*
4 *effective.”.*

5 (2) *The 2010 Ballistic Missile Defense review*
6 *stated that “The [European] Phased Adaptive Ap-*
7 *proach utilizes existing and proven capabilities to*
8 *meet current threats and then will improve upon*
9 *these capabilities over time by integrating new tech-*
10 *nology.”.*

11 (3) *Secretary of Defense Leon Panetta, during a*
12 *speech in Brussels on October 5, 2011, stated, “The*
13 *United States is fully committed to building a missile*
14 *defense capability for the full coverage and protection*
15 *of all our NATO European populations, their terri-*
16 *tory and their forces against the growing threat posed*
17 *by ballistic missiles.”.*

18 (4) *Secretary of Defense Chuck Hagel, during a*
19 *press conference on March 15, 2013, stated, “The mis-*
20 *sile deployments the United States is making in*
21 *phases one through three of the European Phased*
22 *Adaptive Approach, including sites in Romania and*
23 *Poland, will still be able to provide coverage of all*
24 *European NATO territory as planned by 2018.”.*

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

3 *(1) the United States is committed to the defense*
4 *of deployed members of the Armed Forces of the*
5 *United States and to the defense of the European al-*
6 *lies of the United States by increasing the ballistic*
7 *missile defense capability of the North Atlantic Trea-*
8 *ty Organization (in this section referred to as*
9 *“NATO”);*

10 *(2) phase 2 of the European Phased Adaptive*
11 *Approach will provide NATO with a substantial in-*
12 *crease in ballistic missile defense capability since*
13 *NATO declared Interim Ballistic Missile Defense Ca-*
14 *pability at the Chicago Summit in 2012, and such*
15 *phase consists of—*

16 *(A) Aegis Ashore in Romania;*

17 *(B) four Aegis ballistic missile defense capa-*
18 *ble ships homeported at Rota, Spain; and*

19 *(C) a more capable SM–3 interceptor;*

20 *(3) NATO is moving forward with the mod-*
21 *ernization of the defense capabilities of NATO that is*
22 *responsive to 21st century threats to the territory and*
23 *populations of member states of NATO;*

24 *(4) the member states of NATO recognize the im-*
25 *portance of this contribution, which sends a clear sig-*

1 *nal that NATO will not allow potential adversaries to*
2 *threaten the use of ballistic missile strikes to coerce*
3 *NATO or deter NATO from responding to aggression*
4 *against the interests of NATO; and*

5 *(5) phase 2 of the European Phased Adaptive*
6 *Approach is ready for 24-hour-a-day, seven-day-a-*
7 *week operation, with proven military systems and*
8 *command and control capability, and should be so de-*
9 *clared at the July 2016 NATO Summit in Warsaw,*
10 *Poland.*

11 ***Subtitle F—Other Matters***

12 ***SEC. 1671. PROTECTION OF CERTAIN FACILITIES AND AS-*** 13 ***SETS FROM UNMANNED AIRCRAFT.***

14 *(a) IN GENERAL.—Chapter 3 of title 10, United States*
15 *Code, as amended by section 1255, is further amended by*
16 *adding at the end the following new section:*

17 ***“§ 130j. Protection of certain facilities and assets from*** 18 ***unmanned aircraft***

19 *“(a) AUTHORITY.—The Secretary of Defense may take,*
20 *and may authorize the armed forces to take, such actions*
21 *described in subsection (b)(1) that are necessary to mitigate*
22 *the threat of an unmanned aircraft system or unmanned*
23 *aircraft that poses an imminent threat (as defined by the*
24 *Secretary of Defense, in coordination with the Secretary of*

1 *Transportation) to the safety or security of a covered facil-*
2 *ity or asset.*

3 “(b) *ACTIONS DESCRIBED.—(1) The actions described*
4 *in this paragraph are the following:*

5 “(A) *Disrupt control of the unmanned aircraft*
6 *system or unmanned aircraft.*

7 “(B) *Seize and exercise control of the unmanned*
8 *aircraft system or unmanned aircraft.*

9 “(C) *Seize or otherwise confiscate the unmanned*
10 *aircraft system or unmanned aircraft.*

11 “(D) *Use reasonable force to disable or destroy*
12 *the unmanned aircraft system or unmanned aircraft.*

13 “(2) *The Secretary of Defense shall develop the actions*
14 *described in paragraph (1) in coordination with the Sec-*
15 *retary of Transportation, consistent with the protection of*
16 *information regarding sensitive defense capabilities.*

17 “(c) *FORFEITURE.—(1) Any unmanned aircraft sys-*
18 *tem or unmanned aircraft described in subsection (a) shall*
19 *be subject to seizure and forfeiture to the United States.*

20 “(2) *The Secretary of Defense may prescribe regula-*
21 *tions to establish reasonable exceptions to paragraph (1),*
22 *including in cases where—*

23 “(A) *the operator of the unmanned aircraft sys-*
24 *tem or unmanned aircraft obtained the control and*
25 *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 subsection*
4 *(a) without the knowledge of the common carrier.*

5 “(d) *REGULATIONS.—The Secretary of Defense and the*
6 *Secretary of Transportation shall prescribe regulations and*
7 *issue guidance in the respective areas of each Secretary to*
8 *carry out this section.*

9 “(e) *DEFINITIONS.—In this section:*

10 “(1) *The term ‘covered facility or asset’ means*
11 *any facility or asset that is—*

12 “(A) *identified by the Secretary of Defense*
13 *for purposes of this section;*

14 “(B) *located in the United States (including*
15 *the territories and possessions of the United*
16 *States); and*

17 “(C) *relating to—*

18 “(i) *the nuclear deterrence mission of*
19 *the Department of Defense, including with*
20 *respect to nuclear command and control, in-*
21 *tegrated tactical warning and attack assess-*
22 *ment, and continuity of government;*

23 “(ii) *the missile defense mission of the*
24 *Department; or*

1 “(iii) *the national security space mis-*
2 *sion of the Department.*”

3 “(2) *The terms ‘unmanned aircraft’ and ‘un-*
4 *manned aircraft system’ have the meaning given those*
5 *terms in section 331 of the FAA Modernization and*
6 *Reform Act of 2012 (Public Law 112–95; 49 U.S.C.*
7 *40101 note).’.*”

8 (b) *CLERICAL AMENDMENT.—The table of sections at*
9 *the beginning of such chapter is amended by inserting after*
10 *the item relating to section 130i, as added by section 1255,*
11 *the following new item:*

 “130j. *Protection of certain facilities and assets from unmanned aircraft.*”

12 **SEC. 1672. IMPROVEMENT OF COORDINATION BY DEPART-**
13 **MENT OF DEFENSE OF ELECTROMAGNETIC**
14 **SPECTRUM USAGE.**

15 *Not later than December 31, 2016, the Secretary of De-*
16 *fense shall submit to the congressional defense committees*
17 *a report evaluating whether establishing an intra-depart-*
18 *mental council in the Department of Defense on the use elec-*
19 *tromagnetic spectrum by the Department would improve co-*
20 *ordination within the Department on—*

21 (1) *the use of such spectrum;*

22 (2) *the acquisition cycle with respect to such*
23 *spectrum;*

24 (3) *training by the Armed Forces, including*
25 *with respect to electronic and cyber warfare; and*

1 (4) other purposes the Secretary considers useful.

2 **TITLE XVII—DEPARTMENT OF**
3 **DEFENSE ACQUISITION AGILITY**

4 **SEC. 1701. MODULAR OPEN SYSTEM APPROACH IN DEVELOPMENT OF MAJOR WEAPON SYSTEMS.**

6 (a) *IN GENERAL.*—Part IV of subtitle A of title 10,
7 United States Code, is amended by inserting after chapter
8 144A the following new chapter:

9 **“CHAPTER 144B—WEAPON SYSTEMS**
10 **DEVELOPMENT AND RELATED MATTERS**

<i>“Subchapter</i>	<i>Sec.</i>
<i>“I. Modular Open System Approach in Development of Weapon Systems</i>	<i>2446a</i>
<i>“II. Development, Prototyping, and Deployment of Weapon System Components and Technology</i>	<i>2447a</i>
<i>“III. Cost, Schedule, and Performance of Major Defense Acquisition Programs</i>	<i>2448a</i>

11 **“SUBCHAPTER I—MODULAR OPEN SYSTEM AP-**
12 **PROACH IN DEVELOPMENT OF WEAPON SYS-**
13 **TEMS**

- “Sec.*
- “2446a. Requirement for modular open system approach in major defense acquisition programs; definitions.*
- “2446b. Requirement to address modular open system approach in program capabilities development and acquisition weapon system design.*
- “2446c. Requirements relating to availability of major system interfaces and support for modular open system approach.*
- “2446d. Requirement to include modular open system approach in Selected Acquisition 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, to*
7 *the maximum extent practicable, with a modular open sys-*
8 *tem 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 system*
16 *platform and a major system component or be-*
17 *tween major system components;*

18 “(B) *is subjected to verification to ensure*
19 *major system interfaces comply with, if available*
20 *and suitable, widely supported and consensus-*
21 *based standards;*

22 “(C) *uses a system architecture that allows*
23 *severable major system components at the appro-*
24 *priate level to be incrementally added, removed,*
25 *or replaced throughout the life cycle of a major*
26 *system platform to afford opportunities for en-*

1 *hanced competition and innovation while yield-*
2 *ing—*

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 rights*
13 *set forth in section 2320 of this title.*

14 “(2) *The term ‘major system platform’ means the*
15 *highest level structure of a major weapon system that*
16 *is not physically mounted or installed onto a higher*
17 *level structure and on which a major system compo-*
18 *nent 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 that
2 is likely to have additional capability require-
3 ments, is likely to change because of evolving
4 technology or threat, is needed for interoper-
5 ability, facilitates incremental deployment of ca-
6 pabilities, or is expected to be replaced by an-
7 other major system component.

8 “(4) The term ‘major system interface’ means a
9 shared boundary between a major system platform
10 and a major system component or between major sys-
11 tem components, defined by various physical, logical,
12 and functional characteristics, such as electrical, me-
13 chanical, fluidic, optical, radio frequency, data, net-
14 working, 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 system***
9 ***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 system*
14 *performance are likely to evolve during the life cycle*
15 *of the system because of evolving technology, threat, or*
16 *interoperability needs; and*

17 “(2) *for requirements that are expected to evolve,*
18 *the minimum acceptable capability that is necessary*
19 *for initial operating capability of the major defense*
20 *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 major*
24 *defense acquisition programs and performing such analyses*
25 *under section 139a(d)(4) of this title, shall ensure that any*

1 *such analysis for a major defense acquisition program in-*
2 *cludes consideration of evolutionary acquisition, proto-*
3 *typing, and a modular open system approach.*

4 “(c) *ACQUISITION STRATEGY.*—*In the case of a major*
5 *defense acquisition program that uses a modular open sys-*
6 *tem approach, the acquisition strategy required under sec-*
7 *tion 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 plat-*
11 *form and major system components being developed*
12 *under the program, as well as major system compo-*
13 *nents developed outside the program that will be inte-*
14 *grated into the major defense acquisition program;*

15 “(3) *clearly describe the evolution of major sys-*
16 *tem components that are anticipated to be added, re-*
17 *moved, or replaced in subsequent increments;*

18 “(4) *identify additional major system compo-*
19 *nents that may be added later in the life cycle of the*
20 *major system platform; and*

21 “(5) *clearly describe how intellectual property*
22 *and related issues, such as technical data deliverables,*
23 *that are necessary to support a modular open system*
24 *approach, will be addressed.*

1 “(d) *REQUEST FOR PROPOSALS.*—*The milestone deci-*
2 *sion authority for a major defense acquisition program that*
3 *uses a modular open system approach shall ensure that a*
4 *request for proposals for the development or production*
5 *phases of the program shall describe the modular open sys-*
6 *tem approach and the minimum set of major system compo-*
7 *nents that must be included in the design of the major de-*
8 *fense acquisition program.*

9 “(e) *MILESTONE B.*—*A major defense acquisition pro-*
10 *gram may not receive Milestone B approval under section*
11 *2366b of this title until the milestone decision authority de-*
12 *termines 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 *fin ed major system interfaces between the major*
17 *system platform and major system components*
18 *and between major system components;*

19 “(B) *such major system interfaces are con-*
20 *sistent with the widely supported and consensus-*
21 *based standards that exist at the time of the*
22 *milestone decision, unless such standards are un-*
23 *available or unsuitable for particular major sys-*
24 *tem interfaces; and*

1 “(C) the Government has arranged to obtain
2 appropriate and necessary intellectual property
3 rights with respect to such major system inter-
4 faces upon completion of the development of the
5 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 private
15 sector entities, national standards-setting organiza-
16 tions, and, when appropriate, with elements of the in-
17 telligence community with respect to the specification,
18 identification, development, and maintenance of
19 major system interfaces and standards for use in
20 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 (b) *CLERICAL AMENDMENT.*—*The table of chapters for*
 2 *title 10, United States Code, is amended by adding after*
 3 *the item relating to chapter 144A the following new item:*

**“144B. Weapon Systems Development and Related Mat-
 ters2446a”.**

4 (c) *CONFORMING AMENDMENT.*—*Section 2366b(a)(3)*
 5 *of such title is amended—*

6 (1) *by striking “and” at the end of subpara-*
 7 *graph (K); and*

8 (2) *by inserting after subparagraph (L) the fol-*
 9 *lowing new subparagraph:*

10 *“(M) the requirements of section 2446b(e) of*
 11 *this title are met; and”.*

12 (d) *EFFECTIVE DATE.*—*Subchapter I of chapter 144B*
 13 *of title 10, United States Code, as added by subsection (a),*
 14 *shall take effect on October 1, 2016.*

15 **SEC. 1702. DEVELOPMENT, PROTOTYPING, AND DEPLOY-**
 16 **MENT OF WEAPON SYSTEM COMPONENTS OR**
 17 **TECHNOLOGY.**

18 (a) *IN GENERAL.*—*Chapter 144B of title 10, United*
 19 *States Code, as added by section 1701, is further amended*
 20 *by adding at the end the following new subchapter:*

21 **“SUBCHAPTER II—DEVELOPMENT, PROTO-**
 22 **TYPING, AND DEPLOYMENT OF WEAPON SYS-**
 23 **TEM 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.*

1 **“§2447a. *Technology development in the acquisition***
 2 ***of major weapon systems***

3 *“Technology shall be developed in a major defense ac-*
 4 *quisition program that is initiated after January 1, 2019,*
 5 *only if the milestone decision authority for the program de-*
 6 *termines with a high degree of confidence that such develop-*
 7 *ment will not delay the fielding target of the program. If*
 8 *the milestone decision authority does not make such deter-*
 9 *mination for a major system component being developed*
 10 *under the program, the milestone decision authority shall*
 11 *ensure that technology related to the major system compo-*
 12 *nent shall be sufficiently matured separate from the major*
 13 *defense acquisition program using the prototyping authori-*
 14 *ties of this section or other authorities, as appropriate.*

15 **“§2447b. *Weapon system component or technology pro-***
 16 ***TOTYPE PROJECTS: DISPLAY OF BUDGET INFORMA-***
 17 ***TION***

18 *“(a) REQUIREMENTS FOR BUDGET DISPLAY.—In the*
 19 *defense budget materials for any fiscal year after fiscal year*
 20 *2017, the Secretary of Defense shall, with respect to ad-*
 21 *vanced component development and prototype activities*

1 *(within the research, development, test, and evaluation*
2 *budget), set forth the amounts requested for each of the fol-*
3 *lowing:*

4 “(1) *Acquisition programs of record.*

5 “(2) *Development, prototyping, and experimen-*
6 *tation of weapon system components or other tech-*
7 *nologies separate from acquisition programs of record.*

8 “(3) *Other budget line items as determined by*
9 *the Secretary of Defense.*

10 “(b) *ADDITIONAL REQUIREMENTS.—For purposes of*
11 *subsection (a)(2), the amounts requested for development,*
12 *prototyping, and experimentation of weapon system compo-*
13 *nents or other technologies shall be—*

14 “(1) *structured into either capability, weapon*
15 *system component, or technology portfolios that reflect*
16 *the priority areas for prototype projects; and*

17 “(2) *justified with general descriptions of the*
18 *types of capability areas and technologies being fund-*
19 *ed or expected to be funded during the fiscal year con-*
20 *cerned.*

21 “(c) *DEFINITIONS.—In this section, the terms ‘budget’*
22 *and ‘defense budget materials’ have the meaning given those*
23 *terms in section 234 of this title.*

1 **“§2447c. Weapon system component or technology proto-**
2 **type projects: oversight**

3 “(a) *ESTABLISHMENT.*—*The Secretary of each mili-*
4 *tary department shall establish an oversight board or iden-*
5 *tify a similar group of senior advisors for managing proto-*
6 *type projects for weapon system components and other tech-*
7 *nologies and subsystems, including the use of funds for such*
8 *projects, within the military department concerned.*

9 “(b) *MEMBERSHIP.*—*Each oversight board shall be*
10 *comprised of senior officials with—*

11 “(1) *expertise in requirements; research, develop-*
12 *ment, test, and evaluation; acquisition; or other rel-*
13 *evant areas within the military department con-*
14 *cerned;*

15 “(2) *awareness of technology development activi-*
16 *ties and opportunities in the Department of Defense,*
17 *industry, and other sources; and*

18 “(3) *awareness of the component capability re-*
19 *quirements of major weapon systems, including sched-*
20 *uling and fielding goals for such component capabili-*
21 *ties.*

22 “(c) *FUNCTIONS.*—*The functions of each oversight*
23 *board are as follows:*

24 “(1) *To issue a strategic plan every three years*
25 *that prioritizes the capability and weapon system*
26 *component portfolio areas for conducting prototype*

1 *projects, based on assessments of high priority*
2 *warfighter needs, capability gaps on existing major*
3 *weapon systems, opportunities to incrementally inte-*
4 *grate new components into major weapon systems,*
5 *and technologies that are expected to be sufficiently*
6 *mature to prototype within three years.*

7 *“(2) To annually recommend funding levels for*
8 *weapon system component or technology development*
9 *and prototype projects across capability or weapon*
10 *system component portfolios.*

11 *“(3) To annually recommend to the service ac-*
12 *quisition executive of the military department con-*
13 *cerned specific weapon system component or tech-*
14 *nology development and prototype projects, subject to*
15 *the requirements and limitations in section 2447d of*
16 *this title.*

17 *“(4) To ensure projects are managed by experts*
18 *within the Department of Defense who are knowledge-*
19 *able in research, development, test, and evaluation*
20 *and who are aware of opportunities for incremental*
21 *deployment of component capabilities and other tech-*
22 *nologies to major weapon systems or directly to sup-*
23 *port warfighting capabilities.*

1 “(5) To ensure projects are conducted in a man-
2 ner that allows for appropriate experimentation and
3 technology risk.

4 “(6) To ensure necessary technical, contracting,
5 and financial management resources are available to
6 support each project.

7 “(7) To submit to the congressional defense com-
8 mittees a semiannual notification that includes the
9 following:

10 “(A) A description of each weapon system
11 component or technology prototype project initi-
12 ated during the preceding six months, including
13 an explanation of each project and its required
14 funding.

15 “(B) A description of the results achieved
16 from weapon system component prototype and
17 technology projects completed and tested during
18 the preceding six months.

19 **“§2447d. Requirements and limitations for weapon**
20 **system component or technology prototype**
21 **projects**

22 “(a) *LIMITATION ON PROTOTYPE PROJECT DURA-*
23 *TION.—A prototype project shall be completed within three*
24 *years of its initiation.*

1 “(b) *MERIT-BASED SELECTION PROCESS.*—A proto-
2 *type project shall be selected by the service acquisition exec-*
3 *utive of the military department concerned through a merit-*
4 *based selection process that identifies the most promising*
5 *and cost-effective prototypes that address a high priority*
6 *warfighter need and are expected to be successfully dem-*
7 *onstrated in a relevant environment.*

8 “(c) *TYPE OF TRANSACTION.*—*Prototype projects shall*
9 *be funded through contracts, cooperative agreements, or*
10 *other transactions.*

11 “(d) *FUNDING LIMIT.*—(1) *Each prototype project*
12 *may not exceed a total amount of \$10,000,000 (based on*
13 *fiscal year 2017 constant dollars), unless—*

14 “(A) *the Secretary of the military department,*
15 *or the Secretary’s designee, approves a larger amount*
16 *of funding for the project, not to exceed \$50,000,000;*
17 *and*

18 “(B) *the Secretary, or the Secretary’s designee,*
19 *submits to the congressional defense committees, with-*
20 *in 30 days after approval of such funding for the*
21 *project, a notification that includes—*

22 “(i) *a description of the project;*

23 “(ii) *expected funding for the project; and*

24 “(iii) *a statement of the anticipated out-*
25 *come of the project.*

1 “(2) *The Secretary of Defense may adjust the amounts*
2 *(and the base fiscal year) provided in paragraph (1) on*
3 *the basis of Department of Defense escalation rates.*

4 “**§2447e. Mechanisms to speed deployment of success-**
5 **ful weapon system component or tech-**
6 **nology prototypes**

7 “(a) *SELECTION OF RAPID FIELDING PROJECT FOR*
8 *PRODUCTION.—A weapon system component or technology*
9 *rapid fielding project may be selected by the service acquisi-*
10 *tion executive of the military department concerned for a*
11 *follow-on production contract or other transaction without*
12 *the use of competitive procedures, notwithstanding the re-*
13 *quirements of section 2304 of this title, if—*

14 “(1) *a rapid fielding project addresses a high*
15 *priority warfighter need;*

16 “(2) *competitive procedures were used for the se-*
17 *lection of parties for participation in the rapid field-*
18 *ing project;*

19 “(3) *the participants in the project successfully*
20 *completed the project provided for in the transaction;*
21 *and*

22 “(4) *a prototype of the system to be procured in*
23 *the rapid fielding project was demonstrated in a rel-*
24 *evant environment.*

1 “(b) *SPECIAL TRANSFER AUTHORITY.*—(1) *The Sec-*
2 *retary of a military department may transfer funds that*
3 *remain available for obligation in procurement appropria-*
4 *tion accounts of the military department to fund the low-*
5 *rate initial production of the rapid fielding project until*
6 *required funding for full-rate production can be submitted*
7 *and approved through the regular budget process of the De-*
8 *partment of Defense.*

9 “(2) *The funds transferred under this subsection to*
10 *fund the low-rate initial production of a rapid fielding*
11 *project shall be for a period not to exceed two years, the*
12 *amount for such period may not exceed \$50,000,000, and*
13 *the special transfer authority provided in this subsection*
14 *may not be used more than once to fund procurement of*
15 *a particular new or upgraded system.*

16 “(3) *The special transfer authority provided in this*
17 *subsection is in addition to any other transfer authority*
18 *available to the Department of Defense.*

19 “(c) *NOTIFICATION TO CONGRESS.*—*Within 30 days*
20 *after the service acquisition executive of a military depart-*
21 *ment selects a weapon system component or technology*
22 *rapid fielding project for a follow-on production contract*
23 *or other transaction, the service acquisition executive shall*
24 *notify the congressional defense committees of the selection*
25 *and provide a brief description of the rapid fielding project.*

1 **“§ 2447f. Definition of weapon system component**

2 *“In this subchapter, the term ‘weapon system compo-*
 3 *nent’ has the meaning given the term ‘major system compo-*
 4 *nent’ in section 2446a of this title.”.*

5 **(b) EFFECTIVE DATE.**—*Subchapter II of chapter 144B*
 6 *of title 10, United States Code, as added by subsection (a),*
 7 *shall take effect on October 1, 2016.*

8 **SEC. 1703. COST, SCHEDULE, AND PERFORMANCE OF**
 9 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

10 **(a) IN GENERAL.**—*Chapter 144B of title 10, United*
 11 *States Code, as added by section 1701, is amended by add-*
 12 *ing at the end the following new subchapter:*

13 **“SUBCHAPTER III—COST, SCHEDULE, AND PER-**
 14 **FORMANCE OF MAJOR DEFENSE ACQUI-**
 15 **TION PROGRAMS**

“Sec.

“2448a. Program cost, fielding, and performance goals in planning major defense acquisition programs.

“2448b. Independent technical risk assessments.

“2448c. Adherence to requirements and thresholds in major defense acquisition programs.

16 **“§ 2448a. Program cost, fielding, and performance**
 17 **goals in planning major defense acqui-**
 18 **tion programs**

19 **“(a) PROGRAM COST AND FIELDING TARGETS.—(1)**
 20 *Before a major defense acquisition program receives Mile-*
 21 *stone A approval or is otherwise initiated prior to Milestone*

1 *B, the Secretary of Defense shall ensure, by establishing the*
2 *goals described in paragraph (2), that—*

3 *“(A) the program will be affordable;*

4 *“(B) program planning anticipates evolution of*
5 *capabilities to meet changing threats, technology in-*
6 *sertion, and interoperability; and*

7 *“(C) the program will be fielded when needed.*

8 *“(2) The goals described in this paragraph are goals*
9 *for—*

10 *“(A) the program acquisition unit cost (referred*
11 *to in this section as the ‘program cost target’);*

12 *“(B) the date for initial operational capability*
13 *(referred to in this section as the ‘fielding target’);*
14 *and*

15 *“(C) technology maturation, prototyping, and a*
16 *modular open system approach to evolve system capa-*
17 *bilities and improve interoperability.*

18 *“(b) CONSIDERATIONS.—In establishing goals under*
19 *subsection (a) for the program, the Secretary of Defense*
20 *shall consider each of the following:*

21 *“(1) The capability needs and timeframe speci-*
22 *fied in the initial capabilities document, opportuni-*
23 *ties for evolution of capabilities, and minimum ac-*
24 *ceptable capability increments.*

1 “(2) *Resources available to fund the development,*
2 *production, and life cycle of the program, using a*
3 *reasonable estimate of future defense budgets.*

4 “(3) *The number of end items expected to be pro-*
5 *cured under the program.*

6 “(4) *Trade-offs among cost, schedule, technical*
7 *risk, and performance objectives identified in the*
8 *analysis of alternatives required under section 2366a*
9 *of this title.*

10 “(5) *The independent cost estimate established*
11 *pursuant to section 2334(a)(6) of this title.*

12 “(6) *The independent technical risk assessment*
13 *conducted or approved under section 2448b of this*
14 *title.*

15 “(c) *DELEGATION.—The responsibilities of the Sec-*
16 *retary of Defense in subsection (a) may be delegated only*
17 *to the Deputy Secretary of Defense or the Under Secretary*
18 *of Defense for Acquisition, Technology, and Logistics.*

19 “(d) *DEFINITIONS.—In this section:*

20 “(1) *The term ‘program acquisition unit cost’*
21 *has the meaning provided in section 2432(a) of this*
22 *title.*

23 “(2) *The term ‘initial capabilities document’ has*
24 *the meaning provided in section 2366a(d)(2) of this*
25 *title.*

1 **“§ 2448b. Independent technical risk assessments**

2 “(a) *IN GENERAL.*—With respect to a major defense
3 acquisition program, the Under Secretary of Defense for Ac-
4 quisition, Technology, and Logistics shall—

5 “(1) before any decision to grant Milestone A ap-
6 proval for the program pursuant to section 2366a of
7 this title, identify critical technologies that need to be
8 matured in the program; and

9 “(2) before any decision to grant Milestone B ap-
10 proval for the program pursuant to section 2366b of
11 this title, any decision to enter into low-rate initial
12 production or full-rate production, or at any other
13 time considered appropriate by the Under Secretary,
14 conduct or approve an independent technical risk as-
15 sessment for the program, including the identification
16 of any critical technologies that have not been success-
17 fully demonstrated in a relevant environment.

18 “(b) *CATEGORIZATION OF TECHNICAL RISK LEV-*
19 *ELS.*—The Under Secretary shall issue guidance and a
20 framework for categorizing the degree of technical risk in
21 a major defense acquisition program.

22 **“§ 2448c. Adherence to requirements and thresholds in**
23 **major defense acquisition programs**

24 “(a) *CAPABILITIES DETERMINATION.*—The Secretary
25 of the military department concerned shall ensure that the
26 program capability document supporting a Milestone B or

1 *subsequent milestone for a major defense acquisition pro-*
2 *gram may not be submitted to the Joint Requirements*
3 *Oversight Council for approval until the Chief of the armed*
4 *force concerned determines in writing that the requirements*
5 *in the document are necessary and realistic in relation to*
6 *the program cost and fielding targets established under sec-*
7 *tion 2448a(a) of this title.*

8 “(b) *COMPLIANCE WITH TARGETS BEFORE MILE-*
9 *STONE B APPROVAL.—A major defense acquisition program*
10 *may not receive Milestone B approval until the milestone*
11 *decision authority for the program determines in writing*
12 *that the estimated program acquisition unit cost and the*
13 *estimated date for initial operational capability for the*
14 *baseline description for the program (established under sec-*
15 *tion 2435) do not exceed the program cost and fielding tar-*
16 *gets established under section 2448a(a) of this title. If such*
17 *estimated cost is higher than the program cost target or if*
18 *such estimated date is later than the fielding target, the*
19 *milestone decision authority may request that the Secretary*
20 *of Defense increase the program cost target or delay the*
21 *fielding target, as applicable.”.*

22 (b) *EFFECTIVE DATE.—Subchapter III of chapter*
23 *144B of title 10, United States Code, as added by subsection*
24 *(a), shall apply with respect to major defense acquisition*
25 *programs that reach Milestone A after October 1, 2016.*

1 (c) *MODIFICATION OF MILESTONE DECISION AUTHOR-*
2 *ITY.—Effective October 1, 2016, subsection (d) of section*
3 *2430 of title 10, United States Code, as added by section*
4 *825(a) of the National Defense Authorization Act for Fiscal*
5 *Year 2016 (Public Law 114–92; 129 Stat. 907), is amend-*
6 *ed—*

7 (1) *in paragraph (2)(A), by inserting “subject to*
8 *paragraph (5),” before “the Secretary determines”;*
9 *and*

10 (2) *by adding at the end the following new para-*
11 *graph:*

12 “(5) *The authority of the Secretary of Defense to des-*
13 *ignate an alternative milestone decision authority for a*
14 *program with respect to which the Secretary determines*
15 *that the program is addressing a joint requirement, as set*
16 *forth in paragraph (2)(A), shall apply only for a major*
17 *defense acquisition program that reaches Milestone A after*
18 *October 1, 2016, and before October 1, 2019.”.*

19 **SEC. 1704. TRANSPARENCY IN MAJOR DEFENSE ACQUI-**
20 **TION PROGRAMS.**

21 (a) *REPORTS ON MILESTONE DECISION METRICS.—*
22 *Subchapter III of chapter 144B of title 10, United States*
23 *Code, as added by section 1703, is amended by adding at*
24 *the end the following new section:*

1 **“§ 2448d. Reports on milestone decision metrics**

2 “(a) *REPORT ON MILESTONE A.—Not later than 15*
3 *days after granting Milestone A approval for a major de-*
4 *fense acquisition program, the milestone decision authority*
5 *for the program shall provide to the congressional defense*
6 *committees and, in the case of intelligence or intelligence-*
7 *related activities, the congressional intelligence committees*
8 *a brief summary report that contains the following ele-*
9 *ments:*

10 “(1) *The program cost and fielding targets estab-*
11 *lished by the Secretary of Defense under section*
12 *2448a(a) of this title.*

13 “(2) *The estimated cost and schedule for the pro-*
14 *gram established by the military department con-*
15 *cerned, including—*

16 “(A) *the dollar values estimated for the pro-*
17 *gram acquisition unit cost and total life-cycle*
18 *cost; and*

19 “(B) *the planned dates for each program*
20 *milestone and initial operational capability.*

21 “(3) *The independent estimated cost for the pro-*
22 *gram established pursuant to section 2334(a)(6) of*
23 *this title, and any independent estimated schedule for*
24 *the program, including—*

1 “(A) the dollar values estimated for the pro-
2 gram acquisition unit cost and total life-cycle
3 cost; and

4 “(B) the planned dates for each program
5 milestone and initial operational capability.

6 “(4) A summary of the technical risks associated
7 with the program, as determined by the military de-
8 partment concerned, including identification of any
9 critical technologies that need to be matured.

10 “(5) A summary of the independent technical
11 risk assessment conducted or approved under section
12 2448b of this title, including identification of any
13 critical technologies that need to be matured.

14 “(6) A summary of any sufficiency review con-
15 ducted by the Director of Cost Assessment and Pro-
16 gram Evaluation of the analysis of alternatives per-
17 formed for the program (as referred to in section
18 2366a(b)(6) of this title).

19 “(7) Any other information the milestone deci-
20 sion authority considers relevant.

21 “(b) REPORT ON MILESTONE B.—Not later than 15
22 days after granting Milestone B approval for a major de-
23 fense acquisition program, the milestone decision authority
24 for the program shall provide to the congressional defense
25 committees and, in the case of intelligence or intelligence-

1 *related activities, the congressional intelligence committees*
2 *a brief summary report that contains the following ele-*
3 *ments:*

4 “(1) *The program cost and fielding targets estab-*
5 *lished by the Secretary of Defense under section*
6 *2448a(a) of this title.*

7 “(2) *The estimated cost and schedule for the pro-*
8 *gram established by the military department con-*
9 *cerned, including—*

10 “(A) *the dollar values estimated for the pro-*
11 *gram acquisition unit cost, average procurement*
12 *unit cost, and total life-cycle cost; and*

13 “(B) *the planned dates for each program*
14 *milestone, initial operational test and evalua-*
15 *tion, and initial operational capability.*

16 “(3) *The independent estimated cost for the pro-*
17 *gram established pursuant to section 2334(a)(6) of*
18 *this title, and any independent estimated schedule for*
19 *the program, including—*

20 “(A) *the dollar values estimated for the pro-*
21 *gram acquisition unit cost, average procurement*
22 *unit cost, and total life-cycle cost; and*

23 “(B) *the planned dates for each program*
24 *milestone, initial operational test and evalua-*
25 *tion, and initial operational capability.*

1 “(4) *A summary of the technical risks associated*
2 *with the program, as determined by the military de-*
3 *partment concerned, including identification of any*
4 *critical technologies that have not been successfully*
5 *demonstrated in a relevant environment.*

6 “(5) *A summary of the independent technical*
7 *risk assessment conducted or approved under section*
8 *2448b of this title, including identification of any*
9 *critical technologies that have not been successfully*
10 *demonstrated in a relevant environment.*

11 “(6) *A statement of whether a modular open sys-*
12 *tem approach is being used for the program.*

13 “(7) *Any other information the milestone deci-*
14 *sion authority considers relevant.*

15 “(c) *REPORT ON MILESTONE C.—Not later than 15*
16 *days after granting Milestone C approval for a major de-*
17 *fense acquisition program, the milestone decision authority*
18 *for the program shall provide to the congressional defense*
19 *committees and, in the case of intelligence or intelligence-*
20 *related activities, the congressional intelligence committees*
21 *a brief summary report that contains the following:*

22 “(1) *The estimated cost and schedule for the pro-*
23 *gram established by the military department con-*
24 *cerned, including—*

1 “(A) the dollar values estimated for the pro-
2 gram acquisition unit cost, average procurement
3 unit cost, and total life-cycle cost; and

4 “(B) the planned dates for initial oper-
5 ational test and evaluation and initial oper-
6 ational capability.

7 “(2) The independent estimated cost for the pro-
8 gram established pursuant to section 2334(a)(6) of
9 this title, and any independent estimated schedule for
10 the program, including—

11 “(A) the dollar values estimated for the pro-
12 gram acquisition unit cost, average procurement
13 unit cost, and total life-cycle cost; and

14 “(B) the planned dates for initial oper-
15 ational test and evaluation and initial oper-
16 ational capability.

17 “(3) A summary of any production, manufac-
18 turing, and fielding risks associated with the pro-
19 gram.

20 “(d) *ADDITIONAL INFORMATION.*—At the request of
21 any of the congressional defense committees or, in the case
22 of intelligence or intelligence-related activities, the congres-
23 sional intelligence committees, the milestone decision au-
24 thority shall submit to the committee further information
25 or underlying documentation for the information in a re-

1 port submitted under subsection (a), (b), or (c), including
 2 the independent cost and schedule estimates and the inde-
 3 pendent technical risk assessments referred to in those sub-
 4 sections.

5 “(e) *CONGRESSIONAL INTELLIGENCE COMMITTEES*
 6 *DEFINED.*—*In this section, the term ‘congressional intel-*
 7 *ligence committees’ has the meaning given that term in sec-*
 8 *tion 437(c) of this title.”*

9 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 10 *the beginning of such subchapter is amended by adding at*
 11 *the end the following new item:*

“2448d. *Reports on milestone decision metrics.*”

12 **SEC. 1705. AMENDMENTS RELATING TO TECHNICAL DATA**
 13 **RIGHTS.**

14 (a) *RIGHTS RELATING TO ITEM OR PROCESS DEVEL-*
 15 *OPED EXCLUSIVELY AT PRIVATE EXPENSE.*—*Subsection*
 16 *(a)(2)(C)(iii) of section 2320 of title 10, United States Code,*
 17 *is amended by inserting after “or process data” the fol-*
 18 *lowing: “, including such data pertaining to a major system*
 19 *component”.*

20 (b) *RIGHTS RELATING TO INTERFACE OR MAJOR SYS-*
 21 *TEM INTERFACE.*—*Subsection (a)(2) of section 2320 of such*
 22 *title is further amended—*

23 (1) *by redesignating subparagraphs (E), (F),*
 24 *and (G) as subparagraphs (F), (I), and (J), respec-*
 25 *tively;*

1 (2) in subparagraph (B), by striking “Except as
2 provided in subparagraphs (C) and (D),” and insert-
3 ing “Except as provided in subparagraphs (C), (D),
4 and (E),”;

5 (3) in subparagraph (D)(i), by striking sub-
6 clause (II) and inserting the following:

7 “(II) is a release, disclosure, or use of
8 technical data pertaining to an interface be-
9 tween an item or process and other items or
10 processes; or”;

11 (4) by inserting after subparagraph (D) the fol-
12 lowing new subparagraph (E):

13 “(E) Notwithstanding subparagraph (B), the
14 United States shall have government purpose rights
15 in technical data pertaining to a major system inter-
16 face developed exclusively at private expense and used
17 in a modular open system approach pursuant to sec-
18 tion 2446a of this title.”;

19 (5) in subparagraph (F), as redesignated by
20 paragraph (1), by striking “In the case of” and in-
21 serting “Except as provided in subparagraphs (G)
22 and (H), in the case of”;

23 (6) by inserting after subparagraph (F), as so
24 redesignated, the following new subparagraphs (G)
25 and (H):

1 “(G) Notwithstanding subparagraph (F), the
2 United States shall have government purpose rights
3 in technical data pertaining to an interface between
4 an item or process and other items or processes that
5 was developed in part with Federal funds and in part
6 at private expense, except in any case in which the
7 Secretary of Defense determines, on the basis of cri-
8 teria established in the regulations, that negotiation
9 of different rights in such technical data would be in
10 the best interest of the United States.

11 “(H) Notwithstanding subparagraph (F), the
12 United States shall have government purpose rights
13 in technical data pertaining to a major system inter-
14 face developed in part with Federal funds and in part
15 at private expense and used in a modular open sys-
16 tem approach pursuant to section 2446a of this
17 title.”; and

18 (7) in subparagraph (J), as redesignated by
19 paragraph (1), by striking “provided under subpara-
20 graph (C) or (D),” and inserting “provided under
21 subparagraph (C), (D), (E), or (H),”.

22 (c) AMENDMENT RELATING TO NEGOTIATED RIGHTS
23 FOR ITEM OR PROCESS DEVELOPED WITH MIXED FUND-
24 ING.—Section (a)(2)(F) of section 2320 of such title, as re-
25 designated by subsection (b)(1) of this section, is further

1 amended by striking the period at the end of the first sen-
2 tence in the matter preceding clause (i) and all that follows
3 through “establishment of any such negotiated rights shall”
4 and inserting “and shall be based on negotiations between
5 the United States and the contractor, except in any case
6 in which the Secretary of Defense determines, on the basis
7 of criteria established in the regulations, that negotiations
8 would not be practicable. The establishment of such rights
9 shall”.

10 (d) AMENDMENT RELATING TO DEFERRED ORDER-
11 ING.—Subsection (b)(9) of section 2320 of such title is
12 amended—

13 (1) by striking “at any time” and inserting “,
14 until the date occurring six years after acceptance of
15 the last item (other than technical data) under a con-
16 tract or the date of contract termination, whichever is
17 later,”;

18 (2) by striking “or utilized in the performance of
19 a contract” and inserting “in the performance of the
20 contract”; and

21 (3) by striking clause (ii) of subparagraph (B)
22 and inserting the following:

23 “(ii) is described in subparagraphs
24 (D)(i)(II), (E), (G), and (H) of subsection
25 (a)(2); and”.

1 (e) *DEFINITIONS.*—Section 2320 of such title is further
2 amended—

3 (1) in subsection (f), by inserting “COVERED
4 GOVERNMENT SUPPORT CONTRACTOR DEFINED.—”
5 before “In this section”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(g) *ADDITIONAL DEFINITIONS.*—In this section, the
9 terms ‘major system component’, ‘major system interface’,
10 and ‘modular open system approach’ have the meanings
11 provided in section 2446a of this title.”.

12 (f) *AMENDMENTS TO ADD CERTAIN HEADINGS FOR*
13 *READABILITY.*—Section 2320(a) of such title is further
14 amended—

15 (1) in subparagraph (A) of paragraph (2), by
16 inserting after “(A)” the following: “*DEVELOPMENT*
17 *EXCLUSIVELY WITH FEDERAL FUNDS.*—”;

18 (2) in subparagraph (B) of such paragraph, by
19 inserting after “(B)” the following: “*DEVELOPMENT*
20 *EXCLUSIVELY AT PRIVATE EXPENSE.*—”; and

21 (3) in subparagraph (F) of such paragraph, as
22 redesignated by subsection (b) of this section, by in-
23 serting after “(F)” the following: “*DEVELOPMENT IN*
24 *PART WITH FEDERAL FUNDS AND IN PART AT PRI-*
25 *VATE 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 serv-*
22 *ices of the Government in each industry category*
23 *(as described under paragraph (2)) are awarded*
24 *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 provided*
9 *under the North American Industry Classifica-*
10 *tion codes if the Administrator receives evidence*
11 *indicating that further segmentation of the in-*
12 *dustry category is warranted—*

13 “(i) *due to special capital equipment*
14 *needs;*

15 “(ii) *due to special labor requirements;*

16 “(iii) *due to special geographic re-*
17 *quirements, except as provided in subpara-*
18 *graph (B);*

19 “(iv) *due to unique Federal buying*
20 *patterns or requirements; or*

21 “(v) *to recognize a new industry.*

22 “(B) *EXCEPTION FOR GEOGRAPHIC RE-*
23 *QUIREMENTS.*—*The Administrator may not fur-*
24 *ther segment an industry category based on geo-*
25 *graphic requirements unless—*

1 “(i) the Government typically des-
2 ignates the geographic area where work for
3 contracts for goods or services is to be per-
4 formed;

5 “(ii) Government purchases comprise
6 the major portion of the entire domestic
7 market for such goods or services; and

8 “(iii) it is unreasonable to expect com-
9 petition from business concerns located out-
10 side of the general geographic area due to
11 the fixed location of facilities, high mobili-
12 zation costs, or similar economic factors.

13 “(3) DETERMINATIONS WITH RESPECT TO
14 AWARDS OR CONTRACTS.—Determinations made pur-
15 suant to paragraph (1) may be made for individual
16 awards or contracts, any part of an award or con-
17 tract or task order, or for classes of awards or con-
18 tracts or task orders.

19 “(4) INCREASING PRIME CONTRACTING OPPORTU-
20 NITIES FOR SMALL BUSINESS CONCERNS.—

21 “(A) DESCRIPTION OF COVERED PROPOSED
22 PROCUREMENTS.—The requirements of this
23 paragraph shall apply to a proposed procure-
24 ment that includes in its statement of work goods
25 or services currently being supplied or performed

1 *by a small business concern and, as determined*
2 *by the Administrator—*

3 “(i) *is in a quantity or of an estimated*
4 *dollar value which makes the participation*
5 *of a small business concern as a prime con-*
6 *tractor unlikely;*

7 “(ii) *in the case of a proposed procure-*
8 *ment for construction, if such proposed pro-*
9 *curement seeks to bundle or consolidate dis-*
10 *crete construction projects; or*

11 “(iii) *is a solicitation that involves an*
12 *unnecessary or unjustified bundling of con-*
13 *tract requirements.*

14 “(B) *NOTICE TO PROCUREMENT CENTER*
15 *REPRESENTATIVES.—With respect to proposed*
16 *procurements described in subparagraph (A), at*
17 *least 30 days before issuing a solicitation and*
18 *concurrent with other processing steps required*
19 *before issuing the solicitation, the contracting*
20 *agency shall provide a copy of the proposed pro-*
21 *curement to the procurement center representa-*
22 *tive of the contracting agency (as described in*
23 *subsection (l)) along with a statement explain-*
24 *ing—*

1 “(i) *why the proposed procurement*
2 *cannot be divided into reasonably small lots*
3 *(not less than economic production runs) to*
4 *permit offers on quantities less than the*
5 *total requirement;*

6 “(ii) *why delivery schedules cannot be*
7 *established on a realistic basis that will en-*
8 *courage the participation of small business*
9 *concerns in a manner consistent with the*
10 *actual requirements of the Government;*

11 “(iii) *why the proposed procurement*
12 *cannot be offered to increase the likelihood*
13 *of the participation of small business con-*
14 *cerns;*

15 “(iv) *in the case of a proposed procure-*
16 *ment for construction, why the proposed*
17 *procurement cannot be offered as separate*
18 *discrete projects; or*

19 “(v) *why the agency has determined*
20 *that the bundling of contract requirements*
21 *is necessary and justified.*

22 “(C) *ALTERNATIVES TO INCREASE PRIME*
23 *CONTRACTING OPPORTUNITIES FOR SMALL BUSI-*
24 *NESS CONCERNS.—If the procurement center rep-*
25 *resentative believes that the proposed procure-*

1 *ment will make the participation of small busi-*
2 *ness concerns as prime contractors unlikely, the*
3 *procurement center representative, within 15*
4 *days after receiving the statement described in*
5 *subparagraph (B), shall recommend to the con-*
6 *tracting agency alternative procurement methods*
7 *for increasing prime contracting opportunities*
8 *for small business concerns.*

9 “(D) *FAILURE TO AGREE ON AN ALTER-*
10 *NATIVE PROCUREMENT METHOD.—If the procure-*
11 *ment center representative and the contracting*
12 *agency fail to agree on an alternative procure-*
13 *ment method, the Administrator shall submit the*
14 *matter to the head of the appropriate department*
15 *or agency for a determination.*

16 “(5) *CONTRACTS FOR SALE OF GOVERNMENT*
17 *PROPERTY.—With respect to a contract for the sale of*
18 *Government property, small business concerns shall*
19 *receive any such contract if, in the determination of*
20 *the Administrator and the disposal agency, the award*
21 *of such contract is in the interest of assuring that a*
22 *fair proportion of the total sales of Government prop-*
23 *erty be made to small business concerns.*

24 “(6) *SALE OF ELECTRICAL POWER OR OTHER*
25 *PROPERTY.—Nothing in this subsection shall be con-*

1 *strued to change any preferences or priorities estab-*
2 *lished by law with respect to the sale of electrical*
3 *power or other property by the Federal Government.*

4 “(7) *COSTS EXCEEDING FAIR MARKET PRICE.—*
5 *A contract may not be awarded under this subsection*
6 *if the cost of the contract to the awarding agency ex-*
7 *ceeds a fair market price.”.*

8 **SEC. 1802. IMPROVING REPORTING ON SMALL BUSINESS**
9 **GOALS.**

10 (a) *IN GENERAL.—Section 15(h)(2)(E) of the Small*
11 *Business Act (15 U.S.C. 644(h)(2)(E)) is amended—*

12 (1) *in clause (i)—*

13 (A) *in subclause (III), by striking “and” at*
14 *the end; and*

15 (B) *by adding at the end the following new*
16 *subclauses:*

17 “(V) *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 to*
21 *be small business concerns for purposes*
22 *of the initial contract; and*

23 “(VI) *that were awarded using a*
24 *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 business*
4 *concerns owned and controlled by so-*
5 *cially and economically disadvantaged*
6 *individuals, small business concerns*
7 *owned and controlled by women, or a*
8 *subset of any such concerns;”;*

9 *(2) in clause (ii)—*

10 *(A) in subclause (IV), by striking “and” at*
11 *the end; and*

12 *(B) by adding at the end the following new*
13 *subclauses:*

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 to*
18 *be small business concerns owned and*
19 *controlled by service-disabled veterans*
20 *for purposes of the initial contract;*
21 *and*

22 *“(VII) that were awarded using a*
23 *procurement method that restricted*
24 *competition to qualified HUBZone*
25 *small business concerns, small business*

1 *concerns owned and controlled by so-*
2 *cially and economically disadvantaged*
3 *individuals, small business concerns*
4 *owned and controlled by women, or a*
5 *subset of any such concerns;”;*

6 *(3) in clause (iii)—*

7 *(A) in subclause (V), by striking “and” at*
8 *the end; and*

9 *(B) by adding at the end the following new*
10 *subclauses:*

11 *“(VII) that were purchased by an-*
12 *other entity after the initial contract*
13 *was awarded and as a result of the*
14 *purchase, would no longer be deemed to*
15 *be qualified HUBZone small business*
16 *concerns for purposes of the initial*
17 *contract; and*

18 *“(VIII) that were awarded using*
19 *a procurement method that restricted*
20 *competition to small business concerns*
21 *owned and controlled by service-dis-*
22 *abled veterans, small business concerns*
23 *owned and controlled by socially and*
24 *economically disadvantaged individ-*
25 *uals, small business concerns owned*

1 *and controlled by women, or a subset*
2 *of any such concerns;”;*

3 (4) *in clause (iv)—*

4 (A) *in subclause (V), by striking “and” at*
5 *the end; and*

6 (B) *by adding at the end the following new*
7 *subclauses:*

8 *“(VII) that were purchased by an-*
9 *other entity after the initial contract*
10 *was awarded and as a result of the*
11 *purchase, would no longer be deemed to*
12 *be small business concerns owned and*
13 *controlled by socially and economically*
14 *disadvantaged individuals for purposes*
15 *of the initial contract; and*

16 *“(VIII) that were awarded using*
17 *a procurement method that restricted*
18 *competition to small business concerns*
19 *owned and controlled by service-dis-*
20 *abled veterans, qualified HUBZone*
21 *small business concerns, small business*
22 *concerns owned and controlled by*
23 *women, or a subset of any such con-*
24 *cerns;”;*

25 (5) *in clause (v)—*

1 (A) in subclause (IV), by striking “and” at
2 the end;

3 (B) in subclause (V), by inserting “and” at
4 the end; and

5 (C) by adding at the end the following new
6 subclause:

7 “(VI) 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 to
11 be small business concerns owned by
12 an Indian tribe other than an Alaska
13 Native Corporation for purposes of the
14 initial contract;”;

15 (6) in clause (vi)—

16 (A) in subclause (IV), by striking “and” at
17 the end;

18 (B) in subclause (V), by inserting “and” at
19 the end; and

20 (C) by adding at the end the following new
21 subclause:

22 “(VI) that were purchased by an-
23 other entity after the initial contract
24 was awarded and as a result of the
25 purchase, would no longer be deemed to

1 *be small business concerns owned by a*
2 *Native Hawaiian Organization for*
3 *purposes of the initial contract;”;*

4 *(7) in clause (vii)—*

5 *(A) in subclause (IV), by striking “and” at*
6 *the end; and*

7 *(B) by adding at the end the following new*
8 *subclause:*

9 *“(VI) that were purchased by an-*
10 *other entity after the initial contract*
11 *was awarded and as a result of the*
12 *purchase, would no longer be deemed to*
13 *be small business concerns owned by*
14 *an Alaska Native Corporation for pur-*
15 *poses of the initial contract; and”;* and

16 *(8) in clause (viii)—*

17 *(A) in subclause (VII), by striking “and” at*
18 *the end;*

19 *(B) in subclause (VIII), by striking “and”*
20 *at the end; and*

21 *(C) by adding at the end the following new*
22 *subclauses:*

23 *“(IX) that were purchased by an-*
24 *other entity after the initial contract*
25 *was awarded and as a result of the*

1 purchase, would no longer be deemed to
2 be small business concerns owned and
3 controlled by women for purposes of the
4 initial contract; and

5 “(X) that were awarded using a
6 procurement method that restricted
7 competition to small business concerns
8 owned and controlled by service-dis-
9 abled veterans, qualified HUBZone
10 small business concerns, small business
11 concerns owned and controlled by so-
12 cially and economically disadvantaged
13 individuals, or a subset of any such
14 concerns; and”.

15 (b) *EFFECTIVE DATE.*—The Administrator of the
16 Small Business Administration shall be required to report
17 on the information required by sections 15(h)(2)(E)(i)(V),
18 15(h)(2)(E)(ii)(VI), 15(h)(2)(E)(iii)(VII),
19 15(h)(2)(E)(iv)(VII), 15(h)(2)(E)(v)(VI),
20 15(h)(2)(E)(vi)(VI), 15(h)(2)(E)(vii)(VI), and
21 15(h)(2)(E)(viii)(IX) only beginning on the date that the
22 Federal Procurement Data System, System for Award
23 Management or any new or successor system is able to re-
24 port such data.

1 **SEC. 1803. TRANSPARENCY IN SMALL BUSINESS GOALS.**

2 *Section 15(h)(3) of the Small Business Act (15 U.S.C.*
3 *644(h)(3)) is amended to read as follows::*

4 *“(3) PROCUREMENT DATA.—*

5 *“(A) FEDERAL PROCUREMENT DATA SYS-*
6 *TEM.—*

7 *“(i) IN GENERAL.—To assist in the*
8 *implementation of this section, the Admin-*
9 *istrator shall have access to information col-*
10 *lected through the Federal Procurement*
11 *Data System, Federal Subcontracting Re-*
12 *porting System, or any new or successor*
13 *system.*

14 *“(ii) GSA REPORT.—On the date that*
15 *the Administrator makes available the re-*
16 *port required by paragraph (2), the Admin-*
17 *istrator of the General Services Administra-*
18 *tion shall submit a report to the President*
19 *and Congress, and to make available on a*
20 *public Web site, a report in the same form*
21 *and manner, and including the same infor-*
22 *mation, as the report under paragraph (2).*
23 *Such report shall include all procurements*
24 *made for the period covered by the report*
25 *and may not exclude any contract awarded.*

1 “(B) *AGENCY PROCUREMENT DATA*
2 *SOURCES.*—*To assist in the implementation of*
3 *this section, the head of each contracting agency*
4 *shall provide, upon request of the Administrator,*
5 *procurement information collected through agen-*
6 *cy data collection sources in existence at the time*
7 *of the request. Contracting agencies shall not be*
8 *required to establish new data collection systems*
9 *to provide such data.”.*

10 **SEC. 1804. UNIFORMITY IN PROCUREMENT TERMINOLOGY.**

11 (a) *IN GENERAL.*—*Section 15(j)(1) of the Small Busi-*
12 *ness Act (15 U.S.C. 644(j)(1)) is amended by striking*
13 *“greater than \$2,500 but not greater than \$100,000” and*
14 *inserting “greater than the micro-purchase threshold, but*
15 *not greater than the simplified acquisition threshold”.*

16 (b) *TECHNICAL AMENDMENT.*—*Section 3(m) of the*
17 *Small Business Act (15 U.S.C. 632(m)) is amended to read*
18 *as follows:*

19 “(m) *DEFINITIONS PERTAINING TO CONTRACTING.*—
20 *In this Act:*

21 “(1) *PRIME CONTRACT.*—*The term ‘prime con-*
22 *tract’ has the meaning given such term in section*
23 *8701(4) of title 41, United States Code.*

1 “(2) *PRIME CONTRACTOR*.—The term ‘prime con-
2 tractor’ has the meaning given such term in section
3 8701(5) of title 41, United States Code.

4 “(3) *SIMPLIFIED ACQUISITION THRESHOLD*.—
5 The term ‘simplified acquisition threshold’ has the
6 meaning given such term in section 134 of title 41,
7 United States Code.

8 “(4) *MICRO-PURCHASE THRESHOLD*.—The term
9 ‘micro-purchase threshold’ has the meaning given such
10 term in section 1902(a) of title 41, United States
11 Code.

12 “(5) *TOTAL PURCHASE AND CONTRACTS FOR*
13 *PROPERTY AND SERVICES*.—The term ‘total purchases
14 and contracts for property and services’ shall mean
15 total number and total dollar amount of contracts
16 and orders for property and services.”

17 ***Subtitle B—Clarifying the Roles of***
18 ***Small Business Advocates***

19 ***SEC. 1811. SCOPE OF REVIEW BY PROCUREMENT CENTER***
20 ***REPRESENTATIVES.***

21 Section 15(l) of the Small Business Act (15 U.S.C.
22 644(l)) is amended by adding at the end the following:

23 “(9) *SCOPE OF REVIEW*.—The Administrator—
24 “(A) may not limit the scope of review by
25 the Procurement Center Representative for any

1 *solicitation of a contract or task order without*
2 *regard to whether the contract or task order or*
3 *part of the contract or task order is set aside for*
4 *small business concerns, whether 1 or more con-*
5 *tract or task order awards are reserved for small*
6 *business concerns under a multiple award con-*
7 *tract, or whether or not the solicitation would re-*
8 *sult in a bundled or consolidated contract (as de-*
9 *defined in subsection (s)) or a bundled or consoli-*
10 *dated task order; and*

11 *“(B) may, unless the contracting agency re-*
12 *quests a review, limit the scope of review by the*
13 *Procurement Center Representative for any solici-*
14 *itation of a contract or task order if such pro-*
15 *curement is conducted pursuant to section 22 of*
16 *the Foreign Military Sales Act (22 U.S.C. 2762),*
17 *is a humanitarian operation as defined in sec-*
18 *tion 401(e) of title 10, United States Code, or is*
19 *for a contingency operation, as defined in section*
20 *101(a)(13) of title 10, United States Code.”.*

21 **SEC. 1812. RESPONSIBILITIES OF COMMERCIAL MARKET**
22 **REPRESENTATIVES.**

23 *Section 4(h) of the Small Business Act (as added by*
24 *section 865 of the National Defense Authorization Act for*

1 *Fiscal Year 2016 (Public Law 114–92)) is amended to read*
2 *as follows:*

3 “(h) *COMMERCIAL MARKET REPRESENTATIVES.*—

4 “(1) *DUTIES.*—*The principal duties of a Com-*
5 *mmercial Market Representative employed by the Ad-*
6 *ministrator and reporting to the senior official ap-*
7 *pointed by the Administrator with responsibilities*
8 *under sections 8, 15, 31, and 36 (or the designee of*
9 *such official) shall be to advance the policies estab-*
10 *lished in section 8(d)(1) relating to subcontracting.*

11 *Such duties shall include—*

12 “(A) *helping prime contractors to find*
13 *small business concerns that are capable of per-*
14 *forming subcontracts;*

15 “(B) *for contractors awarded contracts con-*
16 *taining the clause described in section 8(d)(3),*
17 *providing—*

18 “(i) *counseling on the contractor’s re-*
19 *sponsibility to maximize subcontracting op-*
20 *portunities for small business concerns;*

21 “(ii) *instruction on methods and tools*
22 *to identify potential subcontractors that are*
23 *small business concerns; and*

24 “(iii) *assistance to increase awards to*
25 *subcontractors that are small business con-*

1 cerns through visits, training, and reviews
2 of past performance;

3 “(C) providing counseling on how a small
4 business concern may promote its capacity to
5 contractors awarded contracts containing the
6 clause described in section 8(d)(3); and

7 “(D) conducting periodic reviews of con-
8 tractors awarded contracts containing the clause
9 described in section 8(d)(3) to assess compliance
10 with subcontracting plans required under section
11 8(d)(6).

12 “(2) *CERTIFICATION REQUIREMENTS.*—

13 “(A) *IN GENERAL.*—Consistent with the re-
14 quirements of subparagraph (B), a commercial
15 market representative referred to in section
16 15(q)(3) shall have a Level I Federal Acquisition
17 Certification in Contracting (or any successor
18 certification) or the equivalent Department of
19 Defense certification, except that a commercial
20 market representative who was serving on or be-
21 fore the date of the enactment of the National
22 Defense Authorization Act for Fiscal Year 2016
23 may continue to serve as a commercial market
24 representative for a period of 5 years beginning
25 on such date without such a certification.

1 “(B) *DELAY OF CERTIFICATION REQUIRE-*
2 *MENT.—*

3 “(i) *TIMING.—The certification de-*
4 *scribed in subparagraph (A) is not required*
5 *for any person serving as a commercial*
6 *market representative until the date that is*
7 *one calendar year after the date such person*
8 *is appointed as a commercial market rep-*
9 *resentative.*

10 “(ii) *APPLICATION.—The requirements*
11 *of clause (i) shall be included in any initial*
12 *job posting for the position of a commercial*
13 *market representative and shall apply to*
14 *any person appointed as a commercial*
15 *market representative after November 25,*
16 *2015.”.*

17 **SEC. 1813. DUTIES OF THE OFFICE OF SMALL AND DIS-**
18 **ADVANTAGED BUSINESS UTILIZATION.**

19 *Section 15(k) of the Small Business Act (15 U.S.C.*
20 *644(k)), as amended by section 870 of the National Defense*
21 *Authorization Act for Fiscal Year 2016 (Public Law 114-*
22 *92), is amended—*

23 (1) *by striking “section 8, 15 or 44” and insert-*
24 *ing “section 8, 15, 31, 36, or 44”;*

1 (2) *by striking “sections 8 and 15” each place*
2 *such term appears and inserting “sections 8, 15, 31,*
3 *36, and 44”;*

4 (3) *in paragraph (10), by striking “section 8(a)”*
5 *and inserting “section 8, 15, 31, or 36”;*

6 (4) *in paragraph (17)(C), by striking the period*
7 *at the end, and inserting “; and”;*

8 (5) *by inserting after paragraph (17) the fol-*
9 *lowing new paragraph:*

10 *“(18) shall review summary data provided by*
11 *purchase card issuers of purchases made by the agen-*
12 *cy greater than the micro-purchase threshold, and less*
13 *than the simplified acquisition threshold to ensure*
14 *that the purchases have been made in compliance*
15 *with the provisions of this Act and have been properly*
16 *recorded in the Federal Procurement Data System, if*
17 *the method of payment is a purchase card issued by*
18 *the Department of Defense pursuant to section 2784*
19 *of title 10, United States Code, or by the head of an*
20 *executive agency pursuant to section 1909 of title 41,*
21 *United States Code;”;* and

22 (6) *in paragraph (16)—*

23 (A) *in subparagraph (B), by striking “and”*
24 *at the end; and*

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

3 “(D) any failure of the agency to comply
4 with section 8, 15, 31, or 36;”.

5 **SEC. 1814. IMPROVING CONTRACTOR COMPLIANCE.**

6 (a) *REQUIREMENTS FOR THE OFFICE OF SMALL AND*
7 *DISADVANTAGED BUSINESS UTILIZATION.*—Section 15(k)
8 *of the Small Business Act (15 U.S.C. 644(k)(8)), as amend-*
9 *ed by this Act, is further amended by inserting after para-*
10 *graph (18) (as inserted by section 1813 of this Act) the fol-*
11 *lowing:*

12 “(19) shall provide assistance to a small business
13 concern awarded a contract or subcontract under this
14 Act or under title 10 or title 41, United States Code,
15 in finding resources for education and training on
16 compliance with contracting regulations (including
17 the Federal Acquisition Regulation) after award of
18 such a contract or subcontract; and”.

19 (b) *REQUIREMENTS UNDER THE MENTOR-PROTEGE*
20 *PROGRAM OF THE DEPARTMENT OF DEFENSE.*—Section
21 *831(e)(1) of the National Defense Authorization Act for Fis-*
22 *cal Year 1991 (Public Law 101–510; 104 Stat. 1607; 10*
23 *U.S.C. 2302 note) is amended—*

24 (1) in subparagraph (B), by striking “and” at
25 the end;

1 (2) *in subparagraph (C), by striking the period*
2 *at the end and inserting “; and”; and*

3 (3) *by inserting at the end the following new*
4 *subparagraph:*

5 *“(D) the assistance the mentor firm will*
6 *provide to the protege firm in understanding*
7 *contract regulations of the Federal Government*
8 *and the Department of Defense (including the*
9 *Federal Acquisition Regulation and the Defense*
10 *Federal Acquisition Regulation Supplement)*
11 *after award of a subcontract under this section,*
12 *if applicable.”.*

13 (c) *RESOURCES FOR SMALL BUSINESS CONCERNS.—*
14 *Section 15 of the Small Business Act (15 U.S.C. 644) is*
15 *amended by adding at the end the following new subsection:*

16 *“(t) POST-AWARD COMPLIANCE RESOURCES.—The*
17 *Administrator shall provide to small business development*
18 *centers and entities participating in the Procurement Tech-*
19 *nical Assistance Cooperative Agreement Program under*
20 *chapter 142 of title 10, United States Code, and shall make*
21 *available on the website of the Administration, a list of re-*
22 *sources for small business concerns seeking education and*
23 *assistance on compliance with contracting regulations (in-*
24 *cluding the Federal Acquisition Regulation) after award of*
25 *a contract or subcontract.”.*

1 (d) *REQUIREMENTS FOR PROCUREMENT CENTER REP-*
2 *RESENTATIVES.*—Section 15(l)(2) of the Small Business Act
3 (15 U.S.C. 644(l)(2)) is amended—

4 (1) by redesignating subparagraph (I) as sub-
5 paragraph (J);

6 (2) in subparagraph (H), by striking “and” at
7 the end; and

8 (3) by inserting after subparagraph (H) the fol-
9 lowing new subparagraph:

10 “(I) assist small business concerns with
11 finding resources for education and training on
12 compliance with contracting regulations (includ-
13 ing the Federal Acquisition Regulation) after
14 award of a contract or subcontract; and”.

15 (e) *REQUIREMENTS UNDER THE MENTOR-PROTEGE*
16 *PROGRAM OF THE SMALL BUSINESS ADMINISTRATION.*—
17 Section 45(b)(3) of the Small Business Act (15 U.S.C.
18 657r(b)(3)) is amended by adding at the end the following
19 new subparagraph:

20 “(K) The extent to which assistance with
21 compliance with the requirements of contracting
22 with the Federal Government after award of a
23 contract or subcontract under this section.”.

1 **SEC. 1815. RESPONSIBILITIES OF BUSINESS OPPORTUNITY**
2 **SPECIALISTS.**

3 *Section 4(g) of the Small Business Act (as added by*
4 *section 865 of the National Defense Authorization Act for*
5 *Fiscal Year 2016 (Public Law 114–92)) is amended to read*
6 *as follows:*

7 “(g) **BUSINESS OPPORTUNITY SPECIALISTS.**—

8 “(1) **DUTIES.**—*The exclusive duties of a Business*
9 *Opportunity Specialist employed by the Adminis-*
10 *trator and reporting to the senior official appointed*
11 *by the Administrator with responsibilities under sec-*
12 *tions 8, 15, 31, and 36 (or the designee of such offi-*
13 *cial) shall be to implement sections 7, 8, and 45 and*
14 *to complete other duties related to contracting pro-*
15 *grams under this Act. Such duties shall include—*

16 “(A) *with respect to small business concerns*
17 *eligible to receive contracts and subcontracts pur-*
18 *suant to section 8(a)—*

19 “(i) *providing guidance, counseling,*
20 *and referrals for assistance with technical,*
21 *management, financial, or other matters*
22 *that will improve the competitive viability*
23 *of such concerns;*

24 “(ii) *identifying causes of success or*
25 *failure of such concerns;*

1 “(iii) providing comprehensive assess-
2 ments of such concerns, including identi-
3 fying the strengths and weaknesses of such
4 concerns;

5 “(iv) monitoring and documenting
6 compliance with the requirements of sec-
7 tions 7 and 8 and any regulations imple-
8 menting those sections;

9 “(v) explaining the requirements of sec-
10 tions 7, 8, 15, 31, 36 and 45; and

11 “(vi) advising on compliance with con-
12 tracting regulations (including the Federal
13 Acquisition Regulation) after award of such
14 a contract or subcontract;

15 “(B) reviewing and monitoring compliance
16 with mentor-protege agreements under section
17 45;

18 “(C) representing the interests of the Ad-
19 ministrator and small business concerns in the
20 award, modification, and administration of con-
21 tracts and subcontracts awarded pursuant to sec-
22 tion 8(a); and

23 “(D) reporting fraud or abuse under section
24 7, 8, 15, 31, 36 or 45 or any regulations imple-
25 menting such sections.

1 “(2) *CERTIFICATION REQUIREMENTS.*—

2 “(A) *IN GENERAL.*—*Consistent with the re-*
3 *quirements of subparagraph (B), a Business Op-*
4 *portunity Specialist described under section*
5 *7(j)(10)(D) shall have a Level I Federal Acquisi-*
6 *tion Certification in Contracting (or any suc-*
7 *cessor certification) or the equivalent Depart-*
8 *ment of Defense certification, except that a Busi-*
9 *ness Opportunity Specialist who was serving on*
10 *or before January 3, 2013, may continue to serve*
11 *as a Business Opportunity Specialist for a pe-*
12 *riod of 5 years beginning on such date without*
13 *such a certification.*

14 “(B) *DELAY OF CERTIFICATION REQUIRE-*
15 *MENT.*—

16 “(i) *TIMING.*—*The certification de-*
17 *scribed in subparagraph (A) is not required*
18 *for any person serving as a Business Op-*
19 *portunity Specialist until the date that is*
20 *one calendar year after the date such person*
21 *is appointed as a Business Opportunity*
22 *Specialist.*

23 “(ii) *APPLICATION.*—*The requirements*
24 *of clause (i) shall be included in any initial*
25 *job posting for the position of a Business*

1 *Opportunity Specialist and shall apply to*
2 *any person appointed as a Business Oppor-*
3 *tunity Specialist after January 3, 2013”.*

4 ***Subtitle C—Strengthening Opportu-***
5 ***nities for Competition in Sub-***
6 ***contracting***

7 ***SEC. 1821. GOOD FAITH IN SUBCONTRACTING.***

8 *(a) TRANSPARENCY IN SUBCONTRACTING GOALS.—*
9 *Section 8(d)(9) of the Small Business Act (15 U.S.C.*
10 *637(d)(9)) is amended—*

11 *(1) by striking “(9) The failure” and inserting*
12 *the following:*

13 *“(9) MATERIAL BREACH.—The failure”;*

14 *(2) in subparagraph (A), by striking “or” at the*
15 *end;*

16 *(3) in subparagraph (B), by inserting “or” at*
17 *the end;*

18 *(4) by inserting after subparagraph (B) the fol-*
19 *lowing:*

20 *“(C) assurances provided under paragraph*
21 *(6)(E),”;* and

22 *(5) by moving the margins of subparagraphs (A)*
23 *and (B), and the matter after subparagraph (C) (as*
24 *inserted by paragraph (4)), 2 ems to the right.*

1 (b) *REVIEW OF SUBCONTRACTING PLANS.*—Section
2 15(k) of the Small Business Act (15 U.S.C. 644(k)) is
3 amended by inserting after paragraph (19) (as inserted by
4 section 1814 of this Act) the following:

5 “(20) shall review all subcontracting plans re-
6 quired by section 8(d)(4) or 8(d)(5) to ensure that the
7 plan provides maximum practicable opportunity for
8 small business concerns to participate in the perform-
9 ance of the contract to which the plan applies.”.

10 (c) *GOOD FAITH COMPLIANCE.*—Not later than 270
11 days after the date of enactment of this title, the Adminis-
12 trator of the Small Business Administration shall provide
13 examples of activities that would be considered a failure to
14 make a good faith effort to comply with the requirements
15 imposed on an entity (other than a small business concern
16 as defined under section 3 of the Small Business Act (15
17 U.S.C. 632)) that is awarded a prime contract containing
18 the clauses required under paragraph (4) or (5) of section
19 8(d) of the Small Business Act (15 U.S.C. 637(d)).

20 **SEC. 1822. PILOT PROGRAM TO PROVIDE OPPORTUNITIES**
21 **FOR QUALIFIED SUBCONTRACTORS TO OB-**
22 **TAIN PAST PERFORMANCE RATINGS.**

23 Section 8(d) of the Small Business Act (15 U.S.C.
24 637(d)), as amended by this Act, is further amended by
25 adding at the end the following new paragraph:

1 “(18) *PILOT PROGRAM PROVIDING PAST PER-*
2 *FORMANCE RATINGS FOR OTHER SMALL BUSINESS*
3 *SUBCONTRACTORS.—*

4 “(A) *ESTABLISHMENT.—The Administrator*
5 *shall establish a pilot program for a small busi-*
6 *ness concern without a past performance rating*
7 *as a prime contractor performing as a first tier*
8 *subcontractor for a covered contract (as defined*
9 *in paragraph 13(A)) to request a past perform-*
10 *ance rating in the system used by the Federal*
11 *Government to monitor or record contractor past*
12 *performance.*

13 “(B) *APPLICATION.—A small business con-*
14 *cern described in subparagraph (A) shall submit*
15 *an application to the appropriate official for a*
16 *past performance rating. Such application shall*
17 *include written evidence of the past performance*
18 *factors for which the small business concern seeks*
19 *a rating and a suggested rating.*

20 “(C) *DETERMINATION.—The appropriate of-*
21 *ficial shall submit the application from the small*
22 *business concern to the Office of Small and Dis-*
23 *advantaged Business Utilization for the covered*
24 *contract and to the prime contractor for review.*
25 *The Office of Small and Disadvantaged Business*

1 *Utilization and the prime contractor shall, not*
2 *later than 30 days after receipt of the applica-*
3 *tion, submit to the appropriate official a re-*
4 *sponse regarding the application.*

5 “(i) *AGREEMENT ON RATING.—If the*
6 *Office of Small and Disadvantaged Business*
7 *Utilization and the prime contractor agree*
8 *on a past performance rating, or if either*
9 *the Office of Small and Disadvantaged*
10 *Business Utilization or the prime con-*
11 *tractor fail to respond and the responding*
12 *individual agrees with the rating of the ap-*
13 *plicant small business concern, the appro-*
14 *priate official shall enter the agreed-upon*
15 *past performance rating in the system de-*
16 *scribed in subparagraph (A).*

17 “(ii) *DISAGREEMENT ON RATING.—If*
18 *the Office of Small and Disadvantaged*
19 *Business Utilization and the prime con-*
20 *tractor fail to respond within 30 days or if*
21 *they disagree about the rating, or if either*
22 *the Office of Small and Disadvantaged*
23 *Business Utilization or the prime con-*
24 *tractor fail to respond and the responding*
25 *individual disagrees with the rating of the*

1 *applicant small business concern, the Office*
2 *of Small and Disadvantaged Business Utili-*
3 *zation or the prime contractor shall submit*
4 *a notice contesting the application to the*
5 *appropriate official. The appropriate offi-*
6 *cial shall follow the requirements of sub-*
7 *paragraph (D).*

8 *“(D) PROCEDURE FOR RATING.—Not later*
9 *than 14 calendar days after receipt of a notice*
10 *under subparagraph (C)(ii), the appropriate offi-*
11 *cial shall submit such notice to the applicant*
12 *small business concern. Such concern may sub-*
13 *mit comments, rebuttals, or additional informa-*
14 *tion relating to the past performance of such*
15 *concern not later 14 calendar days after receipt*
16 *of such notice. The appropriate official shall*
17 *enter into the system described in subparagraph*
18 *(A) a rating that is neither favorable nor unfa-*
19 *vorable along with the initial application from*
20 *the small business concern, the responses of the*
21 *Office of Small and Disadvantaged Business*
22 *Utilization and the prime contractor, and any*
23 *additional information provided by the small*
24 *business concern. A copy of the information sub-*
25 *mitted shall be provided to the contracting officer*

1 *(or designee of such officer) for the covered con-*
2 *tract.*

3 “(E) *USE OF INFORMATION.*—*A small busi-*
4 *ness subcontractor may use a past performance*
5 *rating given under this paragraph to establish*
6 *its past performance for a prime contract.*

7 “(F) *DURATION.*—*The pilot program estab-*
8 *lished under this paragraph shall terminate 3*
9 *years after the date on which the first small*
10 *business concern receives a past performance rat-*
11 *ing for performance as a first tier subcontractor.*

12 “(G) *REPORT.*—*The Comptroller General of*
13 *the United States shall begin an assessment of*
14 *the pilot program 1 year after the establishment*
15 *of such program. Not later than 6 months after*
16 *beginning such assessment, the Comptroller Gen-*
17 *eral shall submit a report to the Committee on*
18 *Small Business and Entrepreneurship of the*
19 *Senate and the Committee on Small Business of*
20 *the House of Representatives, which shall in-*
21 *clude—*

22 “(i) *the number of small business con-*
23 *cerns that have received past performance*
24 *ratings under the pilot program;*

1 “(ii) the number of applications in
2 which the contracting officer (or designee)
3 or the prime contractor contested the appli-
4 cation of the small business concern;

5 “(iii) any suggestions or recommenda-
6 tions the Comptroller General or the small
7 business concerns participating in the pro-
8 gram have to address disputes between the
9 small business concern, the contracting offi-
10 cer (or designee), and the prime contractor
11 on past performance ratings;

12 “(iv) the number of small business con-
13 cerns awarded prime contracts after receiv-
14 ing a past performance rating under this
15 pilot; and

16 “(v) any suggestions or recommenda-
17 tion the Comptroller General has to improve
18 the operation of the pilot program.

19 “(H) *APPROPRIATE OFFICIAL DEFINED.*—In
20 this paragraph, the term ‘appropriate official’
21 means a Commercial Market Representative or
22 other individual designated by the senior official
23 appointed by the Administrator with responsibil-
24 ities under sections 8, 15, 31, and 36.”.

1 **Subtitle D—Mentor-Protege**
2 **Programs**

3 **SEC. 1831. AMENDMENTS TO THE MENTOR-PROTEGE PRO-**
4 **GRAM OF THE DEPARTMENT OF DEFENSE.**

5 *Section 831 of the National Defense Authorization Act*
6 *for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607;*
7 *10 U.S.C. 2302 note) is amended—*

8 *(1) in subsection (d)—*

9 *(A) by amending paragraph (1) to read as*
10 *follows:*

11 *“(1) prior to the approval of that agreement, the*
12 *Administrator of the Small Business Administration*
13 *had made no finding of affiliation between the mentor*
14 *firm and the protege firm;”;*

15 *(B) by redesignating paragraph (2) as*
16 *paragraph (3); and*

17 *(C) by inserting after paragraph (1) the fol-*
18 *lowing new paragraph:*

19 *“(2)(A) the Administrator of the Small Business*
20 *Administration does not have a current finding of af-*
21 *filiation between the mentor firm and protege firm; or*

22 *“(B) the Secretary, after considering the regula-*
23 *tions promulgated by the Administrator of the Small*
24 *Business Administration regarding affiliation—*

1 “(i) does not have reason to believe that the
2 mentor firm affiliated with the protege firm; or

3 “(ii) has received a formal determination of
4 no affiliation between the mentor firm and pro-
5 tege firm from the Administrator after having
6 submitted a question of affiliation to the Admin-
7 istrator; and”;

8 (2) in subsection (n), by amending paragraph
9 (9) to read as follows:

10 “(9) The term ‘affiliation’, with respect to a rela-
11 tionship between a mentor firm and a protege firm,
12 means a relationship described under section 121.103
13 of title 13, Code of Federal Regulations (or any suc-
14 cessor regulation).”; and

15 (3) in subsection (f)(6)—

16 (A) in subparagraph (B), by striking “or”
17 at the end;

18 (B) in subparagraph (C), by striking the
19 period at the end and inserting “; or”; and

20 (C) by adding at the end the following:

21 “(D) women’s business centers described in
22 section 29 of the Small Business Act (15 U.S.C.
23 656).”.

1 **SEC. 1832. IMPROVING COOPERATION BETWEEN THE MEN-**
2 **TOR-PROTEGE PROGRAMS OF THE SMALL**
3 **BUSINESS ADMINISTRATION AND THE DE-**
4 **PARTMENT OF DEFENSE.**

5 *Section 45(b)(4) of the Small Business Act (15 U.S.C.*
6 *657r(b)(4)) is amended by striking subparagraph (A) and*
7 *redesignating subparagraphs (B) and (C) as subparagraphs*
8 *(A) and (B), respectively.*

9 **Subtitle E—Women’s Business**
10 **Programs**

11 **SEC. 1841. OFFICE OF WOMEN’S BUSINESS OWNERSHIP.**

12 *Section 29(g) of the Small Business Act (15 U.S.C.*
13 *656(g)) is amended—*

14 *(1) in paragraph (2), by striking subparagraphs*
15 *(B) and (C) and inserting the following:*

16 *“(B) RESPONSIBILITIES.—The responsibil-*
17 *ities of the Assistant Administrator shall be to*
18 *administer the programs and services of the Of-*
19 *fice of Women’s Business Ownership.*

20 *“(C) DUTIES.—The Assistant Adminis-*
21 *trator shall perform the following functions with*
22 *respect to the Office of Women’s Business Owner-*
23 *ship:*

24 *“(i) Recommend the annual adminis-*
25 *trative and program budgets of the Office*

1 *and eligible entities receiving a grant under*
2 *the Women’s Business Center Program.*

3 “(ii) *Review the annual budgets sub-*
4 *mitted by each eligible entity receiving a*
5 *grant under the Women’s Business Center*
6 *Program.*

7 “(iii) *Select applicants to receive*
8 *grants to operate a women’s business center*
9 *after reviewing information required by this*
10 *section, including the budget of each appli-*
11 *cant.*

12 “(iv) *Collaborate with other Federal*
13 *departments and agencies, State and local*
14 *governments, not-for-profit organizations,*
15 *and for-profit enterprises to maximize utili-*
16 *zation of taxpayer dollars and reduce (or*
17 *eliminate) any duplication among the pro-*
18 *grams overseen by the Office of Women’s*
19 *Business Ownership and those of other enti-*
20 *ties that provide similar services to women*
21 *entrepreneurs.*

22 “(v) *Maintain a clearinghouse to pro-*
23 *vide for the dissemination and exchange of*
24 *information between women’s business cen-*
25 *ters.*

1 “(vi) Serve as the vice chairperson of
2 the Interagency Committee on Women’s
3 Business Enterprise and as the liaison for
4 the National Women’s Business Council.”;
5 and

6 (2) by adding at the end the following:

7 “(3) MISSION.—The mission of the Office of
8 Women’s Business Ownership shall be to assist women
9 entrepreneurs to start, grow, and compete in global
10 markets by providing quality support with access to
11 capital, access to markets, job creation, growth, and
12 counseling by—

13 “(A) fostering participation of women en-
14 trepreneurs in the economy by overseeing a net-
15 work of women’s business centers throughout
16 States and territories;

17 “(B) creating public-private partnerships to
18 support women entrepreneurs and conduct out-
19 reach and education to startup and existing
20 small business concerns owned and controlled by
21 women; and

22 “(C) working with other programs overseen
23 by the Administrator to ensure women are well-
24 represented and being served and to identify

1 *gaps where participation by women could be in-*
2 *creased.*

3 “(4) *ACCREDITATION PROGRAM.*—

4 “(A) *ESTABLISHMENT.*—*Not later than 270*
5 *days after the date of enactment of this para-*
6 *graph, the Administrator shall establish stand-*
7 *ards for an accreditation program for accred-*
8 *iting eligible entities receiving a grant under*
9 *this section.*

10 “(B) *TRANSITION PROVISION.*—*Before the*
11 *date on which standards are established under*
12 *subparagraph (A), the Administrator may not*
13 *terminate a grant under this section absent evi-*
14 *dence of fraud or other criminal misconduct by*
15 *the recipient.*

16 “(C) *CONTRACTING AUTHORITY.*—*The Ad-*
17 *ministrator may provide financial assistance, by*
18 *contract or otherwise, to a relevant national*
19 *women’s business center representative associa-*
20 *tion to provide assistance in establishing the*
21 *standards required under subparagraph (A) or*
22 *for carrying out an accreditation program pur-*
23 *suant to such standards.”.*

1 **SEC. 1842. WOMEN'S BUSINESS CENTER PROGRAM.**

2 (a) *DEFINITIONS.*—Section 29(a) of the Small Busi-
3 ness Act (15 U.S.C. 656(a)) is amended—

4 (1) by striking paragraph (4);

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

7 (3) by inserting after paragraph (1) the fol-
8 lowing:

9 “(2) the term ‘eligible entity’ means—

10 “(A) an organization described in section
11 501(c) of the Internal Revenue Code of 1986 and
12 exempt from taxation under section 501(a) of
13 such Code;

14 “(B) a State, regional, or local economic de-
15 velopment organization, so long as the organiza-
16 tion certifies that grant funds received under this
17 section will not be commingled with other funds;

18 “(C) an institution of higher education, un-
19 less such institution is currently receiving a
20 grant under section 21;

21 “(D) a development, credit, or finance cor-
22 poration chartered by a State, so long as the cor-
23 poration certifies that grant funds received under
24 this section will not be commingled with other
25 funds; or

1 “(E) any combination of entities listed in
2 subparagraphs (A) through (D);” and

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

4 “(5) the term ‘women’s business center’ means
5 the location at which counseling and training on the
6 management, operations (including manufacturing,
7 services, and retail), access to capital, international
8 trade, Government procurement opportunities, and
9 any other matter is needed to start, maintain, or ex-
10 pand a small business concern owned and controlled
11 by women.”.

12 (b) *AUTHORITY*.—Section 29(b) of the Small Business
13 Act (15 U.S.C. 656(b)) is amended—

14 (1) by redesignating paragraphs (1), (2), and (3)
15 as subparagraphs (A), (B), and (C), respectively, and
16 adjusting the margins accordingly;

17 (2) by striking “The Administration” and all
18 that follows through “5-year projects” and inserting
19 the following:

20 “(1) *IN GENERAL*.—There is established a Wom-
21 en’s Business Center Program under which the Ad-
22 ministrator may provide a grant to any eligible enti-
23 ty to operate one or more women’s business centers”;

24 (3) by striking “The projects shall” and insert-
25 ing the following:

1 “(2) *USE OF FUNDS.*—*The women’s business cen-*
2 *ters shall be designed to provide counseling and train-*
3 *ing that meets the needs of women, especially socially*
4 *or economically disadvantaged women, and shall*”;
5 *and*

6 (4) *by adding at the end the following:*

7 “(3) *AMOUNT OF GRANTS.*—

8 “(A) *IN GENERAL.*—*The amount of a grant*
9 *provided under this subsection to an eligible en-*
10 *tity per project year shall be not more than*
11 *\$185,000 (as such amount is annually adjusted*
12 *by the Administrator to reflect the change in in-*
13 *flation).*

14 “(B) *ADDITIONAL GRANTS.*—

15 “(i) *IN GENERAL.*—*Notwithstanding*
16 *subparagraph (A), with respect to an eligi-*
17 *ble entity that has received \$185,000 in*
18 *grants under this subsection in a project*
19 *year, the Administrator may award an ad-*
20 *ditional grant under this subsection of up to*
21 *\$65,000 during such project year if the Ad-*
22 *ministrator determines that the eligible en-*
23 *tity—*

24 “(I) *agrees to obtain, after its ap-*
25 *plication has been approved and notice*

1 of award has been issued, cash con-
2 tributions from non-Federal sources of
3 1 non-Federal dollar for each Federal
4 dollar;

5 “(II) is in good standing with the
6 Women’s Business Center Program;
7 and

8 “(III) has met performance goals
9 for the previous project year, if appli-
10 cable.

11 “(ii) *LIMITATIONS.*—The Adminis-
12 trator may only award additional grants
13 under clause (i)—

14 “(I) during the 3rd and 4th quar-
15 ters of the fiscal year; and

16 “(II) from unobligated amounts
17 made available to the Administrator to
18 carry out this section.

19 “(4) *NOTICE AND COMMENT REQUIRED.*—The
20 Administrator may only make a change to the stand-
21 ards by which an eligible entity obtains or maintains
22 grants under this section, the standards for accredita-
23 tion, or any other requirement for the operation of a
24 women’s business center if the Administrator first
25 provides notice and the opportunity for public com-

1 *ment, as set forth in section 553(b) of title 5, United*
2 *States Code, without regard to any exceptions pro-*
3 *vided for under such section.”.*

4 *(c) CONDITIONS OF PARTICIPATION.—Section 29(c) of*
5 *the Small Business Act (15 U.S.C. 656(c)) is amended—*

6 *(1) in paragraph (1)—*

7 *(A) by striking “the recipient organization”*
8 *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 shall*
24 *not be eligible thereafter” and inserting “during*
25 *any project for 2 consecutive years, the eligible*

1 *entity shall not be eligible at any time after that*
2 *2-year period”;*

3 *(C) by striking “such organization” and in-*
4 *serting “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.—An*
9 *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 the*
19 *Administration, in order to ensure that the ap-*
20 *plicant has sufficient resources to provide the*
21 *services for which the grant is being provided.*

22 *“(B) ANNUAL REVIEW.—An employee of the*
23 *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 eligible
5 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 correcting
13 such problems.

14 “(B) PLAN OF ACTION REVIEW BY THE AS-
15 SISTANT ADMINISTRATOR.—The Assistant Ad-
16 ministrators 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 such
23 plan;

24 “(ii) if the Assistant Administrator de-
25 termines 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.*—*An*
9 *eligible entity receiving a determination under*
10 *subparagraph (B)(ii) shall have 30 calendar*
11 *days from the receipt of the determination to*
12 *amend the plan of action to satisfy the problems*
13 *identified by the Assistant Administrator and re-*
14 *submit such plan to the Assistant Administrator.*

15 “(D) *AMENDED PLAN REVIEW BY THE AS-*
16 *SISTANT ADMINISTRATOR.*—*Within 15 calendar*
17 *days of the receipt of an amended plan of action*
18 *under subparagraph (C), the Assistant Adminis-*
19 *trator shall either approve or reject such plan*
20 *and provide such approval or rejection in writ-*
21 *ing to the eligible entity.*

22 “(E) *APPEAL OF ASSISTANT ADMINIS-*
23 *TRATOR DETERMINATION.*—

24 “(i) *IN GENERAL.*—*If the Assistant Ad-*
25 *ministrator rejects an amended plan under*

1 *subparagraph (D), the eligible entity shall*
2 *have the opportunity to appeal such deci-*
3 *sion to the Administrator, who may dele-*
4 *gate such appeal to an appropriate officer*
5 *of the Administration.*

6 “(ii) *OPPORTUNITY FOR EXPLA-*
7 *NATION.—Any appeal described under*
8 *clause (i) shall provide an opportunity for*
9 *the eligible entity to provide, in writing, an*
10 *explanation of why the eligible entity’s plan*
11 *remedies the problems identified in the an-*
12 *ual review.*

13 “(iii) *NOTICE OF DETERMINATION.—*
14 *The determination of the appeal shall be*
15 *provided to the eligible entity, in writing,*
16 *within 15 calendar days from the eligible*
17 *entity’s filing of the appeal.*

18 “(iv) *EFFECT OF FAILURE TO ACT.—If*
19 *the Administrator fails to act on an appeal*
20 *made under this subparagraph within the*
21 *15 calendar day period specified under*
22 *clause (iii), the eligible entity’s amended*
23 *plan of action submitted under subpara-*
24 *graph (C) shall be deemed to be approved.*

25 “(8) *TERMINATION OF GRANT.—*

1 “(A) *IN GENERAL.*—*The Administrator*
2 *shall require that, if an eligible entity fails to*
3 *comply with a plan of action approved by the*
4 *Assistant Administrator under paragraph*
5 *(7)(B)(i) or an amended plan of action approved*
6 *by the Assistant Administrator under paragraph*
7 *(7)(D) or approved on appeal under paragraph*
8 *(7)(E), the Assistant Administrator shall termi-*
9 *nate the grant provided to the eligible entity*
10 *under this section.*

11 “(B) *APPEAL OF TERMINATION.*—*An eligi-*
12 *ble entity that has a grant terminated under*
13 *subparagraph (A) shall have the opportunity to*
14 *challenge the termination on the record and after*
15 *an opportunity for a hearing.*

16 “(C) *FINAL AGENCY ACTION.*—*The deter-*
17 *mination made pursuant to subparagraph (B)*
18 *shall be considered final agency action for the*
19 *purposes of chapter 7, title 5, United States*
20 *Code.”.*

21 (d) *SUBMISSION OF 5-YEAR PLAN.*—*Section 29(e) of*
22 *the Small Business Act (15 U.S.C. 656(e)) is amended—*

23 (1) *by striking “applicant organization” and in-*
24 *serting “eligible entity”;*

1 (2) *by striking “a recipient organization” and*
2 *inserting “an eligible entity”;*

3 (3) *by striking “financial assistance” and insert-*
4 *ing “grants”; and*

5 (4) *by striking “site”.*

6 (e) *APPLICATIONS AND CRITERIA FOR INITIAL*
7 *GRANT.—Subsection (f) of section 29 of the Small Business*
8 *Act (15 U.S.C. 656) is amended to read as follows:*

9 “(f) *APPLICATIONS AND CRITERIA FOR INITIAL*
10 *GRANT.—*

11 “(1) *APPLICATION.—Each eligible entity desiring*
12 *a grant under subsection (b) shall submit to the Ad-*
13 *ministrator an application that contains—*

14 “(A) *a certification that the eligible enti-*
15 *ty—*

16 “(i) *has designated an executive direc-*
17 *tor or program manager, who may be com-*
18 *pensated using grant funds under subsection*
19 *(b) or other sources, to manage the women’s*
20 *business center for which a grant under sub-*
21 *section (b) is sought;*

22 “(ii) *meets the accounting and report-*
23 *ing requirements established by the Director*
24 *of the Office of Management and Budget;*

1 “(B) information demonstrating that the el-
2 igible entity has the ability and resources to meet
3 the needs of the market to be served by the wom-
4 en’s business center, including the ability to ob-
5 tain the non-Federal contribution required under
6 subsection (c);

7 “(C) information relating to the assistance
8 to be provided by the women’s business center in
9 the area in which the women’s business center is
10 located;

11 “(D) information demonstrating the experi-
12 ence and effectiveness of the eligible entity in—

13 “(i) conducting the services described
14 under subsection (a)(5);

15 “(ii) providing training and services
16 to a representative number of women who
17 are socially or economically disadvantaged;
18 and

19 “(iii) working with resource partners
20 of the Administration and other entities,
21 such as universities; and

22 “(E) a 5-year plan that describes the ability
23 of the eligible entity to provide the services de-
24 scribed under subsection (a)(3), including to a

1 *representative number of women who are socially*
2 *or economically disadvantaged.*

3 “(2) *REVIEW AND APPROVAL OF APPLICATIONS*
4 *FOR INITIAL GRANTS.—*

5 “(A) *REVIEW AND SELECTION OF ELIGIBLE*
6 *ENTITIES.—*

7 “(i) *IN GENERAL.—The Administrator*
8 *shall review applications to determine*
9 *whether the applicant can meet obligations*
10 *to perform the activities required by a grant*
11 *under this section, including—*

12 “(I) *the experience of the appli-*
13 *cant in conducting activities required*
14 *by this section;*

15 “(II) *the amount of time needed*
16 *for the applicant to commence oper-*
17 *ations should it be awarded a grant;*

18 “(III) *the capacity of the appli-*
19 *cant to meet the accreditation stand-*
20 *ards established by the Administrator*
21 *in a timely manner;*

22 “(IV) *the ability of the applicant*
23 *to sustain operations for more than 5*
24 *years (including its ability to obtain*

1 *sufficient non-Federal funds for that*
2 *period); and*

3 “(V) *the location of the women’s*
4 *business center and its proximity to*
5 *other grant recipients under this sec-*
6 *tion.*

7 “(ii) *SELECTION CRITERIA.—*

8 “(I) *GUIDANCE.—The Adminis-*
9 *trator shall issue guidance (after pro-*
10 *viding an opportunity for notice and*
11 *comment) to specify the criteria for re-*
12 *view and selection of applicants under*
13 *this subsection.*

14 “(II) *MODIFICATIONS PROHIBITED*
15 *AFTER ANNOUNCEMENT.—With respect*
16 *to a public announcement of any op-*
17 *portunity to be awarded a grant under*
18 *this section made by the Administrator*
19 *pursuant to subsection (l)(1), the Ad-*
20 *ministrator may not modify guidance*
21 *issued pursuant to subclause (I) with*
22 *respect to such opportunity unless re-*
23 *quired to do so by an Act of Congress*
24 *or an order of a Federal court.*

1 “(III) *RULE OF CONSTRUCTION.*—
2 *Nothing in this clause may be con-*
3 *strued as prohibiting the Adminis-*
4 *trator from modifying the guidance*
5 *issued pursuant to subclause (I) (after*
6 *providing an opportunity for notice*
7 *and comment) as such guidance ap-*
8 *plies to an opportunity to be awarded*
9 *a grant under this section that the Ad-*
10 *ministrator has not yet publicly an-*
11 *nounced pursuant to subsection (l)(1).*

12 “(B) *RECORD RETENTION.*—

13 “(i) *IN GENERAL.*—*The Administrator*
14 *shall maintain a copy of each application*
15 *submitted under this subsection for not less*
16 *than 5 years.*

17 “(ii) *PAPERWORK REDUCTION.*—*The*
18 *Administrator shall take steps to reduce, to*
19 *the maximum extent practicable, the paper-*
20 *work burden associated with carrying out*
21 *clause (i).”.*

22 (f) *NOTIFICATION REQUIREMENTS UNDER THE*
23 *WOMEN’S BUSINESS CENTER PROGRAM.*—*Section 29 of the*
24 *Small Business Act (15 U.S.C. 656) is amended by insert-*
25 *ing after subsection (k) the following:*

1 “(l) *NOTIFICATION REQUIREMENTS UNDER THE*
2 *WOMEN’S BUSINESS CENTER PROGRAM.—The Adminis-*
3 *trator shall provide—*

4 “(1) *a public announcement of any opportunity*
5 *to be awarded grants under this section, and such an-*
6 *ouncement shall include the standards by which such*
7 *award will be made, including the guidance issued*
8 *pursuant to subsection (f)(2)(A)(ii);*

9 “(2) *the opportunity for any applicant for a*
10 *grant under this section that failed to obtain such a*
11 *grant a debriefing with the Assistant Administrator*
12 *to review the reasons for the applicant’s failure; and*

13 “(3) *with respect to any site visit or evaluation*
14 *of an eligible entity receiving a grant under this sec-*
15 *tion that is carried out by an officer or employee of*
16 *the Administration (other than the Inspector Gen-*
17 *eral), a copy of the site visit report or evaluation, as*
18 *applicable, within 30 calendar days of the completion*
19 *of such vision or evaluation.”.*

20 “(g) *CONTINUED FUNDING FOR CENTERS.—Section*
21 *29(m) of the Small Business Act (15 U.S.C. 656(m)) is*
22 *amended—*

23 “(1) *by striking paragraph (3) and inserting the*
24 *following:*

1 “(3) *APPLICATION AND APPROVAL FOR CONTINU-*
2 *ATION GRANTS.—*—

3 “(A) *SOLICITATION OF APPLICATIONS.—The*
4 *Administrator shall solicit applications and*
5 *award continuation grants under this subsection*
6 *for the first fiscal year beginning after the date*
7 *of enactment of this paragraph, and every third*
8 *fiscal year thereafter.*

9 “(B) *CONTENTS OF APPLICATION.—Each el-*
10 *igible entity desiring a grant under this sub-*
11 *section shall submit to the Administrator an ap-*
12 *plication that contains—*

13 “(i) *a certification that the appli-*
14 *cant—*

15 “(I) *is an eligible entity;*

16 “(II) *has designated an executive*
17 *director or program manager to man-*
18 *age the women’s business center oper-*
19 *ated by the applicant; and*

20 “(III) *as a condition of receiving*
21 *a grant under this subsection, agrees—*

22 “(aa) *to receive a site visit as*
23 *part of the final selection process,*
24 *at the discretion of the Adminis-*
25 *trator; and*

1 “(bb) to remedy any problem
2 identified pursuant to the site
3 visit under item (aa);

4 “(ii) information demonstrating that
5 the applicant has the ability and resources
6 to meet the needs of the market to be served
7 by the women’s business center for which a
8 grant under this subsection is sought, in-
9 cluding the ability to obtain the non-Fed-
10 eral contribution required under paragraph
11 (4)(C);

12 “(iii) information relating to assist-
13 ance to be provided by the women’s business
14 center in the geographic area served by the
15 women’s business center for which a grant
16 under this subsection is sought;

17 “(iv) information demonstrating that
18 the applicant has worked with resource
19 partners of the Administration and other
20 entities;

21 “(v) a 3-year plan that describes the
22 services provided by the women’s business
23 center for which a grant under this sub-
24 section is sought—

1 “(I) to serve women who are busi-
2 ness owners or potential business own-
3 ers by conducting training and coun-
4 seling activities; and

5 “(II) to provide training and
6 services to a representative number of
7 women who are socially or economi-
8 cally disadvantaged; and

9 “(vi) any additional information that
10 the Administrator may reasonably require.

11 “(C) REVIEW AND APPROVAL OF APPLICA-
12 TIONS FOR GRANTS.—

13 “(i) IN GENERAL.—The Adminis-
14 trator—

15 “(I) shall review each application
16 submitted under subparagraph (B),
17 based on the information described in
18 such subparagraph and the criteria set
19 forth under clause (ii) of this subpara-
20 graph; and

21 “(II) as part of the final selection
22 process, may, at the discretion of the
23 Administrator, conduct a site visit to
24 each women’s business center for which
25 a grant under this subsection is sought,

1 *in particular to evaluate the women’s*
2 *business center using the selection cri-*
3 *teria described in clause (i)(II).*

4 “(i) *SELECTION CRITERIA.*—

5 “(I) *IN GENERAL.*—*The Adminis-*
6 *trator shall evaluate applicants for*
7 *grants under this subsection in accord-*
8 *ance with selection criteria that are—*

9 “(aa) *established before the*
10 *date on which applicants are re-*
11 *quired to submit the applications;*

12 “(bb) *stated in terms of rel-*
13 *ative importance; and*

14 “(cc) *publicly available and*
15 *stated in each solicitation for ap-*
16 *plications for grants under this*
17 *subsection made by the Adminis-*
18 *trator.*

19 “(II) *REQUIRED CRITERIA.*—*The*
20 *selection criteria for a grant under this*
21 *subsection shall include—*

22 “(aa) *the total number of en-*
23 *trepreneurs served by the appli-*
24 *cant;*

1 “(bb) the total number of
2 new startup companies assisted by
3 the applicant;

4 “(cc) the percentage of clients
5 of the applicant that are socially
6 or economically disadvantaged;

7 “(dd) the percentage of indi-
8 viduals in the community served
9 by the applicant who are socially
10 or economically disadvantaged;

11 “(ee) the successful accredita-
12 tion of the applicant under the ac-
13 creditation program developed
14 under subsection (g)(5); and

15 “(ff) any additional criteria
16 that the Administrator may rea-
17 sonably require.

18 “(iii) *CONDITIONS FOR CONTINUED*
19 *FUNDING.—In determining whether to make*
20 *a grant under this subsection, the Adminis-*
21 *trator—*

22 “(I) shall consider the results of
23 the most recent evaluation of the wom-
24 en’s business center for which a grant
25 under this subsection is sought, and, to

1 *a lesser extent, previous evaluations;*
2 *and*

3 “(II) *may withhold a grant under*
4 *this subsection, if the Administrator*
5 *determines that the applicant has*
6 *failed to provide the information re-*
7 *quired to be provided under this para-*
8 *graph, or the information provided by*
9 *the applicant is inadequate.*

10 “(D) *NOTIFICATION.—Not later than 60 cal-*
11 *endar days after the date of each deadline to sub-*
12 *mit applications under this paragraph, the Ad-*
13 *ministrator shall approve or deny each sub-*
14 *mitted application and notify the applicant for*
15 *each such application of the approval or denial.*

16 “(E) *RECORD RETENTION.—*

17 “(i) *IN GENERAL.—The Administrator*
18 *shall maintain a copy of each application*
19 *submitted under this paragraph for not less*
20 *than 5 years.*

21 “(ii) *PAPERWORK REDUCTION.—The*
22 *Administrator shall take steps to reduce, to*
23 *the maximum extent practicable, the paper-*
24 *work burden associated with carrying out*
25 *clause (i).”; and*

1 (2) *by striking paragraph (5) and inserting the*
2 *following:*

3 “(5) *AWARD TO PREVIOUS RECIPIENTS.—There*
4 *shall be no limitation on the number of times the Ad-*
5 *ministrator may award a grant to an applicant*
6 *under this subsection.”.*

7 (h) *TECHNICAL AND CONFORMING AMENDMENTS.—*
8 *Section 29 of the Small Business Act (15 U.S.C. 656) is*
9 *amended—*

10 (1) *in subsection (h)(2), by striking “to award a*
11 *contract (as a sustainability grant) under subsection*
12 *(l) or”;*

13 (2) *in subsection (j)(1), by striking “The Admin-*
14 *istration” and inserting “Not later than November 1*
15 *of each year, the Administrator”;*

16 (3) *in subsection (k)—*

17 (A) *by striking paragraphs (1) and (4);*

18 (B) *by inserting before paragraph (2) the*
19 *following:*

20 “(1) *IN GENERAL.—There are authorized to be*
21 *appropriated to the Administration to carry out this*
22 *section, to remain available until expended,*
23 *\$21,750,000 for each of fiscal years 2017 through*
24 *2020.”; and*

1 (C) in paragraph (2), by striking subpara-
2 graph (B) and inserting the following:

3 “(B) *EXCEPTIONS.*—Of the amount made
4 available under this subsection for a fiscal year,
5 the following amounts shall be available for selec-
6 tion panel costs, costs associated with maintain-
7 ing an accreditation program, and post-award
8 conference costs:

9 “(i) For the first fiscal year beginning
10 after the date of the enactment of this sub-
11 paragraph, 2.65 percent.

12 “(ii) For the second fiscal year begin-
13 ning after the date of the enactment of this
14 subparagraph and each fiscal year there-
15 after through fiscal year 2020, 2.5 percent.”;
16 and

17 (4) in subsection (m)—

18 (A) in paragraph (2), by striking “sub-
19 section (b) or (l)” and inserting “this subsection
20 or subsection (b)”; and

21 (B) in paragraph (4)(D), by striking “or
22 subsection (l)”.

23 (i) *EFFECT ON EXISTING GRANTS.*—

24 (1) *TERMS AND CONDITIONS.*—A nonprofit orga-
25 nization receiving a grant under section 29(m) of the

1 *Small Business Act (15 U.S.C. 656(m)), as in effect*
2 *on the day before the date of enactment of this title,*
3 *shall continue to receive the grant under the terms*
4 *and conditions in effect for the grant on the day be-*
5 *fore the date of enactment of this title, except that the*
6 *nonprofit organization may not apply for a continu-*
7 *ation of the grant under section 29(m)(5) of the*
8 *Small Business Act (15 U.S.C. 656(m)(5)), as in ef-*
9 *fect on the day before the date of enactment of this*
10 *title.*

11 (2) *LENGTH OF CONTINUATION GRANT.—The Ad-*
12 *ministrator of the Small Business Administration*
13 *may award a grant under section 29(m) of the Small*
14 *Business Act to a nonprofit organization receiving a*
15 *grant under section 29(m) of the Small Business Act*
16 *(15 U.S.C. 656(m)), as in effect on the day before the*
17 *date of enactment of this title, for the period—*

18 (A) *beginning on the day after the last day*
19 *of the grant agreement under such section 29(m);*
20 *and*

21 (B) *ending at the end of the third fiscal*
22 *year beginning after the date of enactment of*
23 *this title.*

1 **SEC. 1843. MATCHING REQUIREMENTS UNDER WOMEN'S**
2 **BUSINESS CENTER PROGRAM.**

3 *Section 29(c) of the Small Business Act (15 U.S.C.*
4 *656(c)), as amended by this Act, is amended—*

5 *(1) in paragraph (1), by striking “As a condi-*
6 *tion” and inserting “Subject to paragraph (6), as a*
7 *condition”; and*

8 *(2) by adding at the end the following:*

9 *“(9) WAIVER OF NON-FEDERAL SHARE.—*

10 *“(A) IN GENERAL.—Upon request by an eli-*
11 *gible entity, and in accordance with this para-*
12 *graph, the Administrator may waive, in whole*
13 *or in part, the requirement to obtain non-Fed-*
14 *eral funds under this subsection for counseling*
15 *and training activities of the eligible entity car-*
16 *ried out using a grant under this section for a*
17 *fiscal year. The Administrator may not waive*
18 *the requirement for an eligible entity to obtain*
19 *non-Federal funds under this paragraph for*
20 *more than a total of 2 consecutive fiscal years.*

21 *“(B) CONSIDERATIONS.—In determining*
22 *whether to waive the requirement to obtain non-*
23 *Federal funds under this paragraph, the Admin-*
24 *istrator shall consider—*

25 *“(i) the economic conditions affecting*
26 *the eligible entity;*

1 “(ii) the impact a waiver under this
2 paragraph would have on the credibility of
3 the Women’s Business Center Program
4 under this section;

5 “(iii) the demonstrated ability of the
6 eligible entity to raise non-Federal funds;
7 and

8 “(iv) the performance of the eligible en-
9 tity.

10 “(C) *LIMITATION.*—The Administrator may
11 not waive the requirement to obtain non-Federal
12 funds under this paragraph if granting the
13 waiver would undermine the credibility of the
14 Women’s Business Center Program.

15 “(10) *SOLICITATION.*—Notwithstanding any
16 other provision of law, eligible entity may—

17 “(A) solicit cash and in-kind contributions
18 from private individuals and entities to be used
19 to carry out the activities of the eligible entity
20 under the project conducted under this section;
21 and

22 “(B) use amounts made available by the
23 Administrator under this section for the cost of
24 such solicitation and management of the con-
25 tributions received.

1 “(11) *EXCESS NON-FEDERAL DOLLARS.*—*The*
 2 *amount of non-Federal dollars obtained by an eligible*
 3 *entity that is above the amount that is required to be*
 4 *obtained by the eligible entity under this subsection*
 5 *shall not be subject to the requirements of part 200*
 6 *of title 2, Code of Federal Regulations, or any suc-*
 7 *cessor thereto, if such amount of non-Federal dol-*
 8 *lars—*

9 “(A) *is not used as matching funds for pur-*
 10 *poses of implementing the Women’s Business*
 11 *Center Program; and*

12 “(B) *was not obtained using funds from the*
 13 *Women’s Business Center Program.”.*

14 ***Subtitle F—SCORE Program***

15 ***SEC. 1851. SCORE REAUTHORIZATION.***

16 *Section 20 of the Small Business Act (15 U.S.C. 631*
 17 *note) is amended—*

18 (1) *by redesignating subsection (j) as subsection*
 19 *(f); and*

20 (2) *by adding at the end the following:*

21 “(g) *SCORE PROGRAM.*—*There are authorized to be*
 22 *appropriated to the Administrator to carry out the SCORE*
 23 *program authorized by section 8(b)(1) such sums as are nec-*
 24 *essary for the Administrator to make grants or enter into*

1 *cooperative agreements in a total amount that does not ex-*
2 *ceed \$10,500,000 in each of fiscal years 2017 and 2018.”.*

3 **SEC. 1852. SCORE PROGRAM.**

4 *Section 8 of the Small Business Act (15 U.S.C. 637)*
5 *is amended—*

6 *(1) in subsection (b)(1)(B), by striking “a Serv-*
7 *ice Corps of Retired Executives (SCORE)” and in-*
8 *serting “the SCORE program described in subsection*
9 *(c)”;* and

10 *(2) by striking subsection (c) and inserting the*
11 *following:*

12 *“(c) SCORE PROGRAM.—*

13 *“(1) DEFINITION.—In this subsection:*

14 *“(A) SCORE ASSOCIATION.—The term*
15 *‘SCORE Association’ means the Service Corps of*
16 *Retired Executives Association or any successor*
17 *or other organization who receives a grant from*
18 *the Administrator to operate the SCORE pro-*
19 *gram under paragraph (2)(A).*

20 *“(B) SCORE PROGRAM.—The term*
21 *‘SCORE program’ means the SCORE program*
22 *authorized by subsection (b)(1)(B).*

23 *“(2) MANAGEMENT AND VOLUNTEERS.—*

1 “(A) *IN GENERAL.*—*The Administrator*
2 *shall provide a grant to the SCORE Association*
3 *to manage the SCORE program.*

4 “(B) *VOLUNTEERS.*—*A volunteer partici-*
5 *pating in the SCORE program shall—*

6 “(i) *based on the business experience*
7 *and knowledge of the volunteer—*

8 “(I) *provide at no cost to individ-*
9 *uals who own, or aspire to own, small*
10 *business concerns personal counseling,*
11 *mentoring, and coaching relating to*
12 *the process of starting, expanding,*
13 *managing, buying, and selling a busi-*
14 *ness; and*

15 “(II) *facilitate low-cost education*
16 *workshops for individuals who own, or*
17 *aspire to own, small business concerns;*
18 *and*

19 “(ii) *as appropriate, use tools, re-*
20 *sources, and expertise of other organizations*
21 *to carry out the SCORE program.*

22 “(3) *PLANS AND GOALS.*—*The Administrator, in*
23 *consultation with the SCORE Association, shall en-*
24 *sure that the SCORE program and each chapter of*
25 *the SCORE program develop and implement plans*

1 *and goals to more effectively and efficiently provide*
2 *services to individuals in rural areas, economically*
3 *disadvantaged communities, and other traditionally*
4 *underserved communities, including plans for elec-*
5 *tronic initiatives, web-based initiatives, chapter ex-*
6 *pansion, partnerships, and the development of new*
7 *skills by volunteers participating in the SCORE pro-*
8 *gram.*

9 *“(4) ANNUAL REPORT.—The SCORE Association*
10 *shall submit to the Administrator an annual report*
11 *that contains—*

12 *“(A) the number of individuals counseled or*
13 *trained under the SCORE program;*

14 *“(B) the number of hours of counseling pro-*
15 *vided under the SCORE program; and*

16 *“(C) to the extent possible—*

17 *“(i) the number of small business con-*
18 *cerns formed with assistance from the*
19 *SCORE program;*

20 *“(ii) the number of small business con-*
21 *cerns expanded with assistance from the*
22 *SCORE program; and*

23 *“(iii) the number of jobs created with*
24 *assistance from the SCORE program.*

25 *“(5) PRIVACY REQUIREMENTS.—*

1 “(A) *IN GENERAL.*—Neither the Adminis-
2 trator nor the *SCORE* Association may disclose
3 the name, address, or telephone number of any
4 individual or small business concern receiving
5 assistance from the *SCORE* Association without
6 the consent of such individual or small business
7 concern, unless—

8 “(i) the Administrator is ordered to
9 make such a disclosure by a court in any
10 civil or criminal enforcement action initi-
11 ated by a Federal or State agency; or

12 “(ii) the Administrator determines
13 such a disclosure to be necessary for the
14 purpose of conducting a financial audit of
15 the *SCORE* program, in which case disclo-
16 sure shall be limited to the information nec-
17 essary for the audit.

18 “(B) *ADMINISTRATOR USE OF INFORMA-*
19 *TION.*—This paragraph shall not—

20 “(i) restrict the access of the Adminis-
21 trator to program activity data; or

22 “(ii) prevent the Administrator from
23 using client information to conduct client
24 surveys.

25 “(C) *STANDARDS.*—

1 “(i) *IN GENERAL.*—*The Administrator*
 2 *shall, after the opportunity for notice and*
 3 *comment, establish standards for—*

4 “(I) *disclosures with respect to fi-*
 5 *nancial audits under subparagraph*
 6 *(A)(ii); and*

7 “(II) *conducting client surveys,*
 8 *including standards for oversight of the*
 9 *surveys and for dissemination and use*
 10 *of client information.*

11 “(ii) *MAXIMUM PRIVACY PROTEC-*
 12 *TION.*—*The standards issued under this sub-*
 13 *paragraph shall, to the extent practicable,*
 14 *provide for the maximum amount of pri-*
 15 *vacv protection.”.*

16 ***Subtitle G—Miscellaneous***
 17 ***Provisions***

18 ***SEC. 1861. IMPROVING EDUCATION ON SMALL BUSINESS***
 19 ***REGULATIONS.***

20 “(a) *REGULATORY CHANGES AND TRAINING MATE-*
 21 *RIALS.*—*Section 15 of the Small Business Act (15 U.S.C.*
 22 *644), as amended by this Act, is further amended by adding*
 23 *at the end the following new subsection:*

24 “(u) *REGULATORY CHANGES AND TRAINING MATE-*
 25 *RIALS.*—*Not less than annually, the Administrator shall*

1 *provide to the Defense Acquisition University (established*
2 *under section 1746 of title 10, United States Code), the Fed-*
3 *eral Acquisition Institute (established under section 1201*
4 *of title 41, United States Code), the individual responsible*
5 *for mandatory training and education of the acquisition*
6 *workforce of each agency (described under section*
7 *1703(f)(1)(C) of title 41, United States Code), small busi-*
8 *ness development centers, and entities participating in the*
9 *Procurement Technical Assistance Cooperative Agreement*
10 *Program under chapter 142 of title 10, United States*
11 *Code—*

12 “(1) a list of all changes made in the prior year
13 to regulations promulgated—

14 “(A) by the Administrator that affect Fed-
15 eral acquisition; and

16 “(B) by the Federal Acquisition Council
17 that implement changes to this Act; and

18 “(2) any materials the Administrator has devel-
19 oped to explain, train, or assist Federal agencies or
20 departments or small business concerns to comply
21 with the regulations specified in paragraph (1).”.

22 (b) *TRAINING TO BE UPDATED.*—Upon receipt of in-
23 formation from the Administrator of the Small Business
24 Administration pursuant to section 15(u) of the Small
25 Business Act, the Defense Acquisition University (as under

1 *section 1746 of title 10, United States Code) and the Fed-*
2 *eral Acquisition Institute (established under section 1201*
3 *of title 41, United States Code) shall periodically update*
4 *the training provided to the acquisition workforce.*

5 **SEC. 1862. PROTECTING TASK ORDER COMPETITION.**

6 *Section 4106(f) of title 41, United States Code, is*
7 *amended by striking paragraph (3).*

8 **SEC. 1863. IMPROVEMENTS TO SIZE STANDARDS FOR**
9 **SMALL AGRICULTURAL PRODUCERS.**

10 *(a) AMENDMENT TO DEFINITION OF AGRICULTURAL*
11 *ENTERPRISES.—Paragraph (1) of section 18(b) of the*
12 *Small Business Act (15 U.S.C. 647(b)(1)) is amended by*
13 *striking “businesses” and inserting “small business con-*
14 *cerns”.*

15 *(b) EQUAL TREATMENT OF SMALL FARMS.—Para-*
16 *graph (1) of section 3(a) of the Small Business Act (15*
17 *U.S.C. 632(a)(1)) is amended by striking “operation: Pro-*
18 *vided,” and all that follows through the period at the end*
19 *and inserting “operation.”.*

20 *(c) UPDATED SIZE STANDARDS.—Size standards es-*
21 *tablished under subsection (a) are subject to the rolling re-*
22 *view procedures established under section 1344(a) of the*
23 *Small Business Jobs Act of 2010 (15 U.S.C. 632 note).*

1 **SEC. 1864. UNIFORMITY IN SERVICE-DISABLED VETERAN**

2 **DEFINITIONS.**

3 (a) *SMALL BUSINESS DEFINITION OF SMALL BUSI-*
4 *NESS CONCERN CONSOLIDATED.*—Section 3(q) of the *Small*
5 *Business Act (15 U.S.C. 632(q))* is amended—

6 (1) by amending paragraph (2) to read as fol-
7 lows:

8 “(2) *SMALL BUSINESS CONCERN OWNED AND*
9 *CONTROLLED BY SERVICE-DISABLED VETERANS.*—The
10 term ‘small business concern owned and controlled by
11 service-disabled veterans’ means any of the following:

12 “(A) A small business concern—

13 “(i) not less than 51 percent of which
14 is owned by one or more service-disabled
15 veterans or, in the case of any publicly
16 owned business, not less than 51 percent of
17 the stock (not including any stock owned by
18 an ESOP) of which is owned by one or
19 more service-disabled veterans; and

20 “(ii) the management and daily busi-
21 ness operations of which are controlled by
22 one or more service-disabled veterans or, in
23 the case of a veteran with permanent and
24 severe disability, the spouse or permanent
25 caregiver of such veteran.

26 “(B) A small business concern—

1 “(i) not less than 51 percent of which
2 is owned by one or more service-disabled
3 veterans with a disability that is rated by
4 the Secretary of Veterans Affairs as a per-
5 manent and total disability who are unable
6 to manage the daily business operations of
7 such concern; or

8 “(ii) in the case of a publicly owned
9 business, not less than 51 percent of the
10 stock (not including any stock owned by an
11 ESOP) of which is owned by one or more
12 such veterans.

13 “(C)(i) During the time period described in
14 clause (ii), a small business concern that was a
15 small business concern described in subpara-
16 graph (A) or (B) immediately prior to the death
17 of a service-disabled veteran who was the owner
18 of the concern, the death of whom causes the con-
19 cern to be less than 51 percent owned by one or
20 more service-disabled veterans, if—

21 “(I) the surviving spouse of the de-
22 ceased veteran acquires such veteran’s own-
23 ership interest in such concern;

24 “(II) such veteran had a service-con-
25 nected disability (as defined in section

1 101(16) of title 38, United States Code)
2 rated as 100 percent disabling under the
3 laws administered by the Secretary of Vet-
4 erans Affairs or such veteran died as a re-
5 sult of a service-connected disability; and

6 “(III) immediately prior to the death
7 of such veteran, and during the period de-
8 scribed in clause (ii), the small business
9 concern is included in the database de-
10 scribed in section 8127(f) of title 38, United
11 States Code.

12 “(ii) The time period described in this
13 clause is the time period beginning on the date
14 of the veteran’s death and ending on the earlier
15 of—

16 “(I) the date on which the surviving
17 spouse remarries;

18 “(II) the date on which the surviving
19 spouse relinquishes an ownership interest in
20 the small business concern; or

21 “(III) the date that is 10 years after
22 the date of the death of the veteran.”; and

23 (2) by adding at the end the following new para-
24 graphs:

1 “(6) *ESOP*.—The term ‘*ESOP*’ has the meaning
2 given the term ‘employee stock ownership plan’ in sec-
3 tion 4975(e)(7) of the Internal Revenue Code of 1986
4 (26 U.S.C. 4975(e)(7)).

5 “(7) *SURVIVING SPOUSE*.—The term ‘surviving
6 spouse’ has the meaning given such term in section
7 101(3) of title 38, United States Code.”.

8 (b) *VETERANS AFFAIRS DEFINITION OF SMALL BUSI-*
9 *NESS CONCERN CONSOLIDATED*.—

10 (1) *IN GENERAL*.—Section 8127 of title 38,
11 United States Code, is amended—

12 (A) by striking subsection (h) and redesignig-
13 nating subsections (i) through (l) as subsections
14 (h) through (k), respectively; and

15 (B) in subsection (k), as so redesignated—

16 (i) by amending paragraph (2) to read
17 as follows:

18 “(2) The term ‘small business concern owned and
19 controlled by veterans’ has the meaning given that
20 term under section 3(q)(3) of the Small Business Act
21 (15 U.S.C. 632(q)(3)).”; and

22 (ii) by adding at the end the following
23 new paragraph:

24 “(3) The term ‘small business concern owned and
25 controlled by veterans with service-connected disabil-

1 *ities’ has the meaning given the term ‘small business*
2 *concern owned and controlled by service-disabled vet-*
3 *erans’ under section 3(q)(2) of the Small Business Act*
4 *(15 U.S.C. 632(q)(2)).’.*

5 (2) *CONFORMING AMENDMENTS.—Such section is*
6 *further amended—*

7 (A) *in subsection (b), by inserting “or a*
8 *small business concern owned and controlled by*
9 *veterans with service-connected disabilities” after*
10 *“a small business concern owned and controlled*
11 *by veterans”;*

12 (B) *in subsection (c), by inserting “or a*
13 *small business concern owned and controlled by*
14 *veterans with service-connected disabilities” after*
15 *“a small business concern owned and controlled*
16 *by veterans”;*

17 (C) *in subsection (d) by inserting “or small*
18 *business concerns owned and controlled by vet-*
19 *erans with service-connected disabilities” after*
20 *“small business concerns owned and controlled*
21 *by veterans” both places it appears; and*

22 (D) *in subsection (f)(1), by inserting “,*
23 *small business concerns owned and controlled by*
24 *veterans with service-connected disabilities,”*

1 *after “small business concerns owned and con-*
2 *trolled by veterans”.*

3 (c) *TECHNICAL CORRECTION.*—*Section 8(d)(3) of the*
4 *Small Business Act (15 U.S.C. 637(d)(3)), is amended by*
5 *adding at the end the following new subparagraph:*

6 “(H) *In this contract, the term ‘small business*
7 *concern owned and controlled by service-disabled vet-*
8 *erans’ has the meaning given that term in section*
9 *3(q).”.*

10 (d) *REGULATIONS RELATING TO DATABASE OF THE*
11 *SECRETARY OF VETERANS AFFAIRS.*—

12 (1) *REQUIREMENT TO USE CERTAIN SMALL BUSI-*
13 *NESS ADMINISTRATION REGULATIONS.*—*Section*
14 *8127(f)(4) of title 38, United States Code, is amended*
15 *by striking “verified” and inserting “verified, using*
16 *regulations issued by the Administrator of the Small*
17 *Business Administration with respect to the status of*
18 *the concern as a small business concern and the own-*
19 *ership and control of such concern,”.*

20 (2) *PROHIBITION ON SECRETARY OF VETERANS*
21 *AFFAIRS ISSUING CERTAIN REGULATIONS.*—*Section*
22 *8127(f) of title 38, United States Code, is amended by*
23 *adding at the end the following new paragraph:*

1 “(7) *The Secretary may not issue regulations related*
2 *to the status of a concern as a small business concern and*
3 *the ownership and control of such small business concern.*”.

4 (e) *DELAYED EFFECTIVE DATE.*—*The amendments*
5 *made by subsections (a), (b), (c), and (d) shall take effect*
6 *on the date on which the Administrator of the Small Busi-*
7 *ness Administration and the Secretary of Veterans Affairs*
8 *jointly issue regulations implementing such sections.*

9 (f) *APPEALS OF INCLUSION IN DATABASE.*—

10 (1) *IN GENERAL.*—*Section 8127(f) of title 38,*
11 *United States Code, as amended by this Act, is fur-*
12 *ther amended by adding at the end the following new*
13 *paragraph:*

14 “(8)(A) *If the Secretary does not verify a concern for*
15 *inclusion in the database under this subsection based on*
16 *the status of the concern as a small business concern or the*
17 *ownership or control of the concern, the concern may appeal*
18 *the denial of verification to the Office of Hearings and Ap-*
19 *peals of the Small Business Administration (as established*
20 *under section 5(i) of the Small Business Act). The decision*
21 *of the Office of Hearings and Appeals shall be considered*
22 *a final agency action.*

23 “(B)(i) *If an interested party challenges the inclusion*
24 *in the database of a small business concern owned and con-*
25 *trolled by veterans or a small business concern owned and*

1 *controlled by veterans with service-connected disabilities*
2 *based on the status of the concern as a small business con-*
3 *cern or the ownership or control of the concern, the challenge*
4 *shall be heard by the Office of Hearings and Appeals of*
5 *the Small Business Administration as described in sub-*
6 *paragraph (A). The decision of the Office of Hearings and*
7 *Appeals shall be considered final agency action.*

8 “(ii) In this subparagraph, the term ‘interested party’
9 means—

10 “(I) the Secretary; and

11 “(II) in the case of a small business concern that
12 *is awarded a contract, the contracting officer of the*
13 *Department or another small business concern that*
14 *submitted an offer for the contract that was awarded*
15 *to the small business concern that submitted an offer*
16 *under clause (i).*

17 “(C) For each fiscal year, the Secretary shall reim-
18 *burse the Administrator of the Small Business Administra-*
19 *tion in an amount necessary to cover any cost incurred by*
20 *the Office of Hearings and Appeals of the Small Business*
21 *Administration for actions taken by the Office under this*
22 *paragraph. The Administrator is authorized to accept such*
23 *reimbursement. The amount of any such reimbursement*
24 *shall be determined jointly by the Secretary and the Admin-*
25 *istrator and shall be provided from fees collected by the Sec-*

1 *retary under multiple-award schedule contracts. Any dis-*
2 *agreement about the amount shall be resolved by the Direc-*
3 *tor of the Office of Management and Budget.”.*

4 (2) *EFFECTIVE DATE.*—Paragraph (8) of sub-
5 *section (f) of title 38, United States Code, as added*
6 *by paragraph (1), shall apply with respect to a*
7 *verification decision made by the Secretary of Vet-*
8 *erans Affairs on or after the date of the enactment of*
9 *this title.*

10 **SEC. 1865. REQUIRED REPORTS PERTAINING TO CAPITAL**
11 **PLANNING AND INVESTMENT CONTROL.**

12 *The Administrator of the Small Business Administra-*
13 *tion shall submit to the Senate Committee on Small Busi-*
14 *ness and Entrepreneurship and the Committee on Small*
15 *Business of the House of Representatives the information*
16 *described in section 11302(c)(3)(B)(ii) of title 40, United*
17 *States Code, within 10 days of transmittal to the Director.*

18 **SEC. 1866. OFFICE OF HEARINGS AND APPEALS.**

19 (a) *CLARIFICATION AS TO JURISDICTION.*—Section
20 *5(i)(1)(B) of the Small Business Act (15 U.S.C.*
21 *634(i)(1)(B)) is amended to read as follows:*

22 “(B) *JURISDICTION.*—

23 “(i) *IN GENERAL.*—Except as provided
24 *in clause (ii), the Office of Hearings and*
25 *Appeals shall hear appeals of agency ac-*

1 *tions under or pursuant to this Act, the*
2 *Small Business Investment Act of 1958 (15*
3 *U.S.C. 661 et seq.), title 13 of the Code of*
4 *Federal Regulations, and such other matters*
5 *as the Administrator may determine appro-*
6 *priate.*

7 *“(ii) EXCEPTION.—The Office of Hear-*
8 *ings and Appeals shall not adjudicate dis-*
9 *putes requiring a hearing on the record, ex-*
10 *cept disputes pertaining to the small busi-*
11 *ness programs described in this Act.”.*

12 *(b) NEW PROCEDURES FOR PETITIONS FOR RECON-*
13 *SIDERATION.—Section 3(a)(9) of the Small Business Act*
14 *(15 U.S.C. 632(a)(9)) is amended by adding at the end the*
15 *following:*

16 *“(E) PROCEDURES.—The Office of Hear-*
17 *ings and Appeals shall begin accepting petitions*
18 *for reconsideration described in subparagraph*
19 *(A) upon the effective date of the procedures im-*
20 *plementing this paragraph. Notwithstanding the*
21 *provisions of subparagraph (B), petitions for re-*
22 *consideration of size standards revised, modified,*
23 *or established in a Federal Register final rule*
24 *published between November 25, 2015 and the ef-*
25 *fective date of such procedures shall be considered*

1 *timely if filed within 30 days of such effective*
2 *date.”.*

3 **SEC. 1867. ISSUANCE OF GUIDANCE ON SMALL BUSINESS**
4 **MATTERS.**

5 *Not later than 180 days after the date of enactment*
6 *of this title, the Administrator of the Small Business Ad-*
7 *ministration shall issue guidance pertaining to the amend-*
8 *ments made by this Act to the Small Business Act by this*
9 *title. The Administrator shall provide notice and oppor-*
10 *tunity for comment on such guidance for a period of not*
11 *less than 60 days.*

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 there-*
3 *for) 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 au-*
9 *thorizations for military construction projects, land acqui-*
10 *sition, family housing projects and facilities, and contribu-*
11 *tions to the North Atlantic Treaty Organization Security*
12 *Investment Program (and authorizations of appropriations*
13 *therefor), for which appropriated funds have been obligated*
14 *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 construc-*
18 *tion 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 ap-
 7 *propriated pursuant to the authorization of appropriations*
 8 *in section 2103(a) and available for military construction*
 9 *projects inside the United States as specified in the funding*
 10 *table in section 4601, the Secretary of the Army may ac-*
 11 *quire real property and carry out military construction*
 12 *projects for the installations or locations inside the United*
 13 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

State	Installation	Amount
<i>Alaska</i>	<i>Fort Wainwright</i>	<i>\$47,000,000</i>
<i>California</i>	<i>Concord</i>	<i>\$12,600,000</i>
<i>Colorado</i>	<i>Fort Carson</i>	<i>\$13,100,000</i>
<i>Georgia</i>	<i>Fort Gordon</i>	<i>\$129,600,000</i>
	<i>Fort Stewart</i>	<i>\$14,800,000</i>
<i>Hawaii</i>	<i>Fort Shafter</i>	<i>\$40,000,000</i>
<i>Missouri</i>	<i>Fort Leonard Wood</i>	<i>\$6,900,000</i>
<i>Texas</i>	<i>Fort Hood</i>	<i>\$7,600,000</i>
<i>Utah</i>	<i>Camp Williams</i>	<i>\$7,400,000</i>
<i>Virginia</i>	<i>Fort Belvoir</i>	<i>\$23,000,000</i>

14 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
 15 *appropriated pursuant to the authorization of appropria-*
 16 *tions in section 2103(a) and available for military con-*
 17 *struction projects outside the United States as specified in*
 18 *the funding table in section 4601, the Secretary of the Army*
 19 *may acquire real property and carry out the military con-*
 20 *struction project for the installations or locations outside*

1 *the United States, and in the amount, set forth in the fol-*
 2 *lowing table:*

Army: Outside the United States

Country	Installation	Amount
<i>Cuba</i>	<i>Guantanamo Bay</i>	<i>\$33,000,000</i>
<i>Germany</i>	<i>East Camp Grafenwoehr</i>	<i>\$22,000,000</i>
	<i>Garmisch</i>	<i>\$9,600,000</i>
	<i>Wiesbaden Army Airfield</i>	<i>\$19,200,000</i>

3 **SEC. 2102. FAMILY HOUSING.**

4 (a) *CONSTRUCTION AND ACQUISITION.—Using*
 5 *amounts appropriated pursuant to the authorization of ap-*
 6 *propriations in section 2103(a) and available for military*
 7 *family housing functions as specified in the funding table*
 8 *in section 4601, the Secretary of the Army may construct*
 9 *or acquire family housing units (including land acquisition*
 10 *and supporting facilities) at the installations or locations,*
 11 *in the number of units, and in the amounts set forth in*
 12 *the following table:*

Army: Family Housing

State/Country	Installation	Units	Amount
<i>Korea</i>	<i>Camp Humphreys</i>	<i>Family Housing New Construction</i>	<i>\$297,000,000</i>
	<i>Camp Walker</i>	<i>Family Housing New Construction</i>	<i>\$54,554,000</i>

13 (b) *PLANNING AND DESIGN.—Using amounts appro-*
 14 *priated pursuant to the authorization of appropriations in*
 15 *section 2103(a) and available for military family housing*
 16 *functions as specified in the funding table in section 4601,*
 17 *the Secretary of the Army may carry out architectural and*
 18 *engineering services and construction design activities with*

1 *respect to the construction or improvement of family hous-*
2 *ing units in an amount not to exceed \$2,618,000.*

3 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

4 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
5 *hereby authorized to be appropriated for fiscal years begin-*
6 *ning after September 30, 2016, for military construction,*
7 *land acquisition, and military family housing functions of*
8 *the Department of the Army as specified in the funding*
9 *table in section 4601.*

10 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
11 *PROJECTS.—Notwithstanding the cost variations author-*
12 *ized by section 2853 of title 10, United States Code, and*
13 *any other cost variation authorized by law, the total cost*
14 *of all projects carried out under section 2101 may not ex-*
15 *ceed the total amount authorized to be appropriated under*
16 *subsection (a), as specified in the funding table in section*
17 *4601.*

18 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**

19 **CERTAIN FISCAL YEAR 2014 PROJECT.**

20 *In the case of the authorization contained in the table*
21 *in section 2101(a) of the Military Construction Authoriza-*
22 *tion Act for Fiscal Year 2014 (division B of Public Law*
23 *113–66; 127 Stat. 986) for Joint Base Lewis-McChord,*
24 *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 the
 6 *Military Construction Authorization Act for Fiscal Year*
 7 *2013 (division B of Public Law 112-239; 126 Stat. 2118),*
 8 *the authorizations set forth in the table in subsection (b),*
 9 *as provided in section 2101 of that Act (126 Stat. 2119)*
 10 *and extended by section 2107 of the Military Construction*
 11 *Authorization Act for Fiscal Year 2016 (division B of Pub-*
 12 *lic Law 114–92; 129 Stat. 1148), shall remain in effect*
 13 *until October 1, 2017, or the date of the enactment of an*
 14 *Act authorizing funds for military construction for fiscal*
 15 *year 2018, whichever is later.*

16 (b) *TABLE.*—The table referred to in subsection (a) is
 17 as follows:

Army: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
<i>Kansas</i>	<i>Fort Riley</i>	<i>Unmanned Aerial Vehicle Complex.</i>	<i>\$12,200,000</i>
<i>Virginia</i>	<i>Fort Belvoir</i>	<i>Secure Admin/Operations Facility.</i>	<i>\$172,200,000</i>
<i>Italy</i>	<i>Camp Ederle</i>	<i>Barracks</i>	<i>\$36,000,000</i>
<i>Japan</i>	<i>Sagami</i>	<i>Vehicle Maintenance Shop.</i>	<i>\$18,000,000</i>

1 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2014 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2014 (division B of Public Law 113–66; 127 Stat. 985),*
 6 *the authorizations set forth in the table in subsection (b),*
 7 *as provided in section 2101 of that Act (127 Stat. 986) shall*
 8 *remain in effect until October 1, 2017, or the date of the*
 9 *enactment of an Act authorizing funds for military con-*
 10 *struction for fiscal year 2018, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is
 12 *as follows:*

Army: Extension of 2014 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Maryland</i>	<i>Fort Detrick</i>	<i>Entry Control Point</i>	<i>\$2,500,000</i>
<i>Kwajalein Atoll</i>	<i>Kwajalein</i>	<i>Pier</i>	<i>\$63,000,000</i>
<i>Japan</i>	<i>Kyotango City</i>	<i>Company Operations Complex.</i>	<i>\$33,000,000</i>

13 **TITLE XXII—NAVY MILITARY**
 14 **CONSTRUCTION**

15 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 16 **ACQUISITION PROJECTS.**

17 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 18 *propriated pursuant to the authorization of appropriations*
 19 *in section 2204(a) and available for military construction*
 20 *projects inside the United States as specified in the funding*
 21 *table in section 4601, the Secretary of the Navy may ac-*

- 1 *quire real property and carry out military construction*
 2 *projects for the installations or locations inside the United*
 3 *States, and in the amounts, set forth in the following table:*

Navy: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Yuma</i>	<i>\$48,355,000</i>
<i>California</i>	<i>Coronado</i>	<i>\$104,501,000</i>
	<i>Lemoore</i>	<i>\$26,723,000</i>
	<i>Miramar</i>	<i>\$193,600,000</i>
	<i>Seal Beach</i>	<i>\$21,007,000</i>
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>\$20,489,000</i>
	<i>Mayport</i>	<i>\$66,000,000</i>
	<i>Pensacola</i>	<i>\$53,000,000</i>
<i>Guam</i>	<i>Joint Region Marianas</i>	<i>\$89,185,000</i>
<i>Hawaii</i>	<i>Barking Sands</i>	<i>\$43,384,000</i>
	<i>Kaneohe Bay</i>	<i>\$72,565,000</i>
<i>Maine</i>	<i>Kittery</i>	<i>\$47,892,000</i>
<i>Maryland</i>	<i>Patuxent River</i>	<i>\$40,576,000</i>
<i>Nevada</i>	<i>Fallon</i>	<i>\$13,523,000</i>
<i>North Carolina</i>	<i>Camp Lejeune</i>	<i>\$18,482,000</i>
	<i>Cherry Point Marine Corps Air Station</i>	<i>\$12,515,000</i>
<i>South Carolina</i>	<i>Beaufort</i>	<i>\$83,490,000</i>
	<i>Parris Island</i>	<i>\$29,882,000</i>
<i>Washington</i>	<i>Bangor</i>	<i>\$113,415,000</i>
	<i>Bremerton</i>	<i>\$6,704,000</i>
	<i>Whidbey Island</i>	<i>\$75,976,000</i>

- 4 *(b) OUTSIDE THE UNITED STATES.—Using amounts*
 5 *appropriated pursuant to the authorization of appropria-*
 6 *tions in section 2204(a) and available for military con-*
 7 *struction projects outside the United States as specified in*
 8 *the funding table in section 4601, the Secretary of the Navy*
 9 *may acquire real property and carry out military construc-*
 10 *tion projects for the installation or location outside the*
 11 *United States, and in the amounts, set forth in the following*
 12 *table:*

Navy: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Japan</i>	<i>Kadena Air Base</i>	<i>\$26,489,000</i>
	<i>Sasebo</i>	<i>\$16,420,000</i>
<i>Spain</i>	<i>Rota</i>	<i>\$23,607,000</i>
<i>Worldwide Unspecified</i>	<i>Unspecified Worldwide Locations</i>	<i>\$41,380,000</i>

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
<i>Mariana Islands</i>	<i>Guam</i>	<i>Replace Andersen Housing PH 1</i>	\$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 with
 17 respect to the construction or improvement of family hous-
 18 ing units in an amount not to exceed \$4,149,000.

19 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 20 **UNITS.**

21 *Subject to section 2825 of title 10, United States Code,*
 22 *and using amounts appropriated pursuant to the author-*
 23 *ization of appropriations in section 2204(a) and available*

1 *for military family housing functions as specified in the*
2 *funding table in section 4601, the Secretary of the Navy*
3 *may improve existing military family housing units in an*
4 *amount not to exceed \$11,047,000.*

5 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

6 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
7 *hereby authorized to be appropriated for fiscal years begin-*
8 *ning after September 30, 2016, for military construction,*
9 *land acquisition, and military family housing functions of*
10 *the Department of the Navy, as specified in the funding*
11 *table in section 4601.*

12 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
13 *PROJECTS.—Notwithstanding the cost variations author-*
14 *ized by section 2853 of title 10, United States Code, and*
15 *any other cost variation authorized by law, the total cost*
16 *of all projects carried out under section 2201 may not ex-*
17 *ceed the total amount authorized to be appropriated under*
18 *subsection (a), as specified in the funding table in section*
19 *4601.*

20 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
21 **CERTAIN FISCAL YEAR 2014 PROJECT.**

22 *In the case of the authorization contained in the table*
23 *in section 2201 of the Military Construction Authorization*
24 *Act for Fiscal Year 2014 (division B of Public Law 113–*
25 *66; 127 Stat. 989) for Pearl City, Hawaii, for construction*

1 of a water transmission line at that location, the Secretary
 2 of the Navy may construct a 591-meter (1,940-foot) long
 3 16-inch diameter water transmission line as part of the net-
 4 work required to provide the main water supply to Joint
 5 Base Pearl Harbor-Hickam, Hawaii.

6 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 7 **FISCAL YEAR 2013 PROJECTS.**

8 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 9 Military Construction Authorization Act for Fiscal Year
 10 2013 (division B of Public Law 112–239; 126 Stat. 2118),
 11 the authorizations set forth in the table in subsection (b),
 12 as provided in section 2201 of that Act (126 Stat. 2122)
 13 and extended by section 2206 of the Military Construction
 14 Authorization Act for Fiscal Year 2016 (division B of Pub-
 15 lic Law 114–92; 129 Stat. 1151), shall remain in effect
 16 until October 1, 2017, or the date of the enactment of an
 17 Act authorizing funds for military construction for fiscal
 18 year 2018, whichever is later.

19 (b) *TABLE.*—The table referred to in subsection (a) is
 20 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

Navy: Extension of 2013 Project Authorizations—Continued

State/Country	Installation or Location	Project	Amount
<i>Worldwide Unspecified.</i>	<i>Various Worldwide Locations</i>	<i>BAMS Operational Facilities</i>	<i>\$34,048,000</i>

1 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2014 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2002 of the
4 *Military Construction Authorization Act for Fiscal Year*
5 *2014 (division B of Public Law 113–66; 127 Stat. 985),*
6 *the authorizations set forth in the table in subsection (b),*
7 *as provided in section 2201 of that Act (127 Stat. 989),*
8 *shall remain in effect until October 1, 2017, or the date*
9 *of the enactment of an Act authorizing funds for military*
10 *construction for fiscal year 2018, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is
12 *as follows:*

Navy: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
<i>Hawaii</i>	<i>Kaneohe Bay</i>	<i>Aircraft Maintenance Hangar Upgrades</i>	<i>\$31,820,000</i>
	<i>Pearl City</i>	<i>Water Transmission Line</i>	<i>\$30,100,000</i>
<i>Maine</i>	<i>Bangor</i>	<i>NCTAMS VLF Commercial Power Connection</i>	<i>\$13,800,000</i>
<i>Nevada</i>	<i>Fallon</i>	<i>Wastewater Treatment Plant</i>	<i>\$11,334,000</i>
<i>Virginia</i>	<i>Quantico</i>	<i>Academic Instruction Facility TECOM Schools</i>	<i>\$25,731,000</i>
	<i>Quantico</i>	<i>Fuller Road Improvements</i>	<i>\$9,013,000</i>

1 **SEC. 2208. STATUS OF “NET NEGATIVE” POLICY REGARDING**
2 **NAVY ACREAGE ON GUAM.**

3 (a) *REPORT ON STATUS.*—

4 (1) *REPORT.*—Not later than 6 months after the
5 date of the enactment of this Act, the Secretary of the
6 Navy shall submit a report to the congressional de-
7 fense committees regarding the status of the imple-
8 mentation of the “net negative” policy regarding the
9 total number of acres of the real property controlled
10 by the Department of the Navy on Guam, as described
11 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 Jan-
18 uary 20, 2011, or which the Navy plans to
19 transfer to the control of Guam, as well as a de-
20 scription of the specific legal authority under
21 which the Navy has transferred or will transfer
22 each such property.

23 (B) The methodology and process the Navy
24 will use to determine the total number of acres
25 of real property that the Navy will transfer or
26 has transferred to the control of Guam as part

1 of the “net negative” policy, and the date on
2 which the Navy will transfer or has transferred
3 control of any such property.

4 (C) A description of the real property con-
5 trolled by the Navy on Guam which the Navy
6 plans to retain under its control and the reasons
7 for retaining such property, including a detailed
8 explanation of the reasons for retaining any such
9 property which has not been developed or for
10 which no development has been proposed under
11 the current installation master plans for major
12 military installations (as described in section
13 2864 of title 10, United States Code).

14 (3) *EXCLUSION OF CERTAIN PROPERTY.*—In pre-
15 paring and submitting the report under this sub-
16 section, the Secretary may not take into account any
17 real property which has been identified prior to Jan-
18 uary 20, 2011, as property to be transferred to the
19 Government of Guam under the Guam Excess Lands
20 Act (Public Law 103–339) or the Guam Land Use
21 Plan (GLUP) 1977, or pursuant to base realignment
22 and closure authorized under the Defense Base Clo-
23 sure and Realignment Act of 1990 (part A of title
24 XXIX of Public Law 101-510; 10 U.S.C. 2687 note),

1 *whether or not the Navy transferred control of any*
 2 *such property to Guam at any time.*

3 *(b) POLICY DESCRIBED.—The “net negative” policy*
 4 *described in this section is the policy of the Secretary of*
 5 *the Navy, as expressed in the statement released by Under*
 6 *Secretary of the Navy on January 20, 2011, that the reloca-*
 7 *tion of Marines to Guam occurring during 2011 will not*
 8 *cause the total number of acres of real property controlled*
 9 *by the Navy on Guam upon the completion of such reloca-*
 10 *tion to exceed the total number of acres of real property*
 11 *controlled by the Navy on Guam prior to such relocation.*

12 **TITLE XXIII—AIR FORCE**
 13 **MILITARY CONSTRUCTION**

14 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 15 **LAND ACQUISITION PROJECTS.**

16 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 17 *propriated pursuant to the authorization of appropriations*
 18 *in section 2304(a) and available for military construction*
 19 *projects inside the United States as specified in the funding*
 20 *table in section 4601, the Secretary of the Air Force may*
 21 *acquire real property and carry out military construction*
 22 *projects for the installations or locations inside the United*
 23 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Alaska</i>	<i>Clear Air Force Station</i>	\$20,000,000
	<i>Eielson Air Force Base</i>	\$213,300,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
	<i>Joint Base Elmendorf-Richardson</i>	\$29,000,000
<i>Arizona</i>	<i>Luke Air Force Base</i>	\$20,000,000
<i>California</i>	<i>Edwards Air Force Base</i>	\$24,000,000
<i>Colorado</i>	<i>Buckley Air Force Base</i>	\$13,500,000
<i>Delaware</i>	<i>Dover Air Force Base</i>	\$39,000,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	\$88,600,000
	<i>Patrick Air Force Base</i>	\$13,500,000
<i>Georgia</i>	<i>Moody Air Force Base</i>	\$30,900,000
<i>Guam</i>	<i>Joint Region Marianas</i>	\$80,658,000
<i>Kansas</i>	<i>McConnell Air Force Base</i>	\$19,800,000
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	\$21,000,000
<i>Maryland</i>	<i>Joint Base Andrews</i>	\$66,500,000
<i>Massachusetts</i>	<i>Hanscom Air Force Base</i>	\$30,965,000
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	\$14,600,000
<i>Nevada</i>	<i>Nellis Air Force Base</i>	\$10,600,000
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	\$21,000,000
	<i>Holloman Air Force Base</i>	\$10,600,000
	<i>Kirtland Air Force Base</i>	\$7,300,000
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	\$12,600,000
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	\$11,600,000
	<i>Tinker Air Force Base</i>	\$43,000,000
<i>South Carolina</i>	<i>Joint Base Charleston</i>	\$17,000,000
<i>Texas</i>	<i>Joint Base San Antonio</i>	\$67,300,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$44,500,000
<i>Virginia</i>	<i>Joint Base Langley-Eustis</i>	\$59,200,000
<i>Washington</i>	<i>Fairchild Air Force Base</i>	\$27,000,000
<i>Wyoming</i>	<i>F.E. Warren Air Force Base</i>	\$5,550,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 *appropriated pursuant to the authorization of appropri-*
3 *ations in section 2304(a) and available for military con-*
4 *struction projects outside the United States as specified in*
5 *the funding table in section 4601, the Secretary of the Air*
6 *Force may acquire real property and carry out military*
7 *construction projects for the installation or location outside*
8 *the United States, and in the amount, set forth in the fol-*
9 *lowing table:*

Air Force: Outside the United States

Country	Installation or Location	Amount
<i>Australia</i>	<i>Darwin</i>	\$30,400,000
<i>Germany</i>	<i>Ramstein Air Base</i>	\$13,437,000
	<i>Spangdahlem Air Base</i>	\$43,465,000
<i>Japan</i>	<i>Kadena Air Base</i>	\$19,815,000
	<i>Yokota Air Base</i>	\$32,020,000
<i>Mariana Islands</i>	<i>Unspecified Location</i>	\$9,000,000

Air Force: Outside the United States—Continued

Country	Installation or Location	Amount
<i>Turkey</i>	<i>Incirlik Air Base</i>	<i>\$13,449,000</i>
<i>United Arab Emirates</i>	<i>Al Dhafra</i>	<i>\$35,400,000</i>
<i>United Kingdom</i>	<i>Croughton RAF</i>	<i>\$16,500,000</i>

1 **SEC. 2302. FAMILY HOUSING.**

2 *Using amounts appropriated pursuant to the author-*
3 *ization of appropriations in section 2304(a) and available*
4 *for military family housing functions as specified in the*
5 *funding table in section 4601, the Secretary of the Air Force*
6 *may carry out architectural and engineering services and*
7 *construction design activities with respect to the construc-*
8 *tion or improvement of family housing units in an amount*
9 *not to exceed \$4,368,000.*

10 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
11 **UNITS.**

12 *Subject to section 2825 of title 10, United States Code,*
13 *and using amounts appropriated pursuant to the author-*
14 *ization of appropriations in section 2304(a) and available*
15 *for military family housing functions as specified in the*
16 *funding table in section 4601, the Secretary of the Air Force*
17 *may improve existing military family housing units in an*
18 *amount not to exceed \$56,984,000.*

19 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
20 **FORCE.**

21 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
22 *hereby authorized to be appropriated for fiscal years begin-*

1 *ning after September 30, 2016, for military construction,*
2 *land acquisition, and military family housing functions of*
3 *the Department of the Air Force, as specified in the funding*
4 *table in section 4601.*

5 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
6 *PROJECTS.—Notwithstanding the cost variations author-*
7 *ized by section 2853 of title 10, United States Code, and*
8 *any other cost variation authorized by law, the total cost*
9 *of all projects carried out under section 2301 may not ex-*
10 *ceed the total amount authorized to be appropriated under*
11 *subsection (a), as specified in the funding table in section*
12 *4601.*

13 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
14 **CERTAIN FISCAL YEAR 2016 PROJECT.**

15 *In the case of the authorization contained in the table*
16 *in section 2301(a) of the Military Construction Authoriza-*
17 *tion Act for Fiscal Year 2016 (division B of Public Law*
18 *114–92; 129 Stat. 1152) for Malmstrom Air Force Base,*
19 *Montana, for construction of a Tactical Response Force*
20 *Alert Facility at the installation, the Secretary of the Air*
21 *Force may construct an emergency power generator system*
22 *consistent with the Air Force’s construction guidelines.*

1 **SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN**
 2 **FISCAL YEAR 2013 PROJECT.**

3 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2013 (division B of Public Law 112–239; 126 Stat. 2118),*
 6 *the authorization set forth in the table in subsection (b),*
 7 *as provided in section 2301 of that Act (126 Stat. 2126)*
 8 *and extended by section 2309 of the Military Construction*
 9 *Authorization Act for Fiscal Year 2016 (division B of Pub-*
 10 *lic Law 114–92; 129 Stat. 1155), shall remain in effect*
 11 *until October 1, 2017, or the date of the enactment of an*
 12 *Act authorizing funds for military construction for fiscal*
 13 *year 2018, whichever is later.*

14 (b) *TABLE.*—The table referred to in subsection (a) is
 15 as follows:

Air Force: Extension of 2013 Project Authorization

<i>State/Country</i>	<i>Installation or Lo-</i> <i>cation</i>	<i>Project</i>	<i>Amount</i>
<i>Portugal</i>	<i>Lajes Field</i>	<i>Sanitary Sewer Lift/ Pump Station</i>	<i>\$2,000,000</i>

16 **SEC. 2307. EXTENSION OF AUTHORIZATION OF CERTAIN**
 17 **FISCAL YEAR 2014 PROJECT.**

18 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 19 *Military Construction Authorization Act for Fiscal Year*
 20 *2014 (division B of Public Law 113–66; 127 Stat. 985),*
 21 *the authorization set forth in the table in subsection (b),*
 22 *as provided in section 2301 of that Act (127 Stat. 992),*

1 *shall remain in effect until October 1, 2017, or the date*
 2 *of the enactment of an Act authorizing funds for military*
 3 *construction for fiscal year 2018, whichever is later.*

4 (b) *TABLE.—The table referred to in subsection (a) is*
 5 *as follows:*

Air Force: Extension of 2014 Project Authorizations

<i>Country</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Worldwide Unspecified (Italy).</i>	<i>Aviano Air Base</i>	<i>Guardian Angel Operations Facility ...</i>	<i>\$22,047,000</i>

6 ***SEC. 2308. RESTRICTION ON ACQUISITION OF PROPERTY IN***
 7 ***NORTHERN MARIANA ISLANDS.***

8 *The Secretary of the Air Force may not use any of*
 9 *the amounts authorized to be appropriated under section*
 10 *2304 to acquire property or interests in property at an un-*
 11 *specified location in the Commonwealth of the Northern*
 12 *Mariana Islands, as specified in the funding table set forth*
 13 *in section 2301(b) and the funding table in section 4601,*
 14 *until the congressional defense committees have received*
 15 *from the Secretary a report providing the following infor-*
 16 *mation:*

17 (1) *The specific location of the property or inter-*
 18 *est in property to be acquired.*

19 (2) *The total cost, scope, and location of the*
 20 *military construction projects and the acquisition of*
 21 *property or interests in property required to support*
 22 *the Secretary's proposed divert activities and exercises*

1 *in the Commonwealth of the Northern Mariana Is-*
 2 *lands.*

3 (3) *An analysis of any alternative locations that*
 4 *the Secretary considered acquiring, including other*
 5 *locations or interests within the Commonwealth of the*
 6 *Northern Mariana Islands or the Freely Associated*
 7 *States. For purposes of this paragraph, the term*
 8 *“Freely Associated States” means the Republic of the*
 9 *Marshall Islands, the Federated States of Micronesia,*
 10 *and the Republic of Palau.*

11 **TITLE XXIV—DEFENSE AGEN-**
 12 **CIES MILITARY CONSTRUC-**
 13 **TION**

14 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 15 **TION AND LAND ACQUISITION PROJECTS.**

16 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 17 *propriated pursuant to the authorization of appropriations*
 18 *in section 2403(a) and available for military construction*
 19 *projects inside the United States as specified in the funding*
 20 *table in section 4601, the Secretary of Defense may acquire*
 21 *real property and carry out military construction projects*
 22 *for the installations or locations inside the United States,*
 23 *and in the amounts, set forth in the following table:*

Defense Agencies: Inside the United States

State	Installation or Location	Amount
<i>Alaska</i>	<i>Clear Air Force Station</i>	<i>\$155,000,000</i>
	<i>Fort Greely</i>	<i>\$9,560,000</i>
	<i>Joint Base Elmendorf-Richardson</i>	<i>\$4,900,000</i>

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
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

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a) and available for military con-
4 struction projects outside the United States as specified in
5 the funding table in section 4601, the Secretary of Defense
6 may acquire real property and carry out military construc-
7 tion projects for the installations or locations outside the
8 United States, and in the amounts, set forth in the following
9 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 ap-
 4 propriated pursuant to the authorization of appropriations
 5 in section 2403(a) and available for energy conservation
 6 projects as specified in the funding table in section 4601,
 7 the Secretary of Defense may carry out energy conservation
 8 projects under chapter 173 of title 10, United States Code,
 9 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
 14 funding table in section 4601, the Secretary of Defense may
 15 carry out energy conservation projects under chapter 173
 16 of title 10, United States Code, for the installations or loca-
 17 tions outside the United States, and in the amounts, set
 18 forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
<i>Cuba</i>	<i>Guantanamo Bay</i>	<i>\$6,080,000</i>
<i>Diego Garcia</i>	<i>NSF Diego Garcia</i>	<i>\$17,010,000</i>
<i>Japan</i>	<i>Kadena Air Base</i>	<i>\$4,007,000</i>
	<i>Misawa Air Base</i>	<i>\$5,315,000</i>
<i>Spain</i>	<i>Rota</i>	<i>\$3,710,000</i>
<i>Various Locations</i>	<i>Various Locations</i>	<i>\$2,705,000</i>

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
2 **AGENCIES.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*Funds are*
4 *hereby authorized to be appropriated for fiscal years begin-*
5 *ning after September 30, 2016, for military construction,*
6 *land acquisition, and military family housing functions of*
7 *the Department of Defense (other than the military depart-*
8 *ments), as specified in the funding table in section 4601.*

9 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
10 *PROJECTS.*—*Notwithstanding the cost variations author-*
11 *ized by section 2853 of title 10, United States Code, and*
12 *any other cost variation authorized by law, the total cost*
13 *of all projects carried out under section 2401 of this Act*
14 *may not exceed the total amount authorized to be appro-*
15 *priated under subsection (a), as specified in the funding*
16 *table in section 4601.*

17 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
18 **CERTAIN FISCAL YEAR 2014 PROJECT.**

19 *In the case of the authorization in the table in section*
20 *2401(b) of the Military Construction Authorization Act for*
21 *Fiscal Year 2014 (division B of Public Law 113–66; 127*

1 *Stat. 996), for Royal Air Force Lakenheath, United King-*
 2 *dom, for construction of a high school, the Secretary of De-*
 3 *fense may construct a combined middle/high school.*

4 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 5 **FISCAL YEAR 2013 PROJECTS.**

6 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 7 *Military Construction Authorization Act for Fiscal Year*
 8 *2013 (division B of Public Law 112–239; 126 Stat. 2118),*
 9 *the authorizations set forth in the table in subsection (b),*
 10 *as provided in section 2401 of that Act (126 Stat. 2127),*
 11 *as amended by section 2406(a) of the Military Construction*
 12 *Authorization Act for Fiscal Year 2016 (division B of Pub-*
 13 *lic Law 114–92; 129 Stat. 1160), shall remain in effect*
 14 *until October 1, 2017, or the date of the enactment of an*
 15 *Act authorizing funds for military construction for fiscal*
 16 *year 2018, whichever is later.*

17 (b) *TABLE.*—The table referred to in subsection (a) is
 18 *as follows:*

Defense Agencies: Extension of 2013 Project Authorizations

<i>State/Country</i>	<i>Installation or Lo-</i> <i>cation</i>	<i>Project</i>	<i>Amount</i>
<i>Japan</i>	<i>Camp Zama</i>	<i>Renovate Zama High</i> <i>School</i>	<i>\$13,273,000</i>
<i>Pennsylvania</i>	<i>New Cumberland</i>	<i>Replace Reservoir</i>	<i>\$4,300,000</i>

19 **SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 20 **FISCAL YEAR 2014 PROJECTS.**

21 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 22 *Military Construction Authorization Act for Fiscal Year*

1 2014 (division B of Public Law 113–66; 127 Stat. 985),
 2 the authorizations set forth in the table in subsection (b),
 3 as provided in section 2401 of that Act (127 Stat. 995),
 4 shall remain in effect until October 1, 2017 or the date of
 5 the enactment of an Act authorizing funds for military con-
 6 struction for fiscal year 2018, whichever is later.

7 (b) TABLE.—The table referred to in subsection (a) is
 8 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
	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 construc-*
14 *tion previously financed by the United States.*

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal years beginning after September 30, 2016, for contribu-*
18 *tions by the Secretary of Defense under section 2806 of title*
19 *10, United States Code, for the share of the United States*
20 *of the cost of projects for the North Atlantic Treaty Organi-*
21 *zation Security Investment Program authorized by section*
22 *2501 as specified in the funding table in section 4601.*

1 **TITLE XXVI—GUARD AND**
 2 **RESERVE FORCES FACILITIES**
 3 **Subtitle A—Project Authorizations**
 4 **and Authorization of Appropria-**
 5 **tions**

6 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 7 **STRUCTION AND LAND ACQUISITION**
 8 **PROJECTS.**

9 *Using amounts appropriated pursuant to the author-*
 10 *ization of appropriations in section 2606 and available for*
 11 *the National Guard and Reserve as specified in the funding*
 12 *table in section 4601, the Secretary of the Army may ac-*
 13 *quire real property and carry out military construction*
 14 *projects for the Army National Guard locations inside the*
 15 *United States, and in the amounts, set forth in the following*
 16 *table:*

Army National Guard

State	Location	Amount
<i>Colorado</i>	<i>Fort Carson</i>	<i>\$16,500,000</i>
<i>Hawaii</i>	<i>Hilo</i>	<i>\$31,000,000</i>
<i>Iowa</i>	<i>Davenport</i>	<i>\$23,000,000</i>
<i>Kansas</i>	<i>Fort Leavenworth</i>	<i>\$29,000,000</i>
<i>New Hampshire</i>	<i>Hooksett</i>	<i>\$11,000,000</i>
	<i>Rochester</i>	<i>\$8,900,000</i>
<i>Oklahoma</i>	<i>Ardmore</i>	<i>\$22,000,000</i>
<i>Pennsylvania</i>	<i>Fort Indiantown Gap</i>	<i>\$20,000,000</i>
	<i>York</i>	<i>\$9,300,000</i>
<i>Rhode Island</i>	<i>East Greenwich</i>	<i>\$20,000,000</i>
<i>Utah</i>	<i>Camp Williams</i>	<i>\$37,000,000</i>
<i>Wyoming</i>	<i>Camp Guernsey</i>	<i>\$31,000,000</i>
	<i>Laramie</i>	<i>\$21,000,000</i>

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 funding*
 6 *table in section 4601, the Secretary of the Army may ac-*
 7 *quire 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 table:*

Army Reserve

State	Location	Amount
<i>Arizona</i>	<i>Phoenix</i>	<i>\$30,000,000</i>
<i>California</i>	<i>Barstow</i>	<i>\$29,000,000</i>
	<i>Camp Parks</i>	<i>\$19,000,000</i>
	<i>Fort Hunter Liggett</i>	<i>\$21,500,000</i>
<i>Virginia</i>	<i>Dublin</i>	<i>\$6,000,000</i>
<i>Washington</i>	<i>Joint Base Lewis-McChord</i>	<i>\$27,500,000</i>
<i>Wisconsin</i>	<i>Fort McCoy</i>	<i>\$11,400,000</i>

10 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 11 **CORPS RESERVE CONSTRUCTION AND LAND**
 12 **ACQUISITION PROJECTS.**

13 *Using amounts appropriated pursuant to the author-*
 14 *ization of appropriations in section 2606 and available for*
 15 *the National Guard and Reserve as specified in the funding*
 16 *table in section 4601, the Secretary of the Navy may ac-*
 17 *quire real property and carry out military construction*
 18 *projects for the Navy Reserve and Marine Corps Reserve*
 19 *locations inside the United States, and in the amounts, set*
 20 *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 CONSTRU-**
 2 **CTION 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 funding*
 6 *table in section 4601, the Secretary of the Air Force may*
 7 *acquire real property and carry out military construction*
 8 *projects for the Air National Guard locations inside the*
 9 *United States, and in the amounts, set forth in the following*
 10 *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 CONSTRU-**
 12 **CTION AND LAND ACQUISITION PROJECTS.**

13 *Using amounts appropriated pursuant to the author-*
 14 *ization of appropriations in section 2606 and available for*
 15 *the National Guard and Reserve as specified in the funding*

1 *table in section 4601, the Secretary of the Air Force may*
 2 *acquire real property and carry out military construction*
 3 *projects for the Air Force Reserve locations inside the*
 4 *United States, and in the amounts, set forth in the following*
 5 *table:*

Air Force Reserve

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>Guam</i>	<i>Anderson Air Force Base</i>	<i>\$5,200,000</i>
<i>Massachusetts</i>	<i>Westover Air Reserve Base</i>	<i>\$9,200,000</i>
<i>North Carolina</i>	<i>Seymour Johnson Air Force Base</i>	<i>\$97,950,000</i>
<i>Pennsylvania</i>	<i>Pittsburgh IAP</i>	<i>\$85,000,000</i>
<i>Utah</i>	<i>Hill Air Force Base</i>	<i>\$3,050,000</i>

6 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
 7 **TIONAL GUARD AND RESERVE.**

8 *Funds are hereby authorized to be appropriated for fis-*
 9 *cal years beginning after September 30, 2016, for the costs*
 10 *of acquisition, architectural and engineering services, and*
 11 *construction of facilities for the Guard and Reserve Forces,*
 12 *and for contributions therefor, under chapter 1803 of title*
 13 *10, United States Code (including the cost of acquisition*
 14 *of land for those facilities), as specified in the funding table*
 15 *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 construction
2 of a new Army Reserve Center at that location, the Sec-
3 retary of the Army may add to or alter the existing Army
4 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 con-*
11 *struction of a Reserve Training Center at that location, the*
12 *Secretary of the Navy may acquire approximately 8.5 acres*
13 *(370,260 square feet) of adjacent land, obtain necessary in-*
14 *terest in land, and construct road improvements and associ-*
15 *ated supporting facilities to provide required access to the*
16 *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 Army
 2 Reserve facilities.

3 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**
 4 **FISCAL YEAR 2013 PROJECT.**

5 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 6 Military Construction Authorization Act for Fiscal Year
 7 2013 (division B of Public Law 112-239; 126 Stat. 2118),
 8 the authorizations set forth in the table in subsection (b),
 9 as provided in section 2603 of that Act (126 Stat. 2135)
 10 and extended by section 2614 of the Military Construction
 11 Authorization Act for Fiscal Year 2016 (division B of Pub-
 12 lic Law 114-92; 129 Stat. 1166), shall remain in effect until
 13 October 1, 2017, or the date of the enactment of an Act
 14 authorizing funds for military construction for fiscal year
 15 2018, whichever is later.

16 (b) *TABLE.*—The table referred to in subsection (a) is
 17 as follows:

**National Guard and Reserve: Extension of 2013 Project
 Authorization**

<i>State</i>	<i>Installation or Lo- cation</i>	<i>Project</i>	<i>Amount</i>
<i>Iowa</i>	<i>Fort Des Moines</i>	<i>Joint Reserve Center</i>	<i>\$19,162,000</i>

18 **SEC. 2615. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 19 **FISCAL YEAR 2014 PROJECTS.**

20 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 21 Military Construction Authorization Act for Fiscal Year
 22 2014 (division B of Public Law 113-66; 127 Stat. 985),

1 *the authorizations set forth in the table in subsection (b),*
 2 *as provided in sections 2602, 2603, 2604, and 2605 of that*
 3 *Act (127 Stat. 1001, 1002), shall remain in effect until Oc-*
 4 *tober 1, 2017, or the date of the enactment of an Act author-*
 5 *izing funds for military construction for fiscal year 2018,*
 6 *whichever is later.*

7 (b) *TABLE.—The table referred to in subsection (a) is*
 8 *as follows:*

National Guard and Reserve: Extension of 2014 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California</i>	<i>Camp Parks</i>	<i>Army Reserve Center</i>	<i>\$17,500,000</i>
<i>.....</i>	<i>March Air Force Base</i>	<i>NOSC Moreno Valley Reserve Training Center</i>	<i>\$11,086,000</i>
<i>Florida</i>	<i>Homestead ARB</i>	<i>Entry Control Complex</i>	<i>\$9,800,000</i>
<i>Maryland</i>	<i>Fort Meade</i>	<i>175th Network Warfare Squadron Facility</i>	<i>\$4,000,000</i>
<i>.....</i>	<i>Martin State Airport</i>	<i>Cyber/ISR Facility ...</i>	<i>\$8,000,000</i>
<i>New York</i>	<i>Bullville</i>	<i>Army Reserve Center</i>	<i>\$14,500,000</i>

9 **TITLE XXVII—BASE REALIGN-**
 10 **MENT AND CLOSURE ACTIVI-**
 11 **TIES**

12 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE**
 13 **REALIGNMENT AND CLOSURE ACTIVITIES**
 14 **FUNDED THROUGH DEPARTMENT OF DE-**
 15 **FENSE BASE CLOSURE ACCOUNT.**

16 *Funds are hereby authorized to be appropriated for fis-*
 17 *cal years beginning after September 30, 2016, for base re-*
 18 *alignment and closure activities, including real property*

1 *acquisition and military construction projects, as author-*
2 *ized by the Defense Base Closure and Realignment Act of*
3 *1990 (part A of title XXIX of Public Law 101-510; 10*
4 *U.S.C. 2687 note) and funded through the Department of*
5 *Defense Base Closure Account established by section 2906*
6 *of such Act (as amended by section 2711 of the Military*
7 *Construction Authorization Act for Fiscal Year 2013 (divi-*
8 *sion B of Public Law 112-239; 126 Stat. 2140)), as speci-*
9 *fied 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 an*
14 *additional Base Realignment and Closure (BRAC) round.*
15 *Nothing in the previous sentence shall be construed to affect*
16 *the authority of the Secretary of Defense to comply with*
17 *any requirement under law, or with any request of a con-*
18 *gressional defense committee, to conduct an analysis, study,*
19 *or report of the infrastructure needs of the Department of*
20 *Defense, including the infrastructure inventory required to*
21 *be prepared under section 2815(a)(2) of the National De-*
22 *fense Authorization Act for Fiscal Year 2016 (Public Law*
23 *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 such*
16 *title is amended—*

17 *(1) by striking the second sentence of paragraph*
18 *(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 project
2 may then be carried out only after the end of the 21-day
3 period beginning on the date the notification is received by
4 the committees or, if earlier, the end of the 14-day period
5 beginning on the date on which a copy of the notification
6 is provided in an electronic medium pursuant to section
7 480 of this title.”.

8 (c) *REPEAL OF SUNSET.*—Section 2805(d) of such title
9 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 States
13 Code, is amended to read as follows:

14 “(e) *REPAIR PROJECT DEFINED.*—In this section, the
15 term ‘repair project’ means a project—

16 “(1) to restore a real property facility, system, or
17 component to such a condition that it may effectively
18 be used for its designated functional purpose; or

19 “(2) to convert a real property facility, system,
20 or component to a new functional purpose without in-
21 creasing 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 sec-
6 tion 2808 of the Military Construction Authorization Act
7 for Fiscal Year 2004 (division B of Public Law 108–136;
8 117 Stat. 1723), as most recently amended by section 2802
9 of the Military Construction Authorization Act for Fiscal
10 Year 2016 (division B of Public Law 114–92; 129 Stat.
11 XXXX), is amended—

12 (1) in paragraph (1), by striking “December 31,
13 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.*—Subsection
17 (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 insert-
21 ing “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 AC-**
2 **CEPTANCE AND USE OF CONTRIBUTIONS FOR**
3 **CERTAIN CONSTRUCTION, MAINTENANCE,**
4 **AND REPAIR PROJECTS MUTUALLY BENE-**
5 **FICIAL TO THE DEPARTMENT OF DEFENSE**
6 **AND KUWAIT MILITARY FORCES.**

7 *Section 2804(f) of the National Defense Authorization*
8 *Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.*
9 *1171; 10 U.S.C. 2350j note) is amended by striking “Sep-*
10 *tember 30, 2020” and inserting “September 30, 2025”.*

11 **SEC. 2805. NOTICE AND REPORTING REQUIREMENTS FOR**
12 **ENERGY CONSERVATION CONSTRUCTION**
13 **PROJECTS.**

14 *(a) CONTENTS OF NOTIFICATIONS.—*

15 *(1) CONTENTS.—Section 2914(b) of title 10,*
16 *United States Code, is amended by striking the period*
17 *at the end of the first sentence and inserting the fol-*
18 *lowing: “, and shall include in the notification the*
19 *justification and current cost estimate for the project,*
20 *the expected savings to investment ratio and simple*
21 *payback estimates, and the project’s measurement and*
22 *validation plan and costs.”.*

23 *(2) EFFECTIVE DATE.—The amendment made by*
24 *paragraph (1) shall apply with respect to notifica-*
25 *tions provided during fiscal year 2017 or any suc-*
26 *ceeding fiscal year.*

1 **(b) ANNUAL REPORT.**—Section 2914 of such title is
2 amended by adding at the end the following new subsection:

3 **“(c) ANNUAL REPORT.**—Not later than 90 days after
4 the end of each fiscal year (beginning with fiscal year
5 2017), the Secretary of Defense shall submit to the appro-
6 priate committees of Congress a report on the status of the
7 projects carried out under this section (including completed
8 projects), and shall include in the report with respect to
9 each such project the following information:

10 **“(1) The title, location, and a brief description**
11 **of the scope of work.**

12 **“(2) The original cost estimate and expected sav-**
13 **ings to investment ratio and simple payback esti-**
14 **mates, and the original measurement and validation**
15 **plan and costs.**

16 **“(3) The most recent cost estimate and expected**
17 **savings to investment ratio and simple payback esti-**
18 **mates, and the most recent version of the measure-**
19 **ment and validation plan and costs.**

20 **“(4) Such other information as the Secretary**
21 **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 Authorization*
 5 *Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.*
 6 *1169; 10 U.S.C. 2358 note) is amended by adding by add-*
 7 *ing at the end the following:*

8 *“(4) A Department of Defense research, develop-*
 9 *ment, 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 ***Subtitle B—Real Property and***
 14 ***Facilities Administration***

15 **SEC. 2811. CONGRESSIONAL NOTIFICATION FOR IN-KIND**
 16 **CONTRIBUTIONS FOR OVERSEAS MILITARY**
 17 **CONSTRUCTION PROJECTS.**

18 *(a) NOTIFICATION REQUIREMENT.—Subsection (f) of*
 19 *section 2687a of title 10, United States Code, is amended*
 20 *to read as follows:*

21 *“(f) CONGRESSIONAL OVERSIGHT OF PAYMENT IN-*
 22 *KIND AND IN-KIND CONTRIBUTIONS FOR OVERSEAS*
 23 *PROJECTS.—(1) In the event the Secretary of Defense ac-*
 24 *cepts a military construction project to be built for Depart-*
 25 *ment of Defense personnel outside the United States as a*
 26 *payment-in-kind or an in-kind contribution required by a*

1 *bilateral agreement with a host country, the Secretary of*
2 *Defense shall submit to the congressional defense committees*
3 *a written notification at least 30 days before the initiation*
4 *date for any such military construction project.*

5 “(2) *A notification under paragraph (1) with respect*
6 *to a proposed military construction project shall include the*
7 *following:*

8 “(A) *The requirements for, and purpose and de-*
9 *scription of, the proposed project.*

10 “(B) *The cost of the proposed project.*

11 “(C) *The scope of the proposed project.*

12 “(D) *The schedule for the proposed project.*

13 “(E) *Such other details as the Secretary con-*
14 *siders relevant.”.*

15 (b) *CONFORMING AMENDMENT.—Section 2802 of such*
16 *title is amended by striking subsection (d).*

17 (c) *REPEAL.—Section 2803 of the Carl Levin and*
18 *Howard “Buck” McKeon National Defense Authorization*
19 *Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat.*
20 *3696) is repealed, and the provisions of law amended by*
21 *subsections (a) and (b) of that section shall be restored as*
22 *if such section had not been enacted into law.*

1 **SEC. 2812. PROHIBITION ON USE OF MILITARY INSTALLA-**
2 **TIONS TO HOUSE UNACCOMPANIED ALIEN**
3 **CHILDREN.**

4 (a) *PROHIBITION.*—A military installation may not
5 be used to house any unaccompanied alien child.

6 (b) *DEFINITIONS.*—In this section:

7 (1) The term “military installation” has the
8 meaning given that term in section 2801(c)(4) of title
9 10, United States Code, but does not include an in-
10 stallation located outside of the United States.

11 (2) The term “unaccompanied alien child” has
12 the meaning given such term in section 462(g)(2) of
13 the Homeland Security Act of 2002 (6 U.S.C.
14 279(g)(2)).

15 **SEC. 2813. ALLOTMENT OF SPACE AND PROVISION OF SERV-**
16 **ICES TO WIC OFFICES OPERATING ON MILI-**
17 **TARY INSTALLATIONS.**

18 (a) *ALLOTMENT OF SPACE AND PROVISION OF SERV-*
19 *ICES AUTHORIZED.*—Chapter 152 of title 10, United States
20 Code, is amended by inserting after section 2566 the fol-
21 lowing new section:

22 **“§ 2567. Space and services: provision to WIC offices**

23 **“(a) ALLOTMENT OF SPACE AND PROVISION OF SERV-**
24 **ICES AUTHORIZED.**—Upon application by a WIC office, the
25 Secretary of a military department may allot space on a
26 military installation under the jurisdiction of the Secretary

1 *to the WIC office without charge for rent or services if the*
2 *Secretary determines that—*

3 “(1) *the WIC office provides or will provide serv-*
4 *ices solely to members of the armed forces assigned to*
5 *the installation, civilian employees of the Department*
6 *of Defense employed at the installation, or dependents*
7 *of such members or employees;*

8 “(2) *space is available on the installation;*

9 “(3) *operation of the WIC office will not hinder*
10 *military mission requirements; and*

11 “(4) *the security situation at the installation*
12 *permits the presence of a non-Federal entity on the*
13 *installation.*

14 “(b) *DEFINITIONS.—In this section:*

15 “(1) *The term ‘services’ includes the provision of*
16 *lighting, heating, cooling, and electricity.*

17 “(2) *The term ‘WIC office’ means a local agency*
18 *(as defined in subsection (b)(6) of section 17 of the*
19 *Child Nutrition Act of 1966 (42 U.S.C. 1786)) that*
20 *participates in the special supplemental nutrition*
21 *program for women, infants, and children under such*
22 *section.’.*

23 “(b) *CLERICAL AMENDMENT.—The table of sections at*
24 *the beginning of chapter 152 of title 10, United States Code,*

1 *is amended by inserting after the item relating to section*
2 *2566 the following new item:*

“2567. Space and services: provision to WIC offices”.

3 **SEC. 2814. SENSE OF CONGRESS REGARDING NEED TO CON-**
4 **SULT WITH STATE AND LOCAL OFFICIALS**
5 **PRIOR TO ACQUISITIONS OF REAL PROPERTY.**

6 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
7 *that, prior to acquiring real property in a State for use*
8 *of the Department of Defense (including through purchase,*
9 *lease, or any other arrangement), the Secretary of Defense*
10 *or the Secretary of the military department concerned*
11 *should consult with the chief executive of the State and rep-*
12 *resentatives of units of local government with jurisdiction*
13 *over the property, with the goal of resolving potential con-*
14 *flicts regarding the use of the property before such conflicts*
15 *arise.*

16 (b) *STATE DEFINED.—In this section, the term*
17 *“State” means each of the several States, the District of Co-*
18 *lumbia, the Commonwealth of Puerto Rico, American*
19 *Samoa, Guam, the United States Virgin Islands, and the*
20 *Commonwealth of the Northern Mariana Islands.*

1 **SEC. 2815. SENSE OF CONGRESS REGARDING INCLUSION OF**
2 **STORMWATER SYSTEMS AND COMPONENTS**
3 **WITHIN THE MEANING OF “WASTEWATER SYS-**
4 **TEM” UNDER THE DEPARTMENT OF DEFENSE**
5 **AUTHORITY FOR CONVEYANCE OF UTILITY**
6 **SYSTEMS.**

7 *It is the sense of Congress that the reference to a system*
8 *for the collection or treatment of wastewater in the defini-*
9 *tion of “utility system” in section 2688 of title 10, United*
10 *States Code, which authorizes the Department of Defense*
11 *to convey utility systems, includes stormwater systems and*
12 *components.*

13 **SEC. 2816. ASSESSMENT OF PUBLIC SCHOOLS ON DEPART-**
14 **MENT OF DEFENSE INSTALLATIONS.**

15 *Not later than one year after the date of the enactment*
16 *of this Act, the Secretary of Defense shall submit to the con-*
17 *gressional defense committees a report that includes an up-*
18 *date of the July 2011 assessment on the condition and ca-*
19 *capacity of elementary and secondary public schools on mili-*
20 *tary installations, including consideration for—*

21 *(1) schools that have had changes in their condi-*
22 *tion or capacity since the original assessment; and*

23 *(2) schools that may have been inadvertently*
24 *omitted from the original assessment.*

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 IN***
5 ***CONNECTION WITH REALIGNMENT OF MA-***
6 ***RINE CORPS FORCES IN ASIA-PACIFIC RE-***
7 ***GION.***

8 (a) *REVISION.*—Notwithstanding section 2821(b) of the
9 *Military Construction Authorization Act for Fiscal Year*
10 *2015 (division B of Public Law 113–291; 128 Stat. 3701),*
11 *the Secretary of Defense may proceed with a public infra-*
12 *structure project on Guam which is described in subsection*
13 *(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 Authorization*
17 *Act for Fiscal Year 2014 (division B of Public Law*
18 *113–66; 127 Stat. 1017); and*

19 (2) *amounts have been appropriated or made*
20 *available to be expended by the Department of Defense*
21 *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 ar-*
2 *cheological 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 Year*
7 *2016 (division B of Public Law 114–92; 129 Stat. 1177)*
8 *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, ALASKA.***

13 (a) *CONVEYANCES AUTHORIZED.—*

14 (1) *CONVEYANCE TO UNIVERSITY OF ALASKA.—*
15 *The Secretary of the Air Force may convey to the*
16 *University of Alaska (in this section referred to as the*
17 *“University”) all right, title, and interest of the*
18 *United States in and to a parcel of real property, in-*
19 *cluding improvements thereon, consisting of approxi-*
20 *mately 1,158 acres near the Gulkana Village, Alaska,*
21 *which were purchased by the Secretary of the Air*
22 *Force from Ahtna, Incorporated, in January 1989,*
23 *contain a High Frequency Active Auroral Research*
24 *Program facility, and comprise a portion of the prop-*
25 *erty more particularly described in subsection (b), for*

1 *the purpose of permitting the University to use the*
2 *conveyed property for public purposes.*

3 (2) *CONVEYANCE TO ALASKA NATIVE CORPORA-*
4 *TION.—The Secretary of the Air Force may convey to*
5 *the Ahtna, Incorporated, (in this section referred to as*
6 *“Ahtna”), all right, title, and interest of the United*
7 *States in and to a parcel of real property, including*
8 *improvements thereon, consisting of approximately*
9 *4,259 acres near Gulkana Village, Alaska, which were*
10 *purchased by the Secretary of the Air Force from*
11 *Ahtna, Incorporated, in January 1989 and comprise*
12 *the portion of the property more particularly de-*
13 *scribed in subsection (b) that does not contain the*
14 *High Frequency Active Auroral Research Program fa-*
15 *ility. The property to be conveyed under this para-*
16 *graph does not include any of the property authorized*
17 *for conveyance to the University under paragraph*
18 *(1).*

19 (b) *PROPERTY DESCRIBED.—Subject to the property*
20 *exclusions specified in subsection (c), the real property au-*
21 *thorized for conveyance under subsection (a) consists of por-*
22 *tions of sections within township 7 north, range 1 east;*
23 *township 7 north, range 2 east; township 8 north, range*
24 *1 east; and township 8 north, range 2 east; Copper River*

1 *Meridian, Chitina Recording District, Third Judicial Dis-*
2 *trict, State of Alaska, as follows:*

3 (1) *Township 7 north, range 1 east:*

4 (A) *Section 1.*

5 (B) *$E^{1/2}$, $S^{1/2}NW^{1/4}$, $SW^{1/4}$ of section 2.*

6 (C) *$S^{1/2}SE^{1/4}$, $NE^{1/4}SE^{1/4}$ of section 3.*

7 (D) *$E^{1/2}$ of section 10.*

8 (E) *Sections 11 and 12.*

9 (F) *That portion of $N^{1/2}$, $N^{1/2}S^{1/2}$ of section*
10 *13, excluding all lands lying southerly and eas-*
11 *terly of the Glenn Highway right-of-way.*

12 (G) *$N^{1/2}$, $N^{1/2}S^{1/2}$ of section 14.*

13 (H) *$NE^{1/4}$, $NE^{1/4}SE^{1/4}$ of section 15.*

14 (2) *Township 7 north, range 2 east:*

15 (A) *$W^{1/2}$ of section 6.*

16 (B) *$NW^{1/4}$ of section 7, and the portion of*
17 *$N^{1/2}SW^{1/4}$ and $NW^{1/4}SE^{1/4}$ of such section lying*
18 *northerly of the Glenn Highway right-of-way.*

19 (3) *Township 8 north, range 1 east:*

20 (A) *$SE^{1/4}SE^{1/4}$ of section 35.*

21 (B) *$E^{1/2}$, $SW^{1/4}$, $SE^{1/4}NW^{1/4}$ of section*

22 *36.*

23 (4) *Township 8 north, range 2 east:*

24 (A) *$W^{1/2}$ of section 31.*

1 (c) *EXCLUSION OF CERTAIN PROPERTY.*—*The real*
2 *property authorized for conveyance under subsection (a)*
3 *may not include the following:*

4 (1) *Public easements reserved pursuant to section*
5 *17(b) of the Alaska Native Claims Settlement Act (43*
6 *U.S.C. 1616(b)), as described in the Warranty Deed*
7 *from Ahtna, Incorporated, to the United States, dated*
8 *March 1, 1990, recorded in Book 31, pages 665*
9 *through 668 in the Chitina Recording District, Third*
10 *Judicial District, Alaska.*

11 (2) *Easement for an existing trail as described*
12 *in the such Warranty Deed from Ahtna, Incorporated,*
13 *to the United States.*

14 (3) *The subsurface estate.*

15 (d) *CONSIDERATION.*—

16 (1) *CONVEYANCE TO UNIVERSITY.*—*As consider-*
17 *ation for the conveyance of property under subsection*
18 *(a)(1), the University shall provide the United States*
19 *with consideration in an amount that is acceptable to*
20 *the Secretary of the Air Force, whether in the form*
21 *of cash payment, in-kind consideration, or a com-*
22 *bination thereof.*

23 (2) *CONVEYANCE TO AHTNA.*—*As consideration*
24 *for the conveyance of property under subsection*
25 *(a)(2), Ahtna shall provide the United States with*

1 *consideration in an amount that is acceptable to the*
2 *Secretary, whether in the form of cash payment, in-*
3 *kind consideration, a land exchange under the Alaska*
4 *Native Claims Settlement Act (43 U.S.C. 1601 et seq),*
5 *or a combination thereof.*

6 (3) *TREATMENT OF CASH CONSIDERATION RE-*
7 *CEIVED.—Any cash payment received by the Sec-*
8 *retary as consideration for a conveyance under sub-*
9 *section (a) shall be deposited in the special account in*
10 *the Treasury established under subsection (b) of sec-*
11 *tion 572 of title 40, United States Code, and shall be*
12 *available in accordance with paragraph (5)(B) of*
13 *such subsection.*

14 (e) *REVERSIONARY INTEREST.—If the Secretary of the*
15 *Air Force determines at any time that the real property*
16 *conveyed under subsection (a)(1) is not being used by the*
17 *University in accordance with the purposes of the convey-*
18 *ance specified in such subsection, all right, title, and inter-*
19 *est in and to the land, including any improvements thereto,*
20 *shall revert, at the option of the Secretary, to and become*
21 *the property of the United States, and the United States*
22 *shall have the right of immediate entry onto such land. A*
23 *determination by the Secretary under this subsection shall*
24 *be made on the record after an opportunity for a hearing.*

25 (f) *PAYMENT OF COSTS OF CONVEYANCE.—*

1 (1) *PAYMENT REQUIRED.*—*The Secretary of the*
2 *Air Force shall require the recipient of real property*
3 *under this section to cover all costs to be incurred by*
4 *the Secretary, or to reimburse the Secretary for such*
5 *costs incurred by the Secretary, to carry out the con-*
6 *veyance of that property, including survey costs, costs*
7 *for environmental documentation, and any other ad-*
8 *ministrative costs related to the conveyance. If*
9 *amounts are collected in advance of the Secretary in-*
10 *curring the actual costs, and the amount collected ex-*
11 *ceeds the costs actually incurred by the Secretary to*
12 *carry out the conveyance, the Secretary shall refund*
13 *the excess amount to the recipient.*

14 (2) *TREATMENT OF AMOUNTS RECEIVED.*—
15 *Amounts received under paragraph (1) as reimburse-*
16 *ment for costs incurred by the Secretary to carry out*
17 *a conveyance under this section shall be credited and*
18 *made available to the Secretary as provided in section*
19 *2695(c) of title 10, United States Code.*

20 (g) *CONVEYANCE AGREEMENT.*—*The conveyance of*
21 *property under this section shall be accomplished using a*
22 *quit claim deed or other legal instrument and upon terms*
23 *and conditions mutually satisfactory to the Secretary of the*
24 *Air Force and the recipient of the property, including such*

1 *additional terms and conditions as the Secretary considers*
2 *appropriate to protect the interests of the United States.*

3 **SEC. 2832. LAND CONVEYANCE, CAMPION AIR FORCE RADAR**
4 **STATION, GALENA, ALASKA.**

5 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
6 *Air Force may convey, without consideration, to the Town*
7 *of Galena, Alaska (in this section referred to as the*
8 *“Town”), all right, title, and interest of the United States*
9 *in and to public land, including improvements thereon, at*
10 *the former Campion Air Force Station, Alaska, as further*
11 *described in subsection (b), for the purpose of permitting*
12 *the Town to use the conveyed property for public purposes.*
13 *The conveyance under this subsection is subject to valid ex-*
14 *isting rights.*

15 (b) *DESCRIPTION OF PROPERTY.*—*The land to be con-*
16 *veyed under subsection (a) consists of up to approximately*
17 *1,300 acres of the remaining land withdrawn under Public*
18 *Land Order No. 843 of June 24, 1952, and Public Land*
19 *Order No. 1405 of April 4, 1957, for use by the Secretary*
20 *of the Air Force as the former Campion Air Force Station.*
21 *The portions of the former Air Force Station that are not*
22 *authorized to be conveyed under subsection (a) are those*
23 *portions that are subject to environmental land use restric-*
24 *tions or are currently undergoing environmental remedi-*
25 *ation by the Secretary of the Air Force.*

1 (c) *MAP AND LEGAL DESCRIPTION.*—As soon as prac-
2 ticable after the date of enactment of this Act, the Secretary
3 of the Air Force, in consultation with the Secretary of the
4 Interior, shall finalize a map and the legal description of
5 the land to be conveyed under subsection (a). The Secretary
6 of the Air Force may correct any minor errors in the map
7 or the legal description. The map and legal description shall
8 be on file and available for public inspection in the appro-
9 priate offices of the Bureau of Land Management.

10 (d) *REVERSIONARY INTEREST.*—If the Secretary of the
11 Air Force determines at any time that the land conveyed
12 under subsection (a) is not being used in accordance with
13 the purposes of the conveyance specified in such subsection,
14 all right, title, and interest in and to the land, including
15 any improvements thereto, shall revert, at the option of the
16 Secretary, to and become the property of the United States,
17 and the United States shall have the right of immediate
18 entry onto such land. A determination by the Secretary
19 under this subsection shall be made on the record after an
20 opportunity for a hearing.

21 (e) *CONVEYANCE AGREEMENT.*—The conveyance of
22 land under this section shall be accomplished using a quit
23 claim deed or other legal instrument and upon terms and
24 conditions mutually satisfactory to the Secretary of the Air
25 Force, after consulting with the Secretary of the Interior,

1 *and the Town, including such additional terms and condi-*
2 *tions as the Secretary of the Air Force, after consulting with*
3 *the Secretary of the Interior, considers appropriate to pro-*
4 *tect the interests of the United States.*

5 (f) *PAYMENT OF COSTS OF CONVEYANCE.—*

6 (1) *PAYMENT REQUIRED.—The Secretary of the*
7 *Air Force shall require the Town to cover all costs*
8 *(except costs for environmental remediation of the*
9 *property) to be incurred by the Secretary of the Air*
10 *Force and by the Secretary of the Interior, or to reim-*
11 *burse the appropriate Secretary for such costs in-*
12 *curring by the Secretary, to carry out the conveyance*
13 *under this section, including survey costs, costs for en-*
14 *vironmental documentation, and any other adminis-*
15 *trative costs related to the conveyance. If amounts are*
16 *collected in advance of the Secretary incurring the ac-*
17 *tual costs, and the amount collected exceeds the costs*
18 *actually incurred by the Secretary to carry out the*
19 *conveyance, the appropriate Secretary shall refund*
20 *the excess amount to the Town.*

21 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
22 *Amounts received under paragraph (1) as reimburse-*
23 *ment for costs incurred by the Secretary of the Air*
24 *Force or by the Secretary of the Interior to carry out*
25 *the conveyance under subsection (a) shall be credited*

1 *This parcel contains 48 parking spaces central to the*
2 *mission conducted on the site of the Navy's leasehold*
3 *interest at 1220 Pacific Highway, San Diego, Cali-*
4 *fornia.*

5 (2) *INTERESTS TO BE ACQUIRED.—In exchange*
6 *for the property interests described in paragraph (1),*
7 *the Secretary may accept from the District property*
8 *interests of equal value and similar utility, as deter-*
9 *mined by the Secretary, located within immediate*
10 *proximity to the property described in paragraph (1),*
11 *that provide the rights to an equivalent number of*
12 *parking spaces of equal value (subject to subsection*
13 *(c)(1)).*

14 (b) *ENCUMBRANCES.—*

15 (1) *NO ACCEPTANCE OF PROPERTY WITH ENCUM-*
16 *BRANCES PRECLUDING USE AS PARKING SPACES.—In*
17 *an exchange of property interests under subsection*
18 *(a), the Secretary may not accept any property under*
19 *subsection (a)(2) unless the property is free of encum-*
20 *brances that would preclude the Department of the*
21 *Navy from using the property for parking spaces, as*
22 *determined under paragraph (2).*

23 (2) *DETERMINATION OF FREEDOM FROM ENCUM-*
24 *BRANCES.—For purposes of paragraph (1), a prop-*
25 *erty shall be considered to be free of encumbrances*

1 that would preclude the Department of the Navy from
2 using the property for parking spaces if—

3 (A) the District guarantees and certifies
4 that the property is free of such encumbrances
5 under its own authority to preclude the use of
6 the property for parking spaces; and

7 (B) the District obtains guarantees and cer-
8 tifications from appropriate entities of the State
9 and units of local government that the property
10 is free of any such encumbrances that may be in
11 place pursuant to the Tidelands Trust, the North
12 Embarcadero Visionary Plan, the Downtown
13 Community Plan, or any other law, regulation,
14 plan or document.

15 (c) *EQUALIZATION.*—

16 (1) *TRANSFER OF RIGHTS TO ADDITIONAL PARK-*
17 *ING SPACES.*—If the value of the property interests
18 described in subsection (a)(1) is greater than the
19 value of the property interests and rights to parking
20 spaces described in subsection (a)(2), the values shall
21 be equalized by the transfer to the Secretary of rights
22 to additional parking spaces.

23 (2) *NO AUTHORIZATION OF CASH EQUALIZATION*
24 *PAYMENTS FROM SECRETARY.*—If the value of the
25 property interests and parking rights described in

1 subsection (a)(2) are greater than the value of the
2 property interests described in subsection (a)(1), the
3 Secretary may not make a cash equalization payment
4 to equalize the values.

5 (d) PAYMENT OF COSTS OF CONVEYANCE.—

6 (1) PAYMENT REQUIRED.—The Secretary shall
7 require the District to cover all costs to be incurred
8 by the Secretary, or to reimburse the Secretary for
9 such costs incurred by the Secretary, to carry out the
10 exchange of property interests under this section, in-
11 cluding survey costs, costs related to environmental
12 documentation, real estate due diligence such as ap-
13 praisals and any other administrative costs related to
14 the exchange of property interests. If amounts are col-
15 lected from the District in advance of the Secretary
16 incurring the actual costs and the amount collected
17 exceeds the costs actually incurred by the Secretary to
18 carry out the exchange of property interests, the Sec-
19 retary shall refund the excess amount to the District.

20 (2) TREATMENT OF AMOUNTS RECEIVED.—

21 Amounts received as reimbursement under paragraph
22 (1) shall be credited to the fund or account that was
23 used to cover those costs incurred by the Secretary in
24 carrying out the exchange of property interests.
25 Amounts so credited shall be merged with amounts in

1 *such fund or account and shall be available for the*
2 *same purposes, and subject to the same conditions*
3 *and limitations, as amounts in such fund or account.*

4 *(e) DESCRIPTION OF PROPERTY.—The exact acreage*
5 *and legal description of the property interests to be ex-*
6 *changed under this section shall be determined by surveys*
7 *satisfactory to the Secretary.*

8 *(f) CONVEYANCE AGREEMENT.—The exchange of prop-*
9 *erty interests under this section shall be accomplished using*
10 *a lease, lease amendment, or other legal instrument and*
11 *upon terms and conditions mutually satisfactory to the Sec-*
12 *retary and the District, including such additional terms*
13 *and conditions as the Secretary considers appropriate to*
14 *protect the interests of the United States.*

15 **SEC. 2834. RELEASE OF PROPERTY INTERESTS RETAINED**
16 **IN CONNECTION WITH LAND CONVEYANCE,**
17 **EGLIN AIR FORCE BASE, FLORIDA.**

18 *(a) RELEASE OF EXCEPTIONS, LIMITATIONS, AND*
19 *CONDITIONS IN DEEDS.—With respect to approximately*
20 *126 acres of real property in Okaloosa County, Florida,*
21 *more particularly described in subsection (b), which were*
22 *conveyed by the United States to the Air Force Enlisted*
23 *Mens' Widows and Dependents Home Foundation, Incor-*
24 *porated ("Air Force Enlisted Village"), the Secretary of the*
25 *Air Force may release any and all exceptions, limitations,*

1 *and conditions specified by the United States in the deeds*
2 *conveying such real property.*

3 **(b) PROPERTY DESCRIBED.**—*The real property subject*
4 *to subsection (a) was part of Eglin Air Force, Florida, and*
5 *consists of all parcels conveyed in exchange for fair market*
6 *value cash payment by the Air Force Enlisted Village pur-*
7 *suant to section 809(c) of the Military Construction Author-*
8 *ization Act, 1979 (Public Law 95–356; 92 Stat. 587), as*
9 *amended by section 2826 of the Military Construction Au-*
10 *thorization Act, 1989 (Public Law 100–456; 102 Stat.*
11 *2123) and section 2861 of the Military Construction Au-*
12 *thorization Act for Fiscal Year 1999 (Public Law 105–261;*
13 *112 Stat. 2223).*

14 **(c) INSTRUMENT OF RELEASE AND DESCRIPTION OF**
15 **PROPERTY.**—*The Secretary may execute and record in the*
16 *appropriate office a deed of release, amended deed, or other*
17 *appropriate instrument reflecting the release of exceptions,*
18 *limitations, and conditions under subsection (a).*

19 **(d) PAYMENT OF ADMINISTRATIVE COSTS.**—

20 **(1) PAYMENT REQUIRED.**—*The Secretary may*
21 *require the Air Force Enlisted Village to pay for any*
22 *costs to be incurred by the Secretary, or to reimburse*
23 *the Secretary for costs incurred by the Secretary, to*
24 *carry out the release under subsection (a), including*
25 *survey costs, costs related to environmental docu-*

1 *mentation, and other administrative costs related to*
2 *the release. If amounts paid to the Secretary in ad-*
3 *vance exceed the costs actually incurred by the Sec-*
4 *retary to carry out the release, the Secretary shall re-*
5 *fund the excess amount to the Air Force Enlisted Vil-*
6 *lage.*

7 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
8 *Amounts received under paragraph (1) as reimburse-*
9 *ment for costs incurred by the Secretary to carry out*
10 *the release under subsection (a) shall be credited and*
11 *made available to the Secretary as provided in section*
12 *2695(c) of title 10, United States Code.*

13 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
14 *retary may require such additional terms and conditions*
15 *in connection with the release of exceptions, limitations,*
16 *and conditions under subsection (a) as the Secretary con-*
17 *siders appropriate to protect the interests of the United*
18 *States.*

19 **SEC. 2835. LAND EXCHANGE, FORT HOOD, TEXAS.**

20 (a) *EXCHANGE AUTHORIZED.—The Secretary of the*
21 *Army may convey to the City of Copperas Cove, Texas (in*
22 *this section referred to as the “City”), all right, title, and*
23 *interest of the United States in and to a parcel of real prop-*
24 *erty, including any improvements thereon, consisting of ap-*
25 *proximately 437 acres at Fort Hood, Texas, for the purpose*

1 of permitting the City to improve arterial transportation
2 routes in the vicinity of Fort Hood and to promote eco-
3 nomic development in the area of the City and Fort Hood.

4 (b) *CONSIDERATION.*—As consideration for the convey-
5 ance under subsection (a), the City shall convey to the Sec-
6 retary of the Army all right, title, and interest of the City
7 in and to one or more parcels of real property that are
8 acceptable to the Secretary. The fair market value of the
9 real property acquired by the Secretary under this sub-
10 section shall be at least equal to the fair market value of
11 the real property conveyed under subsection (a), as deter-
12 mined by appraisals acceptable to the Secretary.

13 (c) *DESCRIPTION OF PROPERTY.*—The exact acreage
14 and legal description of the real property to be exchanged
15 under this section shall be determined by surveys satisfac-
16 tory to the Secretary of the Army.

17 (d) *PAYMENT OF COSTS OF CONVEYANCES.*—

18 (1) *PAYMENT REQUIRED.*—The Secretary of the
19 Army shall require the City to cover costs to be in-
20 curred by the Secretary, or to reimburse the Secretary
21 for costs incurred by the Secretary, to carry out the
22 conveyances under this section, including survey costs
23 related to the conveyances. If amounts are collected
24 from the City in advance of the Secretary incurring
25 the actual costs, and the amount collected exceeds the

1 *costs actually incurred by the Secretary to carry out*
2 *the conveyances, the Secretary shall refund the excess*
3 *amount to the City.*

4 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
5 *Amounts received under paragraph (1) as reimburse-*
6 *ment for costs incurred by the Secretary to carry out*
7 *the conveyances under this section shall be credited to*
8 *the fund or account that was used to cover the costs*
9 *incurred by the Secretary in carrying out the convey-*
10 *ances. Amounts so credited shall be merged with*
11 *amounts in such fund or account and shall be avail-*
12 *able for the same purposes, and subject to the same*
13 *conditions and limitations, as amounts in such fund*
14 *or account.*

15 (e) *ADDITIONAL TERM AND CONDITIONS.—The Sec-*
16 *retary of the Army may require such additional terms and*
17 *conditions in connection with the conveyances under this*
18 *section as the Secretary considers appropriate to protect the*
19 *interests of the United States.*

20 **SEC. 2836. LAND CONVEYANCE, P-36 WAREHOUSE, COLBERN**
21 **UNITED STATES ARMY RESERVE CENTER, LA-**
22 **REDO, TEXAS.**

23 (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*
24 *Army (in this section referred to as the “Secretary”) may*
25 *convey, without consideration, to the Laredo Community*

1 *College (in this section referred to as the “LCC”) all right,*
2 *title, and interest of the United States in and to the ap-*
3 *proximately 725 sq. ft. Historic Building, P-36 Warehouse,*
4 *including any improvements thereon, at Colbern United*
5 *States Army Reserve Center, Laredo, TX, for the purposes*
6 *of educational use and historic preservation.*

7 *(b) PAYMENT OF COSTS OF CONVEYANCE.—*

8 *(1) PAYMENT REQUIRED.—The Secretary shall*
9 *require the LCC to cover costs (except costs for envi-*
10 *ronmental remediation of the property) to be incurred*
11 *by the Secretary, or to reimburse the Secretary for*
12 *such costs incurred by the Secretary, to carry out the*
13 *conveyance under subsection (a), including survey*
14 *costs, costs for environmental documentation, and any*
15 *other administrative costs related to the conveyance.*
16 *If amounts are collected from the LCC in advance of*
17 *the Secretary incurring the actual costs, and the*
18 *amount collected exceeds the costs actually incurred*
19 *by the Secretary to carry out the conveyance, the Sec-*
20 *retary shall refund the excess amount to the LCC.*

21 *(2) TREATMENT OF AMOUNTS RECEIVED.—*

22 *Amounts received as reimbursement under paragraph*
23 *(1) shall be credited to the fund or account that was*
24 *used to cover those costs incurred by the Secretary in*
25 *carrying out the conveyance. Amounts so credited*

1 *shall be merged with amounts in such fund or ac-*
2 *count, and shall be available for the same purposes,*
3 *and subject to the same conditions and limitations, as*
4 *amounts in such fund or account*

5 *(c) DESCRIPTION OF PROPERTY.—The exact acreage*
6 *and legal description of the property to be conveyed under*
7 *subsection (a) shall be determined by a survey satisfactory*
8 *to the Secretary.*

9 *(d) REVERSIONARY INTEREST.—*

10 *(1) REVERSION.—If the Secretary determines at*
11 *any time that the property conveyed under subsection*
12 *(a) is not being used in accordance with the purpose*
13 *of the conveyance specified in subsection (a), all right,*
14 *title, and interest in and to such property, including*
15 *any improvements thereto, shall, at the option of the*
16 *Secretary, revert to and become the property of the*
17 *United States, and the United States shall have the*
18 *right of immediate entry onto such property. A deter-*
19 *mination by the Secretary under this paragraph shall*
20 *be made on the record after an opportunity for a*
21 *hearing.*

22 *(2) PAYMENT OF CONSIDERATION IN LIEU OF RE-*
23 *VERSION.—In lieu of exercising the right of reversion*
24 *retained under paragraph (1) with respect to the*
25 *property conveyed under subsection (a), the Secretary*

1 *State of Utah all right, title, and interest of the United*
2 *States in and to a parcel of public land in St. George, Utah,*
3 *comprising approximately 70 acres, as described in Public*
4 *Land Order 6840 published in the Federal Register on*
5 *March 29, 1991 (56 Fed. Reg. 13081), and containing the*
6 *St. George National Guard Armory for the purpose of per-*
7 *mitting the Utah National Guard to use the conveyed land*
8 *for military purposes.*

9 **(b) TERMINATION OF PRIOR ADMINISTRATIVE AC-**
10 *TION.—The Public Land Order described in subsection (a),*
11 *which provided for a 20-year withdrawal of the public land*
12 *described in the Public Land Order, is withdrawn upon*
13 *conveyance of the land under this section.*

14 **(c) DESCRIPTION OF PROPERTY.—***The exact acreage*
15 *and legal description of the property to be conveyed under*
16 *this section shall be determined by a survey satisfactory to*
17 *the Secretary of the Interior.*

18 **(d) CONVEYANCE AGREEMENT.—***The conveyance under*
19 *this section shall be accomplished using a quit claim deed*
20 *or other legal instrument and upon terms and conditions*
21 *mutually satisfactory to the Secretary of the Interior and*
22 *the State of Utah, including such additional terms and con-*
23 *ditions as the Secretary considers appropriate to protect the*
24 *interests of the United States.*

1 **SEC. 2838. RELEASE OF RESTRICTIONS, RICHLAND INNOVA-**
2 **TION CENTER, RICHLAND, WASHINGTON.**

3 (a) *RELEASE AUTHORIZED.*—*The Secretary of Trans-*
4 *portation, acting through the Maritime Administrator and*
5 *in consultation with the Administrator of General Services,*
6 *may, upon receipt of full consideration as provided in sub-*
7 *section (b), release all remaining right, title, and interest*
8 *of the United States in and to a parcel of real property,*
9 *including any improvements thereon, in Richland, Wash-*
10 *ington, consisting as of the date of the enactment of this*
11 *Act of approximately 71.5 acres and containing personal*
12 *and real property, to the Port of Benton (hereafter in this*
13 *section referred to as the “Port”).*

14 (b) *CONSIDERATION.*—

15 (1) *CONSIDERATION REQUIRED.*—*As consider-*
16 *ation for the release under subsection (a), the Port*
17 *shall provide an amount that is acceptable to the Sec-*
18 *retary of Transportation, whether by cash payment,*
19 *in-kind consideration as described under paragraph*
20 *(2), or a combination thereof, at such time as the Sec-*
21 *retary may require. The Secretary may determine the*
22 *level of acceptable consideration under this paragraph*
23 *on the basis of the value of the restrictions released*
24 *under subsection (a), but only if the value of such re-*
25 *strictions is determined without regard to any im-*
26 *provements made by the Port.*

1 (2) *IN-KIND CONSIDERATION.*—*In-kind consider-*
2 *ation provided by the Port under paragraph (1) may*
3 *include the acquisition, construction, provision, im-*
4 *provement, maintenance, repair, or restoration (in-*
5 *cluding environmental restoration), or combination*
6 *thereof, of any facility or infrastructure under the ju-*
7 *risdiction of any office of the Federal government.*

8 (3) *TREATMENT OF CONSIDERATION RE-*
9 *CEIVED.*—*Consideration in the form of cash payment*
10 *received by the Secretary under paragraph (1) shall*
11 *be deposited in the separate fund in the Treasury de-*
12 *scribed in section 572(a)(1) of title 40, United States*
13 *Code.*

14 (c) *PAYMENT OF COST OF RELEASE.*—

15 (1) *PAYMENT REQUIRED.*—*The Secretary of*
16 *Transportation shall require the Port to cover costs to*
17 *be incurred by the Secretary, or to reimburse the Sec-*
18 *retary for such costs incurred by the Secretary, to*
19 *carry out the release under subsection (a), including*
20 *survey costs, costs for environmental documentation*
21 *related to the release, and any other administrative*
22 *costs related to the release. If amounts are collected*
23 *from the Port in advance of the Secretary incurring*
24 *the actual costs, and the amount collected exceeds the*
25 *costs actually incurred by the Secretary to carry out*

1 *the release, the Secretary shall refund the excess*
2 *amount to the Port.*

3 (2) *TREATMENT OF AMOUNTS RECEIVED.—*

4 *Amounts received as reimbursement under paragraph*
5 *(1) shall be credited to the fund or account that was*
6 *used to cover the costs incurred by the Secretary in*
7 *carrying out the release under subsection (a) or, if the*
8 *period of availability of obligations for that appro-*
9 *propriation has expired, to the appropriations of fund*
10 *that is currently available to the Secretary for the*
11 *same purpose. Amounts so credited shall be merged*
12 *with amounts in such fund or account and shall be*
13 *available for the same purposes, and subject to the*
14 *same conditions and limitations, as amounts in such*
15 *fund or account.*

16 (d) *DESCRIPTION OF PROPERTY.—The exact acreage*
17 *and legal description of the real property which is the sub-*
18 *ject of the release under subsection (a) shall be determined*
19 *by a survey satisfactory to the Secretary of Transportation.*

20 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
21 *retary of Transportation may require such additional terms*
22 *and conditions in connection with the release under sub-*
23 *section (a) as the Secretary, in consultation with the Ad-*
24 *ministrator of General Services, considers appropriate to*
25 *protect the interests of the United States.*

1 ***Subtitle E—Military Land***
2 ***Withdrawals***

3 **SEC. 2841. BUREAU OF LAND MANAGEMENT WITHDRAWN**
4 ***MILITARY LANDS UNDER MILITARY LANDS***
5 ***WITHDRAWAL ACT OF 1999.***

6 (a) *ELIMINATION OF TERMINATION DATE AND AU-*
7 *THORIZATION FOR TRANSFER OF ADMINISTRATIVE JURIS-*
8 *DICTION.—Subsection (a) of section 3015 of the Military*
9 *Lands Withdrawal Act of 1999 (title XXX of Public Law*
10 *106–65; 113 Stat. 892) is amended to read as follows:*

11 “(a) *PERMANENT WITHDRAWAL AND RESERVATION;*
12 *EFFECT OF TRANSFER ON WITHDRAWAL.—The withdrawal*
13 *and reservation of lands by section 3011 shall terminate*
14 *only as follows:*

15 “(1) *Upon an election by the Secretary of the*
16 *military department concerned to relinquish any or*
17 *all of the land withdrawn and reserved by section*
18 *3011.*

19 “(2) *Upon a transfer by the Secretary of the In-*
20 *terior, under section 3016 and upon request by the*
21 *Secretary of the military department concerned, of*
22 *administrative jurisdiction over the land to the Sec-*
23 *retary of the military department concerned. Such a*
24 *transfer may consist of a portion of the land, in*
25 *which case the termination of the withdrawal and res-*

1 *ervation applies only with respect to the land so*
2 *transferred.”.*

3 *(b) TRANSFER PROCESS AND MANAGEMENT AND USE*
4 *OF LANDS.—The Military Lands Withdrawal Act of 1999*
5 *(title XXX of Public Law 106–65) is further amended—*

6 *(1) by redesignating sections 3022 and 3023 as*
7 *sections 3027 and 3028, respectively; and*

8 *(2) by striking sections 3016 through 3021 and*
9 *inserting the following new sections:*

10 **“SEC. 3016. TRANSFER PROCESS.**

11 *“(a) TRANSFER AUTHORIZED.—The Secretary of the*
12 *Interior shall, upon the request of the Secretary concerned,*
13 *transfer to the Secretary concerned administrative jurisdic-*
14 *tion over the land withdrawn and reserved by section 3011,*
15 *or a portion of the land as the Secretary concerned may*
16 *request.*

17 *“(b) VALID EXISTING RIGHTS.—The transfer of ad-*
18 *ministrative jurisdiction under subsection (a) shall be sub-*
19 *ject to any valid existing rights.*

20 *“(c) TIME FOR CONVEYANCE.—The transfer of admin-*
21 *istrative jurisdiction under subsection (a) shall occur pur-*
22 *suant to a schedule agreed upon by the Secretary of the*
23 *Interior and the Secretary concerned.*

24 *“(d) MAP AND LEGAL DESCRIPTION.—*

1 “(1) *PREPARATION AND PUBLICATION.*—*The Sec-*
2 *retary of the Interior shall publish in the Federal*
3 *Register a legal description of the public land to be*
4 *transferred under subsection (a).*

5 “(2) *SUBMISSION TO CONGRESS.*—*The Secretary*
6 *of the Interior shall file with the Committee on En-*
7 *ergy and Natural Resources of the Senate and the*
8 *Committee on Natural Resources of the House of Rep-*
9 *resentatives—*

10 “(A) *a copy of the legal description pre-*
11 *pared under paragraph (1); and*

12 “(B) *the map referred to in subsection (a).*

13 “(3) *AVAILABILITY FOR PUBLIC INSPECTION.*—
14 *Copies of the legal description and map filed under*
15 *paragraph (2) shall be available for public inspection*
16 *in the appropriate offices of—*

17 “(A) *the Bureau of Land Management;*

18 “(B) *the commanding officer of the installa-*
19 *tion; and*

20 “(C) *the Secretary concerned.*

21 “(4) *FORCE OF LAW.*—*The legal description and*
22 *map filed under paragraph (2) shall have the same*
23 *force and effect as if included in this Act, except that*
24 *the Secretary of the Interior may correct clerical and*
25 *typographical errors in the legal description or map.*

1 “(5) *REIMBURSEMENT OF COSTS.*—Any transfer
2 entered into pursuant to subsection (a) shall be made
3 without reimbursement, except that the Secretary con-
4 cerned shall reimburse the Secretary of the Interior
5 for any costs incurred by the Secretary of the Interior
6 to prepare the legal description and map under this
7 subsection.

8 **“SEC. 3017. ADMINISTRATION OF TRANSFERRED LAND.**

9 “(a) *TREATMENT AND USE OF TRANSFERRED LAND.*—
10 Upon the transfer of administrative jurisdiction of land
11 under section 3016—

12 “(1) the land shall be treated as property (as de-
13 fined in section 102(9) of title 40, United States
14 Code) under the administrative jurisdiction of the
15 Secretary concerned; and

16 “(2) the Secretary concerned shall administer the
17 land for military purposes.

18 “(b) *WITHDRAWAL OF MINERAL ESTATE.*—Subject to
19 valid existing rights, land for which the administrative ju-
20 risdiction is transferred under section 3016 is withdrawn
21 from all forms of appropriation under the public land laws,
22 including the mining laws, the mineral leasing laws, and
23 the geothermal leasing laws, for as long as the land is under
24 the administrative jurisdiction of the Secretary concerned.

1 “(c) *INTEGRATED NATURAL RESOURCES MANAGE-*
2 *MENT PLAN.*—Not later than one year after the transfer of
3 land under section 3016, the Secretary concerned, in co-
4 operation with the Secretary of the Interior, shall prepare
5 an integrated natural resources management plan pursuant
6 to the Sikes Act (16 U.S.C. 670a et seq.) for the transferred
7 land.

8 “(d) *RELATION TO GENERAL PROVISIONS.*—Sections
9 3018 through 3026 do not apply to lands transferred under
10 section 3016 or to the management of such land.

11 “(e) *TRANSFERS BETWEEN ARMED FORCES.*—Nothing
12 in this subtitle shall be construed as limiting the authority
13 to transfer administrative jurisdiction over the land trans-
14 ferred under section 3016 to another armed force pursuant
15 to section 2696 of title 10, United States Code, and the pro-
16 visions of this section shall continue to apply to any such
17 lands.

18 **“SEC. 3018. GENERAL APPLICABILITY; DEFINITIONS.**

19 “(a) *APPLICABILITY.*—Sections 3014 through 3028
20 apply to the lands withdrawn and reserved by section 3011
21 except—

22 “(1) to the B-16 Range referred to in section
23 3011(a)(3)(A), for which only section 3019 applies;

1 “(2) to the ‘Shoal Site’ referred to in section
2 3011(a)(3)(B), for which sections 3014 through 3028
3 apply only to the surface estate;

4 “(3) to the ‘Pahute Mesa’ area referred to in sec-
5 tion 3011(b)(2); and

6 “(4) to the Desert National Wildlife Refuge re-
7 ferred to in section 3011(b)(5)—

8 “(A) except for section 3024(b); and

9 “(B) for which sections 3014 through 3028
10 shall only apply to the authorities and respon-
11 sibilities of the Secretary of the Air Force under
12 section 3011(b)(5).

13 “(b) *RULES OF CONSTRUCTION.*—Nothing in this sub-
14 title assigns management of real property under the admin-
15 istrative jurisdiction of the Secretary concerned to the Sec-
16 retary of the Interior.

17 “(c) *DEFINITIONS.*—In this subtitle:

18 “(1) *INDIAN TRIBE.*—The term ‘Indian tribe’ has
19 the meaning given the term in section 102 of the Fed-
20 erally Recognized Indian Tribe List Act of 1994 (25
21 U.S.C. 479a).

22 “(2) *MANAGE; MANAGEMENT.*—

23 “(A) *INCLUSIONS.*—The terms ‘manage’ and
24 ‘management’ include the authority to exercise

1 *jurisdiction, custody, and control over the lands*
2 *withdrawn and reserved by section 3011.*

3 “(B) *EXCLUSIONS.*—*Such terms do not in-*
4 *clude authority for disposal of the lands with-*
5 *drawn and reserved by section 3011.*

6 “(3) *SECRETARY CONCERNED.*—*The term ‘Sec-*
7 *retary concerned’ has the meaning given the term in*
8 *section 101(a) of title 10, United States Code.*

9 **“SEC. 3019. ACCESS RESTRICTIONS.**

10 “(a) *AUTHORITY TO IMPOSE RESTRICTIONS.*—*If the*
11 *Secretary concerned determines that military operations,*
12 *public safety, or national security require the closure to the*
13 *public of any road, trail, or other portion of land with-*
14 *drawn and reserved by section 3011, the Secretary may take*
15 *such action as the Secretary determines to be necessary to*
16 *implement and maintain the closure.*

17 “(b) *LIMITATION.*—*Any closure under subsection (a)*
18 *shall be limited to the minimum area and duration that*
19 *the Secretary concerned determines are required for the pur-*
20 *poses of the closure.*

21 “(c) *CONSULTATION REQUIRED.*—

22 “(1) *IN GENERAL.*—*Subject to paragraph (3), be-*
23 *fore a closure is implemented under this section, the*
24 *Secretary concerned shall consult with the Secretary*
25 *of the Interior.*

1 “(2) *INDIAN TRIBE.*—Subject to paragraph (3),
2 if a closure proposed under this section may affect ac-
3 cess to or use of sacred sites or resources considered
4 to be important by an Indian tribe, the Secretary
5 concerned shall consult, at the earliest practicable
6 date, with the affected Indian tribe.

7 “(3) *LIMITATION.*—No consultation shall be re-
8 quired under paragraph (1) or (2)—

9 “(A) if the closure is provided for in an in-
10 tegrated natural resources management plan, an
11 installation cultural resources management plan,
12 or a land use management plan; or

13 “(B) in the case of an emergency, as deter-
14 mined by the Secretary concerned.

15 “(d) *NOTICE.*—Immediately preceding and during
16 any closure implemented under subsection (a), the Sec-
17 retary concerned shall post appropriate warning notices
18 and take other appropriate actions to notify the public of
19 the closure.

20 **“SEC. 3020. CHANGES IN USE.**

21 “(a) *OTHER USES AUTHORIZED.*—In addition to the
22 purposes described in section 3011, the Secretary concerned
23 may authorize the use of land withdrawn and reserved by
24 section 3011 for defense-related purposes.

25 “(b) *NOTICE TO SECRETARY OF THE INTERIOR.*—

1 “(1) *IN GENERAL.*—*The Secretary concerned*
2 *shall promptly notify the Secretary of the Interior if*
3 *the land withdrawn and reserved by section 3011 is*
4 *used for additional defense-related purposes.*

5 “(2) *REQUIREMENTS.*—*A notification under*
6 *paragraph (1) shall specify—*

7 “(A) *each additional use;*

8 “(B) *the planned duration of each addi-*
9 *tional use; and*

10 “(C) *the extent to which each additional use*
11 *would require that additional or more stringent*
12 *conditions or restrictions be imposed on other-*
13 *wise-permitted nondefense-related uses of the*
14 *withdrawn and reserved land or portions of*
15 *withdrawn and reserved land.*

16 **“SEC. 3021. BRUSH AND RANGE FIRE PREVENTION AND**
17 **SUPPRESSION.**

18 “(a) *REQUIRED ACTIVITIES.*—*Consistent with any ap-*
19 *plicable land management plan, the Secretary concerned*
20 *shall take necessary precautions to prevent, and actions to*
21 *suppress, brush and range fires occurring as a result of*
22 *military activities on the land withdrawn and reserved by*
23 *section 3011, including fires that occur on other land that*
24 *spread from the withdrawn and reserved land.*

1 “(b) *COOPERATION OF SECRETARY OF THE INTE-*
2 *RIOR.—*

3 “(1) *IN GENERAL.—At the request of the Sec-*
4 *retary concerned, the Secretary of the Interior shall*
5 *provide assistance in the suppression of fires under*
6 *subsection (a). The Secretary concerned shall reim-*
7 *burse the Secretary of the Interior for the costs in-*
8 *curring by the Secretary of the Interior in providing*
9 *such assistance.*

10 “(2) *TRANSFER OF FUNDS.—Notwithstanding*
11 *section 2215 of title 10, United States Code, the Sec-*
12 *retary concerned may transfer to the Secretary of the*
13 *Interior, in advance, funds to be used to reimburse the*
14 *costs of the Department of the Interior in providing*
15 *assistance under this subsection.*

16 **“SEC. 3022. ONGOING DECONTAMINATION.**

17 “(a) *PROGRAM OF DECONTAMINATION REQUIRED.—*
18 *During the period of a withdrawal and reservation of land*
19 *by section 3011, the Secretary concerned shall maintain,*
20 *to the extent funds are available to carry out this subsection,*
21 *a program of decontamination of contamination caused by*
22 *defense-related uses on the withdrawn land. The decon-*
23 *tamination program shall be carried out consistent with*
24 *applicable Federal and State law.*

1 “(b) *ANNUAL REPORT.*—*The Secretary of Defense shall*
2 *include in the annual report required by section 2711 of*
3 *title 10, United States Code, a description of decontamina-*
4 *tion activities conducted under subsection (a).*

5 **“SEC. 3023. WATER RIGHTS.**

6 “(a) *NO RESERVATION OF WATER RIGHTS.*—*Nothing*
7 *in this subtitle—*

8 “(1) *establishes a reservation in favor of the*
9 *United States with respect to any water or water*
10 *right on the land withdrawn and reserved by section*
11 *3011; or*

12 “(2) *authorizes the appropriation of water on the*
13 *land withdrawn and reserved by section 3011, except*
14 *in accordance with applicable State law.*

15 “(b) *EFFECT ON PREVIOUSLY ACQUIRED OR RE-*
16 *SERVED WATER RIGHTS.*—

17 “(1) *IN GENERAL.*—*Nothing in this section af-*
18 *fects any water rights acquired or reserved by the*
19 *United States before October 5, 1999, on the land*
20 *withdrawn and reserved by section 3011.*

21 “(2) *AUTHORITY OF SECRETARY CONCERNED.*—
22 *The Secretary concerned may exercise any water*
23 *rights described in paragraph (1).*

1 **“SEC. 3024. HUNTING, FISHING, AND TRAPPING.**

2 “(a) *IN GENERAL.*—Section 2671 of title 10, United
3 States Code, shall apply to all hunting, fishing, and trap-
4 ping on the land—

5 “(1) that is withdrawn and reserved by section
6 3011; and

7 “(2) for which management of the land has been
8 assigned to the Secretary concerned.

9 “(b) *DESERT NATIONAL WILDLIFE REFUGE.*—Hunt-
10 ing, fishing, and trapping within the Desert National Wild-
11 life Refuge shall be conducted in accordance with the Na-
12 tional Wildlife Refuge System Administration Act of 1966
13 (16 U.S.C. 668dd et seq.), the Recreation Use of Wildlife
14 Areas Act of 1969 (16 U.S.C. 460k et seq.), and other laws
15 applicable to the National Wildlife Refuge System.

16 **“SEC. 3025. RELINQUISHMENT.**

17 “(a) *NOTICE OF INTENTION TO RELINQUISH.*—If, dur-
18 ing the period of withdrawal and reservation made by sec-
19 tion 3011, the Secretary concerned decides to relinquish any
20 or all of the land withdrawn and reserved by section 3011,
21 the Secretary concerned shall submit to the Secretary of the
22 Interior notice of the intention to relinquish the land.

23 “(b) *DETERMINATION OF CONTAMINATION.*—The Sec-
24 retary concerned shall include in the notice submitted under
25 subsection (a) a written determination concerning whether
26 and to what extent the land that is to be relinquished is

1 *contaminated with explosive materials or toxic or haz-*
2 *ardous substances.*

3 “(c) *PUBLIC NOTICE.—The Secretary of the Interior*
4 *shall publish in the Federal Register the notice of intention*
5 *to relinquish the land under this section, including the de-*
6 *termination concerning the contaminated state of the land.*

7 “(d) *DECONTAMINATION OF LAND TO BE RELIN-*
8 *QUISHED.—*

9 “(1) *DECONTAMINATION REQUIRED.—The Sec-*
10 *retary concerned shall decontaminate land subject to*
11 *a notice of intention under subsection (a) to the ex-*
12 *tent that funds are appropriated for that purpose,*
13 *if—*

14 “(A) *the land subject to the notice of inten-*
15 *tion is contaminated, as determined by the Sec-*
16 *retary concerned; and*

17 “(B) *the Secretary of the Interior, in con-*
18 *sultation with the Secretary concerned, deter-*
19 *mines that—*

20 “(i) *decontamination is practicable*
21 *and economically feasible, after taking into*
22 *consideration the potential future use and*
23 *value of the contaminated land; and*

24 “(ii) *on decontamination of the land,*
25 *the land could be opened to operation of*

1 *some or all of the public land laws, includ-*
2 *ing the mining laws, the mineral leasing*
3 *laws, and the geothermal leasing laws.*

4 “(2) *ALTERNATIVES TO RELINQUISHMENT.—The*
5 *Secretary of the Interior shall not be required to ac-*
6 *cept the land proposed for relinquishment under sub-*
7 *section (a), if—*

8 “(A) *the Secretary of the Interior, after con-*
9 *sultation with the Secretary concerned, deter-*
10 *mines that—*

11 “(i) *decontamination of the land is not*
12 *practicable or economically feasible; or*

13 “(ii) *the land cannot be decontami-*
14 *nated sufficiently to be opened to operation*
15 *of some or all of the public land laws; or*

16 “(B) *sufficient funds are not appropriated*
17 *for the decontamination of the land.*

18 “(3) *STATUS OF CONTAMINATED LAND PROPOSED*
19 *TO BE RELINQUISHED.—If, because of the contami-*
20 *nated state of the land, the Secretary of the Interior*
21 *declines to accept land withdrawn and reserved by*
22 *section 3011 that has been proposed for relinquish-*
23 *ment—*

24 “(A) *the Secretary concerned shall take ap-*
25 *propriate steps to warn the public of—*

1 “(i) *the contaminated state of the land;*

2 *and*

3 “(ii) *any risks associated with entry*

4 *onto the land;*

5 “(B) *the Secretary concerned shall submit*

6 *to the Secretary of the Interior and Congress a*

7 *report describing—*

8 “(i) *the status of the land; and*

9 “(ii) *any actions taken under this*

10 *paragraph.*

11 “(e) *REVOCATION AUTHORITY.—*

12 “(1) *IN GENERAL.—If the Secretary of the Inte-*

13 *rior determines that it is in the public interest to ac-*

14 *cept the land proposed for relinquishment under sub-*

15 *section (a), the Secretary of the Interior may order*

16 *the revocation of a withdrawal and reservation made*

17 *by section 3011.*

18 “(2) *REVOCATION ORDER.—To carry out a rev-*

19 *ocation under paragraph (1), the Secretary of the In-*

20 *terior shall publish in the Federal Register a revoca-*

21 *tion order that—*

22 “(A) *terminates the withdrawal and res-*

23 *ervation;*

24 “(B) *constitutes official acceptance of the*

25 *land by the Secretary of the Interior; and*

1 “(C) specifies the date on which the land
2 will be opened to the operation of some or all of
3 the public land laws, including the mining laws,
4 the mineral leasing laws, and the geothermal
5 leasing laws.

6 “(f) ACCEPTANCE BY SECRETARY OF THE INTERIOR.—

7 “(1) IN GENERAL.—Nothing in this section re-
8 quires the Secretary of the Interior to accept the land
9 proposed for relinquishment if the Secretary deter-
10 mines that the land is not suitable for return to the
11 public domain.

12 “(2) NOTICE.—If the Secretary makes a deter-
13 mination that the land is not suitable for return to
14 the public domain, the Secretary shall provide notice
15 of the determination to Congress.

16 **“SEC. 3026. EFFECT OF TERMINATION OF MILITARY USE.**

17 “(a) NOTICE AND EFFECT.—Upon a determination by
18 the Secretary concerned that there is no longer a military
19 need for all or portions of the land for which administrative
20 jurisdiction was transferred under section 3016, the Sec-
21 retary concerned shall notify the Secretary of the Interior
22 of such determination. Subject to subsections (b), (c), and
23 (d), the Secretary concerned shall transfer administrative
24 jurisdiction over the land subject to such a notice back to

1 *the administrative jurisdiction of the Secretary of the Inte-*
2 *rior.*

3 “(b) *CONTAMINATION.*—*Before transmitting a notice*
4 *under subsection (a), the Secretary concerned shall prepare*
5 *a written determination concerning whether and to what*
6 *extent the land to be transferred is contaminated with ex-*
7 *plosive materials or toxic or hazardous substances. A copy*
8 *of the determination shall be transmitted with the notice.*
9 *Copies of the notice and the determination shall be pub-*
10 *lished in the Federal Register.*

11 “(c) *DECONTAMINATION.*—*The Secretary concerned*
12 *shall decontaminate any contaminated land that is the sub-*
13 *ject of a notice under subsection (a) if—*

14 “(1) *the Secretary of the Interior, in consultation*
15 *with the Secretary concerned, determines that—*

16 “(A) *decontamination is practicable and*
17 *economically feasible (taking into consideration*
18 *the potential future use and value of the land);*
19 *and*

20 “(B) *upon decontamination, the land could*
21 *be opened to operation of some or all of the pub-*
22 *lic land laws, including the mining laws; and*

23 “(2) *funds are appropriated for such decon-*
24 *tamination.*

1 “(d) *NO REQUIRED ACCEPTANCE.*—*The Secretary of*
 2 *the Interior is not required to accept land proposed for*
 3 *transfer under subsection (a) if the Secretary of the Interior*
 4 *is unable to make the determinations under subsection*
 5 *(c)(1) or if Congress does not appropriate a sufficient*
 6 *amount of funds for the decontamination of the land.*

7 “(e) *ALTERNATIVE DISPOSAL.*—*If the Secretary of the*
 8 *Interior declines to accept land proposed for transfer under*
 9 *subsection (a), the Secretary concerned shall dispose of the*
 10 *land in accordance with property disposal procedures estab-*
 11 *lished by law.”.*

12 (c) *CONFORMING AND CLERICAL AMENDMENTS.*—

13 (1) *CONFORMING AMENDMENTS.*—*Section 3014*
 14 *of the Military Lands Withdrawal Act of 1999 (title*
 15 *XXX of Public Law 106–65; 113 Stat. 890) is amend-*
 16 *ed by striking subsections (b), (d), and (f).*

17 (2) *CLERICAL AMENDMENTS.*—*The table of sec-*
 18 *tions at the beginning of the Military Lands With-*
 19 *drawal Act of 1999 (title XXX of Public Law 106–*
 20 *65; 113 Stat. 885) is amended by striking the items*
 21 *relating to sections 3016 through 3023 and inserting*
 22 *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.”.

1 **SEC. 2842. PERMANENT WITHDRAWAL OR TRANSFER OF AD-**
 2 **MINISTRATIVE JURISDICTION OF PUBLIC**
 3 **LAND, NAVAL AIR WEAPONS STATION CHINA**
 4 **LAKE, CALIFORNIA.**

5 *Section 2979 of the Military Construction Authoriza-*
 6 *tion Act for Fiscal Year 2014 (division B of Public Law*
 7 *113–66; 127 Stat. 1044) is amended by striking “on March*
 8 *31, 2039.” and inserting the following: “only as follows:*

9 *“(1) If the Secretary of the Navy makes an elec-*
 10 *tion to terminate the withdrawal and reservation of*
 11 *the public land.*

12 *“(2) If the Secretary of the Interior, upon request*
 13 *by the Secretary of the Navy, transfers administrative*
 14 *jurisdiction over the public land to the Secretary of*
 15 *the Navy. A transfer under this paragraph may con-*
 16 *sist of a portion of the land, in which case the termi-*
 17 *nation of the withdrawal and reservation applies only*
 18 *with respect to the land so transferred.”.*

1 ***Subtitle F—Military Memorials,***
2 ***Monuments, and Museums***

3 ***SEC. 2851. CYBER CENTER FOR EDUCATION AND INNOVA-***
4 ***TION—HOME OF THE NATIONAL CRYPTOLOGIC***
5 ***MUSEUM.***

6 (a) *AUTHORITY TO ESTABLISH AND OPERATE CEN-*
7 *TER.*—Chapter 449 of title 10, United States Code, is
8 amended by adding at the end the following new section:

9 ***“§4781. Cyber Center for Education and Innovation—***
10 ***Home of the National Cryptologic Museum***

11 “(a) *ESTABLISHMENT.*—The Secretary of Defense may
12 establish at a publicly accessible location at Fort George
13 G. Meade the ‘Cyber Center for Education and Innovation—
14 Home of the National Cryptologic Museum’ (in this section
15 referred to as the ‘Center’). The Center may be used for the
16 identification, curation, storage, and public viewing of ma-
17 terials relating to the activities of the National Security
18 Agency, its predecessor or successor organizations, and the
19 history of cryptology. The Center may contain meeting, con-
20 ference, and classroom facilities that will be used to support
21 such education, training, public outreach, and other pur-
22 poses as the Secretary considers appropriate.

23 “(b) *DESIGN, CONSTRUCTION, AND OPERATION.*—The
24 Secretary may enter into an agreement with the National
25 Cryptologic Museum Foundation (in this section referred

1 to as the ‘Foundation’), a nonprofit organization, for the
2 design, construction, and operation of the Center.

3 “(c) *ACCEPTANCE AUTHORITY.*—

4 “(1) *ACCEPTANCE OF FACILITY.*—If the Founda-
5 tion constructs the Center pursuant to an agreement
6 with the Foundation under subsection (b), upon satis-
7 factory completion of the Center’s construction or any
8 phase thereof, as determined by the Secretary, and
9 upon full satisfaction by the Foundation of any other
10 obligations pursuant to such agreement, the Secretary
11 may accept the Center (or any phase thereof) from the
12 Foundation, and all right, title, and interest in the
13 Center or such phase shall vest in the United States.

14 “(2) *ACCEPTANCE OF SERVICES.*—Notwith-
15 standing section 1342 of title 31, the Secretary may
16 accept services from the Foundation in connection
17 with the design, construction, and operation of the
18 Center. For purposes of this section and any other
19 provision of law, employees or personnel of the Foun-
20 dation shall not be considered to be employees of the
21 United States.

22 “(d) *FEEES AND USER CHARGES.*—

23 “(1) *AUTHORITY TO ASSESS FEEES AND USER*
24 *CHARGES.*—Under regulations prescribed by the Sec-
25 retary, the Director may assess fees and user charges

1 *sufficient to cover the cost of the use of Center facili-*
2 *ties and property, including rental, user, conference,*
3 *and concession fees, except that the Director may not*
4 *assess fees for general admission to the National*
5 *Cryptologic Museum.*

6 “(2) *USE OF FUNDS.*—*Amounts received by the*
7 *Director under paragraph (1) shall be deposited into*
8 *the Fund established under subsection (e).*

9 “(e) *FUND.*—

10 “(1) *ESTABLISHMENT.*—*Upon the Secretary’s ac-*
11 *ceptance of the Center under subsection (e)(1), there*
12 *is established in the Treasury a fund to be known as*
13 *the ‘Cyber Center for Education and Innovation–*
14 *Home of the National Cryptologic Museum Fund’ (in*
15 *this section referred to as the ‘Fund’).*

16 “(2) *CONTENTS.*—*The Fund shall consist of the*
17 *following amounts:*

18 “(A) *Fees and user charges deposited by the*
19 *Director under subsection (d).*

20 “(B) *Any other amounts received by the Di-*
21 *rector which are attributable to the operation of*
22 *the Center.*

23 “(C) *Such amounts as may be appropriated*
24 *under law.*

1 *acquisition, installation, and maintenance of exhibits, fa-*
2 *cilities, and programs that highlight the role of women in*
3 *the military.*

4 (b) *AGREEMENT WITH NONPROFIT ORGANIZATIONS.—*

5 (1) *AUTHORIZATION OF AGREEMENT.—Subject to*
6 *paragraph (2), the Secretary may carry out sub-*
7 *section (a) by entering into contracts with nonprofit*
8 *organizations under which such an organization shall*
9 *carry out the activities described in such subsection.*

10 (2) *REPORT REQUIRED PRIOR TO AGREEMENT.—*

11 *The Secretary may not enter into a contract under*
12 *paragraph (1) until the congressional defense commit-*
13 *tees have received a report from the Secretary that de-*
14 *scribes how the use of such a contract will help edu-*
15 *cate and inform the public on the history and mission*
16 *of the military, or support training and leadership*
17 *development of military personnel, and is in the best*
18 *interests of the Department of Defense.*

19 **SEC. 2854. PETERSBURG NATIONAL BATTLEFIELD BOUND-**
20 **ARY MODIFICATION.**

21 (a) *IN GENERAL.—The boundary of the Petersburg Na-*
22 *tional Battlefield is modified to include the land and inter-*
23 *ests in land as generally depicted on the map titled “Peters-*
24 *burg National Battlefield Proposed Boundary Expansion”,*
25 *numbered 325/80,080, and dated March 2016. The map*

1 *shall be on file and available for public inspection in the*
2 *appropriate offices of the National Park Service.*

3 *(b) ACQUISITION OF PROPERTIES.—*

4 *(1) AUTHORITY.—The Secretary of the Interior*
5 *(referred to in this section as the “Secretary”) is au-*
6 *thorized to acquire the land and interests in land, de-*
7 *scribed in subsection (a), from willing sellers only, by*
8 *donation, purchase with donated or appropriated*
9 *funds, exchange, or transfer.*

10 *(2) NO USE OF CONDEMNATION.—The Secretary*
11 *may not acquire by condemnation any land or inter-*
12 *est in land under this Act or for the purposes of this*
13 *Act.*

14 *(3) NO BUFFER ZONE CREATED.—Nothing in*
15 *this Act, the acquisition of the land or an interest in*
16 *land authorized under subsection (a), or the manage-*
17 *ment plan for the Petersburg National Battlefield (in-*
18 *cluding the acquired land) shall be construed to create*
19 *buffer zones outside the Petersburg National Battle-*
20 *field. That activities or uses can be seen, heard, or de-*
21 *tected from the acquired land shall not preclude,*
22 *limit, control, regulate, or determine the conduct or*
23 *management of activities or uses outside of the Peters-*
24 *burg National Battlefield.*

1 (4) *WRITTEN CONSENT OF THE OWNER.*—No
2 *non-Federal property may be included in the Peters-*
3 *burg National Battlefield without the written consent*
4 *of the owner.*

5 (5) *TECHNICAL AMENDMENT.*—Section 313(a) of
6 *the National Parks and Recreation Act of 1978 (Pub-*
7 *lic Law 95–625; 92 Stat. 3479) is amended by strik-*
8 *ing “twenty-one” and inserting “twenty-five”.*

9 (c) *ADMINISTRATION.*—*The Secretary shall administer*
10 *any land or interests in land acquired under subsection (b)*
11 *as part of the Petersburg National Battlefield in accordance*
12 *with applicable laws and regulations.*

13 (d) *ADMINISTRATIVE JURISDICTION TRANSFER.*—

14 (1) *IN GENERAL.*—*There is transferred—*

15 (A) *from the Secretary to the Secretary of*
16 *the Army administrative jurisdiction over the*
17 *approximately 1.170-acre parcel of land depicted*
18 *as “Area to be transferred to Fort Lee Military*
19 *Reservation” on the map described in paragraph*
20 *(2); and*

21 (B) *from the Secretary of the Army to the*
22 *Secretary administrative jurisdiction over the*
23 *approximately 1.171-acre parcel of land depicted*
24 *as “Area to be transferred to Petersburg National*

1 *Battlefield*” on the map described in paragraph
2 (2).

3 (2) *MAP.*—*The land to be exchanged is depicted*
4 *on the map titled “Petersburg National Battlefield*
5 *Proposed Transfer of Administrative Jurisdiction”,*
6 *numbered 325/80,801A, dated March 2016. The map*
7 *shall be on file and available for public inspection in*
8 *the appropriate offices of the National Park Service.*

9 (3) *CONDITIONS OF TRANSFER.*—*The transfer of*
10 *administrative jurisdiction under paragraph (1) shall*
11 *be subject to the following conditions:*

12 (A) *NO REIMBURSEMENT OR CONSIDER-*
13 *ATION.*—*The transfer shall occur without reim-*
14 *bursement or consideration.*

15 (B) *MANAGEMENT.*—*The land transferred to*
16 *the Secretary under paragraph (1) shall be in-*
17 *cluded within the boundary of the Petersburg*
18 *National Battlefield and administered as part of*
19 *that park in accordance with applicable laws*
20 *and regulations, and the land transferred to the*
21 *Secretary of the Army shall be excluded from the*
22 *boundary of the Petersburg National Battlefield.*

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 Representatives*
13 *and the Committee on Energy and Natural Resources*
14 *of the Senate if the property is owned by the Federal*
15 *Government when the property is being considered for*
16 *inclusion on the National Register, for designation as*
17 *a National Historic Landmark, or for nomination to*
18 *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 designa-*
25 *tion for reasons of national security, such as any im-*
26 *act the inclusion or designation would have on use*

1 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 ignated by paragraph (2) of this section) the fol-
8 lowing:

9 “(10) The Secretary shall promulgate regulations
10 to allow for expedited removal of Federal property
11 listed on the National Register of Historic Places if
12 the managing agency of that Federal property sub-
13 mits to the Secretary a written request to remove the
14 Federal property from the National Register of His-
15 toric Places for reasons of national security, such as
16 any impact the inclusion or designation would have
17 on use of the property for military training or readi-
18 ness 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 important
23 events in the history of the Nation, a time of moral
24 clarity and common purpose that remains today as
25 an inspiration to all people in the United States.

1 (2) *The role of aviation was a critical factor in*
2 *the success of winning World War II and defeating*
3 *the enemies worldwide.*

4 (3) *The bravery, courage, dedication, and her-*
5 *oism of World War II aviators and support personnel*
6 *was an important element in the winning of World*
7 *War II.*

8 (4) *The National Museum of World War II Avia-*
9 *tion in Colorado Springs, Colorado, exists to help pre-*
10 *serve and promote an understanding of the role of*
11 *aviation in winning World War II.*

12 (5) *The National Museum of World War II Avia-*
13 *tion is dedicated to celebrating the spirit of the*
14 *United States, recognizing the teamwork, collabora-*
15 *tion, patriotism, and courage of the men and women*
16 *who fought, as well as those on the homefront who mo-*
17 *bilized and supported the national aviation effort.*

18 (b) *CONDITIONS ON RECOGNITION OF AMERICA'S NA-*
19 *TIONAL WORLD WAR II AVIATION MUSEUM.—The Sec-*
20 *retary of the Air Force, Secretary of the Navy, and Sec-*
21 *retary of the Army shall—*

22 (1) *each provide a briefing to the Committees on*
23 *Armed Services of the House of Representatives and*
24 *the Senate evaluating the suitability of the museum*
25 *for recognition as a national museum; and*

1 (2) *each certify to such Committees that the mu-*
2 *seum is suitable for such recognition.*

3 (c) *ELEMENTS OF CERTIFICATION.—The Secretary of*
4 *the Air Force, Secretary of the Navy, and Secretary of the*
5 *Army shall provide the certification under subsection (b)(2)*
6 *only if each certifies that each of the following is correct:*

7 (1) *The museum possesses the infrastructure nec-*
8 *essary to maintain and preserve military cultural re-*
9 *sources.*

10 (2) *The museum is accredited.*

11 (3) *The museum prevents the private use of any*
12 *item donated to the museum.*

13 (4) *The museum applies industry standards for*
14 *the preservation of military cultural resources.*

15 (5) *The museum employs sufficient staff, trained*
16 *to industry standards, to ensure the preservation of*
17 *military cultural resources.*

18 ***Subtitle G—Designations and Other***
19 ***Matters***

20 ***SEC. 2861. DESIGNATION OF PORTION OF MOFFETT FED-***
21 ***ERAL AIRFIELD, CALIFORNIA, AS MOFFETT***
22 ***AIR NATIONAL GUARD BASE.***

23 (a) *DESIGNATION.—The 111-acre cantonment area at*
24 *Moffett Federal Airfield, California, utilized by the 129th*
25 *Rescue Wing of the California Air National Guard shall*

1 *be known and designated as “Moffett Air National Guard*
2 *Base”.*

3 (b) *REFERENCES.—Any reference in any law, regula-*
4 *tion, map, document, paper, other record of the United*
5 *States to the cantonment area at Moffett Federal Airfield*
6 *described in subsection (a) shall be considered to be a ref-*
7 *erence to Moffett Air National Guard Base.*

8 **SEC. 2862. REDESIGNATION OF MIKE O’CALLAGHAN FED-**
9 **ERAL MEDICAL CENTER.**

10 *Section 2867 of the Military Construction Authoriza-*
11 *tion Act for Fiscal Year 1997 (division B of Public Law*
12 *104-201; 110 Stat. 2806), as amended by section 8135(a)*
13 *of the Department of Defense Appropriations Act, 1997 (sec-*
14 *tion 101(b) of division A of the Omnibus Consolidated Ap-*
15 *propriations Act, 1997 (Public Law 104-208; 110 Stat.*
16 *3009-118)), and as amended by section 2862 of the Military*
17 *Construction Authorization Act for Fiscal Year 2012 (divi-*
18 *sion B of Public Law 112-81; 125 Stat. 1701) is further*
19 *amended—*

20 (1) *by striking “Mike O’Callaghan Federal Med-*
21 *ical Center” each place it appears and inserting*
22 *“Mike O’Callaghan Military Medical Center”; and*

23 (2) *in the heading, by striking “MIKE*
24 **O’CALLAGHAN” and all that follows and inserting**

1 **“MIKE O’CALLAGHAN MILITARY MEDICAL CEN-**
2 **TER.”.**

3 **SEC. 2863. TRANSFER OF CERTAIN ITEMS OF THE OMAR**
4 **BRADLEY FOUNDATION TO THE DESCEND-**
5 **ANTS OF GENERAL OMAR BRADLEY.**

6 (a) *TRANSFER AUTHORIZED.*—*The Omar Bradley*
7 *Foundation, Pennsylvania, may transfer, without consider-*
8 *ation, to the child of General of the Army Omar Nelson*
9 *Bradley and his first wife Mary Elizabeth Quayle Bradley,*
10 *namely Elizabeth Bradley, such items of the Omar Bradley*
11 *estate under the control of the Foundation as the Secretary*
12 *of the Army determines to be without historic value to the*
13 *Army.*

14 (b) *TIME OF SUBMITTAL OF CLAIM FOR TRANSFER.*—
15 *No item may be transferred under subsection (a) unless the*
16 *claim for the transfer of such item is submitted to the Omar*
17 *Bradley Foundation during the 180-day period beginning*
18 *on the date of the enactment of this Act.*

19 **SEC. 2864. PROTECTION AND RECOVERY OF GREATER SAGE**
20 **GROUSE.**

21 (a) *DEFINITIONS.*—*In this section:*

22 (1) *FEDERAL RESOURCE MANAGEMENT PLAN.*—
23 *The term “Federal resource management plan”*
24 *means—*

1 (A) a land use plan prepared by the Bureau
2 of Land Management for public lands pursuant
3 to section 202 of the Federal Land Policy and
4 Management Act of 1976 (43 U.S.C. 1712); or

5 (B) a land and resource management plan
6 prepared by the Forest Service for National For-
7 est System lands pursuant to section 6 of the
8 Forest and Rangeland Renewable Resources
9 Planning Act of 1974 (16 U.S.C. 1604).

10 (2) *GREATER SAGE GROUSE*.—The term “Great-
11 er Sage Grouse” means a sage grouse of the species
12 *Centrocercus urophasianus*.

13 (3) *STATE MANAGEMENT PLAN*.—The term
14 “State management plan” means a State-approved
15 plan for the protection and recovery of the Greater
16 Sage Grouse.

17 (b) *PURPOSE*.—The purpose of this section is—

18 (1) to facilitate implementation of State man-
19 agement plans over a period of multiple, consecutive
20 Greater Sage Grouse life cycles; and

21 (2) to demonstrate the efficacy of the State man-
22 agement plans for the protection and recovery of the
23 Greater Sage Grouse.

24 (c) *DELAY IN MAKING ENDANGERED SPECIES ACT OF*
25 *1973 FINDING*.—

1 (1) *DELAY REQUIRED.*—*In the case of any State*
2 *with a State management plan, the Secretary of the*
3 *Interior may not make a finding under clause (i),*
4 *(ii), or (iii) of section 4(b)(3)(B) of the Endangered*
5 *Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)) with*
6 *respect to the Greater Sage Grouse in that State be-*
7 *fore September 30, 2026.*

8 (2) *EFFECT ON OTHER LAWS.*—*The delay im-*
9 *posed by paragraph (1) is, and shall remain, effective*
10 *without regard to any other statute, regulation, court*
11 *order, legal settlement, or any other provision of law*
12 *or in equity.*

13 (3) *EFFECT ON CONSERVATION STATUS.*—*Until*
14 *the date specified in paragraph (1), the conservation*
15 *status of the Greater Sage Grouse shall remain not*
16 *warranted for listing under the Endangered Species*
17 *Act of 1973 (16 U.S.C. 1531 et seq.).*

18 (d) *COORDINATION OF FEDERAL LAND MANAGEMENT*
19 *AND STATE MANAGEMENT PLANS.*—

20 (1) *PROHIBITION ON WITHDRAWALS AND MODI-*
21 *FICATIONS OF FEDERAL RESOURCE MANAGEMENT*
22 *PLANS.*—*In order to foster coordination between a*
23 *State management plan and Federal resource man-*
24 *agement plans that affect the Greater Sage Grouse,*
25 *upon notification by the Governor of a State with a*

1 *State management plan, the Secretary of the Interior*
2 *and the Secretary of Agriculture, as applicable, may*
3 *not exercise authority under section 204 of the Fed-*
4 *eral Land Policy and Management Act of 1976 (43*
5 *U.S.C. 1714) to make, modify, or extend any with-*
6 *drawal, nor amend or otherwise modify any Federal*
7 *resource management plan applicable to Federal land*
8 *in the State, in a manner inconsistent with the State*
9 *management plan for a period, to be specified by the*
10 *Governor in the notification, of at least five years be-*
11 *ginning on the date of the notification.*

12 (2) *RETROACTIVE EFFECT.—In the case of any*
13 *State that provides notification under paragraph (1),*
14 *if any withdrawal was made, modified, or extended*
15 *or if any amendment or modification of a Federal re-*
16 *source management plan applicable to Federal lands*
17 *in the State was issued during the three-year period*
18 *preceding the date of the notification and the with-*
19 *drawal, amendment, or modification altered manage-*
20 *ment of the Greater Sage Grouse or its habitat, imple-*
21 *mentation and operation of the withdrawal, amend-*
22 *ment, or modification shall be stayed to the extent*
23 *that the withdrawal, amendment, or modification is*
24 *inconsistent with the State management plan. The*
25 *Federal resource management plan, as in effect imme-*

1 *diately before the amendment or modification, shall*
2 *apply instead with respect to management of the*
3 *Greater Sage Grouse and its habitat, to the extent*
4 *consistent with the State management plan.*

5 (3) *DETERMINATION OF INCONSISTENCY.—Any*
6 *disagreement regarding whether a withdrawal, or an*
7 *amendment or other modification of a Federal re-*
8 *source management plan, is inconsistent with a State*
9 *management plan shall be resolved by the Governor of*
10 *the affected State.*

11 (e) *RELATION TO NATIONAL ENVIRONMENTAL POLICY*
12 *ACT OF 1969.—With regard to any major Federal action*
13 *consistent with a State management plan, any findings,*
14 *analyses, or conclusions regarding the Greater Sage Grouse*
15 *or its habitat under section 102(2)(C) of the National Envi-*
16 *ronmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall*
17 *not have a preclusive effect on the approval or implementa-*
18 *tion of the major Federal action in that State.*

19 (f) *REPORTING REQUIREMENT.—Not later than one*
20 *year after the date of the enactment of this Act and annu-*
21 *ally thereafter through 2026, the Secretary of the Interior*
22 *and the Secretary of Agriculture shall jointly submit to the*
23 *Committee on Energy and Natural Resources of the Senate*
24 *and the Committee on Natural Resources of the House of*
25 *Representatives a report on the Secretaries' implementation*

1 *and effectiveness of systems to monitor the status of Greater*
2 *Sage Grouse on Federal lands under their jurisdiction.*

3 *(g) JUDICIAL REVIEW.—Notwithstanding any other*
4 *provision of statute or regulation, the requirements and im-*
5 *plementation of this section, including determinations*
6 *made under subsection (d)(3), are not subject to judicial*
7 *review.*

8 **SEC. 2865. IMPLEMENTATION OF LESSER PRAIRIE-CHICKEN**
9 **RANGE-WIDE CONSERVATION PLAN AND**
10 **OTHER CONSERVATION MEASURES.**

11 *(a) DEFINITIONS.—In this section:*

12 *(1) CANDIDATE CONSERVATION AGREEMENTS.—*
13 *The terms “Candidate Conservation Agreement” and*
14 *“Candidate and Conservation Agreement With Assur-*
15 *ances” have the meaning given those terms in—*

16 *(A) the announcement of the Department of*
17 *the Interior and the Department of Commerce*
18 *entitled “Announcement of Final Policy for Can-*
19 *didate Conservation Agreements with Assur-*
20 *ances” (64 Fed. Reg. 32726 (June 17, 1999));*
21 *and*

22 *(B) sections 17.22(d) and 17.32(d) of title*
23 *50, Code of Federal Regulations (as in effect on*
24 *the date of enactment of this Act).*

1 (2) *RANGE-WIDE PLAN.*—*The term “Range-Wide*
2 *Plan” means the Lesser Prairie-Chicken Range-Wide*
3 *Conservation Plan of the Western Association of Fish*
4 *and Wildlife Agencies, as endorsed by the United*
5 *States Fish and Wildlife Service on October 23, 2013,*
6 *and published for comment on January 29, 2014 (79*
7 *Fed. Reg. 4652).*

8 (3) *SECRETARY.*—*The term “Secretary” means*
9 *the Secretary of the Interior.*

10 (b) *PROHIBITION ON TREATMENT AS THREATENED OR*
11 *ENDANGERED SPECIES.*—

12 (1) *IN GENERAL.*—*Notwithstanding any prior*
13 *action by the Secretary, the lesser prairie-chicken*
14 *shall not be treated as a threatened species or endan-*
15 *gered species under the Endangered Species Act of*
16 *1973 (16 U.S.C. 1531 et seq.) before December 31,*
17 *2022.*

18 (2) *PROHIBITION ON PROPOSAL.*—*Effective be-*
19 *ginning on January 1, 2023, the lesser prairie-chick-*
20 *en may not be treated as a threatened species or en-*
21 *dangered species under the Endangered Species Act of*
22 *1973 (16 U.S.C. 1531 et seq.) unless the Secretary*
23 *publishes a determination, based on the totality of the*
24 *scientific evidence, that conservation (as that term is*
25 *used in that Act) under the Range-Wide Plan and the*

1 *agreements, programs, and efforts referred to in sub-*
2 *section (c) have not achieved the conservation goals*
3 *established by the Range-Wide Plan.*

4 *(c) MONITORING OF PROGRESS OF CONSERVATION*
5 *PROGRAMS.—The Secretary shall monitor and annually*
6 *submit to Congress a report on progress in conservation of*
7 *the lesser prairie-chicken under the Range-Wide Plan and*
8 *all related—*

9 *(1) Candidate Conservation Agreements and*
10 *Candidate and Conservation Agreements With Assur-*
11 *ances;*

12 *(2) other Federal conservation programs admin-*
13 *istered by the United States Fish and Wildlife Serv-*
14 *ice, the Bureau of Land Management, and the De-*
15 *partment of Agriculture;*

16 *(3) State conservation programs; and*

17 *(4) private conservation efforts.*

18 **SEC. 2866. REMOVAL OF ENDANGERED SPECIES STATUS**

19 **FOR AMERICAN BURYING BEETLE.**

20 *Notwithstanding the final rule of the United States*
21 *Fish and Wildlife Service entitled “Endangered and*
22 *Threatened Wildlife and Plants; Determination of Endan-*
23 *gered Status for the American Burying Beetle” (54 Fed.*
24 *Reg. 29652 (July 13, 1989)), the American burying beetle*
25 *shall not be listed as a threatened species or endangered spe-*

1 *cies under the Endangered Species Act of 1973 (16 U.S.C.*
 2 *1531 et seq.).*

3 **TITLE XXIX—OVERSEAS CONTIN-**
 4 **GENY OPERATIONS MILI-**
 5 **TARY CONSTRUCTION**

6 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 7 **ACQUISITION PROJECTS.**

8 *The Secretary of the Navy may acquire real property*
 9 *and carry out the military construction projects for the in-*
 10 *stallations outside the United States, and in the amounts,*
 11 *set forth in the following table:*

Navy: Outside the United States

Country	Installation	Amount
<i>Djibouti</i>	<i>Camp Lemonier</i>	<i>\$37,409,000</i>
<i>Iceland</i>	<i>Keflavik</i>	<i>\$19,600,000</i>

12 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 13 **LAND ACQUISITION PROJECTS.**

14 *The Secretary of the Air Force may acquire real prop-*
 15 *erty and carry out the military construction projects for*
 16 *the installations outside the United States, and in the*
 17 *amounts, set forth in the following table:*

Air Force: Outside the United States

Country	Installation	Amount
<i>Bulgaria</i>	<i>Graf Ignatievo</i>	<i>\$13,400,000</i>
<i>Djibouti</i>	<i>Chabelley Airfield</i>	<i>\$10,500,000</i>
<i>Estonia</i>	<i>Amari Air Base</i>	<i>\$6,500,000</i>
<i>Germany</i>	<i>Spangdahlem Air Base</i>	<i>\$18,700,000</i>
<i>Lithuania</i>	<i>Siauliai</i>	<i>\$3,000,000</i>
<i>Poland</i>	<i>Powidz Air Base</i>	<i>\$4,100,000</i>
	<i>Lask Air Base</i>	<i>\$4,100,000</i>
<i>Romania</i>	<i>Campia Turzii</i>	<i>\$18,500,000</i>

1 **SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal years beginning after September 30, 2016, for the mili-*
4 *tary construction projects outside the United States author-*
5 *ized by this title as specified in the funding table in section*
6 *4602 and 4603.*

7 **TITLE XXX—UTAH TEST AND**
8 **TRAINING RANGE ENCROACH-**
9 **MENT PREVENTION AND TEM-**
10 **PORARY CLOSURE AUTHORI-**
11 **TIES**

12 **SEC. 3001. FINDINGS AND DEFINITIONS.**

13 *(a) FINDINGS.—Congress finds that—*

14 *(1) the testing and development of military*
15 *weapons systems and the training of military forces*
16 *are critical to ensuring the national security of the*
17 *United States;*

18 *(2) the Utah Test and Training Range is a*
19 *unique and irreplaceable national asset at the core of*
20 *the test and training mission of the Department of*
21 *Defense;*

22 *(3) continued access to the special use airspace*
23 *and land that comprise the Utah Test and Training*
24 *Range, under the terms and conditions described in*
25 *this title is a national security priority;*

1 (4) *multiple use of, sustained yield activities on,*
2 *and access to the BLM land are vital to the customs,*
3 *culture, economy, ranching, grazing, and transpor-*
4 *tation interests of the counties in which the BLM*
5 *land is situated; and*

6 (5) *the limited use by the military of the BLM*
7 *land and airspace above the BLM land is vital to im-*
8 *proving and maintaining the readiness of the Armed*
9 *Forces.*

10 (b) *DEFINITIONS.—In this title:*

11 (1) *BLM LAND.—The term “BLM land” means*
12 *the Bureau of Land Management land in the State*
13 *comprising approximately 625,643 acres, as generally*
14 *depicted on the map entitled “Utah Test and Train-*
15 *ing Range Enhancement/West Desert Land Ex-*
16 *change” and dated February 12, 2016.*

17 (2) *SECRETARY.—The term “Secretary” means*
18 *the Secretary of the Interior.*

19 (3) *STATE.—The term “State” means the State*
20 *of Utah.*

21 (4) *UTAH TEST AND TRAINING RANGE.—*

22 (A) *IN GENERAL.—The term “Utah Test*
23 *and Training Range” means the portions of the*
24 *military land and airspace operating area of the*

1 *Utah Test and Training Area that are located in*
2 *the State.*

3 (B) *INCLUSION.—The term “Utah Test and*
4 *Training Range” includes the Dugway Proving*
5 *Ground.*

6 ***Subtitle A—Utah Test and Training***
7 ***Range***

8 ***SEC. 3011. MANAGEMENT OF BLM LAND.***

9 (a) *MEMORANDUM OF AGREEMENT.—*

10 (1) *DRAFT.—*

11 (A) *IN GENERAL.—Not later than 90 days*
12 *after the date of enactment of this Act, the Sec-*
13 *retary and the Secretary of the Air Force shall*
14 *complete a draft of the memorandum of agree-*
15 *ment required under paragraph (2).*

16 (B) *PUBLIC COMMENT PERIOD.—During the*
17 *30-day period beginning on the date on which*
18 *the draft memorandum of agreement is com-*
19 *pleted under subparagraph (A), there shall be an*
20 *opportunity for public comment on the draft*
21 *memorandum of agreement, including an oppor-*
22 *tunity for the Utah Test and Training Range*
23 *Community Resource Group established under*
24 *section 3013(a) to provide comments on the draft*
25 *memorandum of agreement.*

1 (2) *REQUIREMENT; DEADLINE.*—

2 (A) *IN GENERAL.*—Not later than 180 days
3 after the date of enactment of this Act, the Sec-
4 retary and the Secretary of the Air Force shall
5 enter into a memorandum of agreement that pro-
6 vides for the continued management of the BLM
7 land by the Secretary, in a manner that provides
8 for the limited use of the BLM land by the Sec-
9 retary of the Air Force, consistent with this title.

10 (B) *SIGNATURES REQUIRED.*—The terms of
11 the memorandum of agreement, including a tem-
12 porary closure of the BLM land under the memo-
13 randum of agreement, may not be carried out
14 until the date on which all parties to the memo-
15 randum of agreement have signed the memo-
16 randum of agreement.

17 (3) *MANAGEMENT BY SECRETARY.*—The memo-
18 randum of agreement under paragraph (2) shall pro-
19 vide that the Secretary (acting through the Director
20 of the Bureau of Land Management) shall continue to
21 manage the BLM land—

22 (A) as land described in section 6901(1)(B)
23 of title 31, United States Code;

24 (B) for multiple use and sustained yield
25 goals and activities as required under sections

1 102(a)(7) and 202(c)(1) of the *Federal Land Pol-*
2 *icy and Management Act of 1976 (43 U.S.C.*
3 *1701(a)(7), 1712(c)(1)) and defined in section*
4 *103 of that Act (43 U.S.C. 1702), including all*
5 *principal or major uses on Federal land recog-*
6 *nized pursuant to the definition of the term in*
7 *section 103 of that Act (43 U.S.C. 1702);*

8 (C) *in accordance with section 202 of the*
9 *Federal Land Policy and Management Act of*
10 *1976 (43 U.S.C. 1712); and*

11 (D) *subject to use by the Secretary of the*
12 *Air Force provided under section 3012 for—*

13 (i) *the preservation of the Utah Test*
14 *and Training Range against current and*
15 *future encroachments that the Secretary of*
16 *the Air Force finds to be incompatible with*
17 *current and future test and training re-*
18 *quirements;*

19 (ii) *the testing of—*

20 (I) *advanced weapon systems, in-*
21 *cluding current weapons systems, 5th*
22 *generation weapon systems, and future*
23 *weapon systems; and*

24 (II) *the standoff distance for*
25 *weapons;*

1 (iii) *the testing and evaluation of*
2 *hypersonic weapons;*

3 (iv) *increased public safety for civil-*
4 *ians accessing the BLM land; and*

5 (v) *other purposes relating to meeting*
6 *national security needs.*

7 (b) *MAP.—The Secretary may correct any minor er-*
8 *rors in the map.*

9 (c) *LAND USE PLANS.—Any land use plan in existence*
10 *on the date of enactment of this Act that applies to the BLM*
11 *land shall continue to apply to the BLM land.*

12 (d) *MAINTAIN CURRENT USES.—*

13 (1) *IN GENERAL.—Notwithstanding subsection*
14 *(a)(3)(D), the memorandum of agreement entered into*
15 *under subsection (a) and the land use plans described*
16 *in subsection (c) shall not diminish any major or*
17 *principle use that is recognized pursuant to section*
18 *103(l) of the Federal Land Policy and Management*
19 *Act of 1976 (43 U.S.C. 1702(l)), except to the extent*
20 *authorized in subsection (a).*

21 (2) *ACTIONS BY SECRETARY OF THE AIR*
22 *FORCE.—The Secretary of the Air Force shall—*

23 (A) *if corrective action is necessary due to*
24 *an action of the Air Force, as determined by the*

1 *Secretary of the Air Force, render the BLM land*
2 *safe for public use; and*

3 *(B) appropriately communicate the safety*
4 *of the land to the Secretary once the BLM land*
5 *is rendered safe for public use.*

6 *(e) GRAZING.—*

7 *(1) NEW GRAZING LEASES AND PERMITS.—*

8 *(A) IN GENERAL.—The Secretary shall issue*
9 *and administer any new grazing lease or permit*
10 *on the BLM land, in accordance with applicable*
11 *law (including regulations) and other authorities*
12 *applicable to livestock grazing on Bureau of*
13 *Land Management land.*

14 *(B) NON-FEDERAL LAND LEVELS.—The Sec-*
15 *retary (acting through the Director of the Bu-*
16 *reau of Land Management) shall continue to*
17 *issue and administer livestock grazing leases and*
18 *permits on the non-Federal land described in sec-*
19 *tion 3022(3), subject to the requirements de-*
20 *scribed in subparagraphs (A) through (C) of*
21 *paragraph (2).*

22 *(2) EXISTING GRAZING LEASES AND PERMITS.—*
23 *Any livestock grazing lease or permit applicable to*
24 *the BLM land that is in existence on the date of en-*
25 *actment of this Act shall continue in effect—*

1 (A) at the number of permitted animal unit
2 months authorized under current applicable land
3 use plans;

4 (B) if range conditions permit, at levels
5 greater than the level of active use; and

6 (C) subject to such reasonable increases and
7 decreases of active use of animal unit months
8 and other reasonable regulations, policies, and
9 practices as the Secretary may consider appro-
10 priate based on rangeland conditions.

11 (f) *MEMORANDUM OF UNDERSTANDING ON EMER-*
12 *GENCY ACCESS AND RESPONSE.*—Nothing in this section
13 precludes the continuation of the memorandum of under-
14 standing that is between the Department of the Interior and
15 the Department of the Air Force with respect to emergency
16 access and response, as in existence as of the date of enact-
17 ment of this Act.

18 (g) *WITHDRAWAL.*—Subject to valid existing rights,
19 the BLM land is withdrawn from all forms of appropri-
20 ation under the public land laws, including the mining laws,
21 the mineral leasing laws, and the geothermal leasing laws.

22 (h) *LIMITATION ON FUTURE RIGHTS-OF-WAY OR USE*
23 *PERMITS.*—The Secretary may not issue any new use per-
24 mits or rights-of-way on the BLM land for any purposes
25 that the Secretary of the Air Force determines to be incom-

1 *patible with current or projected military requirements,*
2 *with consideration given to the rangeland improvements*
3 *under section 3015(h).*

4 (i) *GRAZING AND RANCHING.*—Efforts described in
5 *this title to facilitate grazing and ranching on the BLM*
6 *land and the non-Federal land described in section 3022(3)*
7 *shall be considered to be compatible with mission require-*
8 *ments of the Utah Test and Training Range.*

9 **SEC. 3012. TEMPORARY CLOSURES.**

10 (a) *IN GENERAL.*—If the Secretary of the Air Force
11 *determines that military operations (including operations*
12 *relating to the fulfillment of the mission of the Utah Test*
13 *and Training Range), public safety, or national security*
14 *require the temporary closure to public use of any road,*
15 *trail, or other portion of the BLM land, the Secretary of*
16 *the Air Force may take such action as the Secretary of the*
17 *Air Force determines necessary to carry out the temporary*
18 *closure.*

19 (b) *LIMITATIONS.*—Any temporary closure under sub-
20 *section (a)—*

21 (1) *shall be limited to the minimum areas and*
22 *periods during which the Secretary of the Air Force*
23 *determines are required to carry out a closure under*
24 *this section;*

1 (2) shall not occur on a State or Federal holi-
2 day, unless notice is provided in accordance with sub-
3 section (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 than
8 a 3-hour period per day;

9 (B) shall only be for longer than a 3-hour period
10 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; and

21 (B) provide notice to the Secretary, public,
22 and relevant stakeholders concerning the tem-
23 porary closure—

24 (i) at least 30 days before the date on
25 which the temporary closure goes into effect;

1 (ii) in the case of a closure during the
2 period beginning on March 1 and ending on
3 May 31, at least 60 days before the date on
4 which the closure goes into effect; or

5 (iii) in the case of a closure described
6 in paragraph (3) or (4) of subsection (b), at
7 least 90 days before the date on which the
8 closure goes into effect.

9 (2) *SPECIAL NOTIFICATION PROCEDURES.*—In
10 each case for which a mission-unique security require-
11 ment does not allow for the notifications described in
12 paragraph (1)(B), the Secretary of the Air Force shall
13 work with the Secretary to achieve a mutually agree-
14 able timeline for notification.

15 (d) *MAXIMUM ANNUAL CLOSURES.*—The total cumu-
16 lative hours of temporary closures authorized under this sec-
17 tion with respect to the BLM land shall not exceed 100
18 hours annually.

19 (e) *PROHIBITION ON CERTAIN TEMPORARY CLO-*
20 *SURES.*—The northernmost area identified as “Newfound-
21 land’s” on the map shall not be subject to any temporary
22 closure between August 21 and February 28, in accordance
23 with the lawful hunting methods and seasons of the State
24 of Utah.

1 (f) *EMERGENCY GROUND RESPONSE.*—A temporary
2 closure of a portion of the BLM land shall not affect the
3 conduct of emergency response activities on the BLM land
4 during the temporary closure.

5 (g) *LAW ENFORCEMENT AND SECURITY.*—The Sec-
6 retary and the Secretary of the Air Force may enter into
7 cooperative agreements with State and local law enforce-
8 ment officials with respect to lawful procedures and proto-
9 cols to be used in promoting public safety and operation
10 security on or near the BLM land during noticed test and
11 training periods.

12 (h) *LIVESTOCK.*—Livestock shall be allowed to remain
13 on the BLM land during a temporary closure of the BLM
14 land under this section.

15 **SEC. 3013. COMMUNITY RESOURCE GROUP.**

16 (a) *ESTABLISHMENT.*—Not later than 60 days after
17 the date of enactment of this Act, there shall be established
18 the Utah Test and Training Range Community Resource
19 Group (referred to in this section as the “Community
20 Group”) to provide regular and continuing input to the
21 Secretary and the Secretary of the Air Force on matters
22 involving public access to, use of, and overall management
23 of the BLM land.

24 (b) *MEMBERSHIP.*—

1 (1) *IN GENERAL.*—*The Secretary (acting through*
2 *the State Bureau of Land Management Office) shall*
3 *appoint members to the Community Group, includ-*
4 *ing—*

5 (A) *operational and land management per-*
6 *sonnel of the Air Force;*

7 (B) *1 Indian representative, to be nomi-*
8 *nated by a majority vote conducted among the*
9 *Indian tribes in the vicinity of the BLM land;*

10 (C) *not more than 2 county commissioners*
11 *from each of Box Elder, Tooele, and Juab Coun-*
12 *ties, Utah;*

13 (D) *2 representatives of off-road and high-*
14 *way use, hunting, and other recreational groups;*

15 (E) *2 representatives of livestock grazers on*
16 *any public land located within the BLM land;*

17 (F) *1 representative of the Utah Depart-*
18 *ment of Agriculture and Food; and*

19 (G) *not more than 3 representatives of State*
20 *or Federal offices or agencies, or private groups,*
21 *if the Secretary determines that such representa-*
22 *tives would further the goals and objectives of the*
23 *Community Group.*

1 (2) *CHAIRPERSON.*—*The members described in*
2 *paragraph (1) shall elect from among the members of*
3 *the Community Group—*

4 (A) *1 member to serve as Chairperson of the*
5 *Community Group; and*

6 (B) *1 member to serve as Vice-Chairperson*
7 *of the Community Group.*

8 (c) *CONDITIONS AND TERMS OF APPOINTMENT.*—

9 (1) *IN GENERAL.*—*Each member of the Commu-*
10 *nity Group shall serve voluntarily and without remu-*
11 *neration.*

12 (2) *TERM OF APPOINTMENT.*—

13 (A) *IN GENERAL.*—*Each member of the*
14 *Community Group shall be appointed for a term*
15 *of 4 years.*

16 (B) *ORIGINAL MEMBERS.*—*Notwithstanding*
17 *subparagraph (A), the Chairperson shall select*
18 *1/2 of the original members of the Community*
19 *Group to serve for a term of 4 years and the 1/2*
20 *to serve for a term of 2 years to ensure the re-*
21 *placement of members shall be staggered from*
22 *year to year.*

23 (C) *REAPPOINTMENT AND REPLACEMENT.*—

24 *The Secretary may reappoint or replace a mem-*

1 *ber of the Community Group appointed under*
2 *subsection (b)(1), if—*

3 *(i) the term of the member has expired;*

4 *(ii) the member has retired; or*

5 *(iii) the position held by the member*
6 *described in subparagraphs (A) through (G)*
7 *of paragraph (1) has changed to the extent*
8 *that the ability of the member to represent*
9 *the group or entity that the member rep-*
10 *resents has been significantly affected.*

11 *(d) MEETINGS.—*

12 *(1) IN GENERAL.—The Community Group shall*
13 *meet not less than once per year, and at such other*
14 *frequencies as determined by five or more of the mem-*
15 *bers of the Community Group.*

16 *(2) RESPONSIBILITIES OF COMMUNITY GROUP.—*
17 *The Community Group shall be responsible for deter-*
18 *mining appropriate schedules for, details of, and ac-*
19 *tions for meetings of the Community Group.*

20 *(3) NOTICE.—The Chairperson shall provide no-*
21 *tice to each member of the Community Group not less*
22 *than 10 business days before the date of a scheduled*
23 *meeting.*

24 *(4) EXEMPT FROM FEDERAL ADVISORY COM-*
25 *MITTEE ACT.—The Federal Advisory Committee Act*

1 (5 U.S.C. App.) shall not apply to meetings of the
2 Community Group.

3 (e) *COORDINATION WITH RECOMMENDATIONS OF COM-*
4 *MUNITY GROUP.*—*The Secretary and the Secretary of the*
5 *Air Force, consistent with existing laws (including regula-*
6 *tions), shall take under consideration recommendations*
7 *from the Community Group.*

8 (f) *TERMINATION OF AUTHORITY.*—*The Community*
9 *Group shall terminate on the date that is seven years after*
10 *the date of enactment of this Act, unless the Secretary and*
11 *the Community Group mutually elect to terminate the Com-*
12 *munity Group before that date.*

13 (g) *RENEWAL.*—*The Community Group may elect, by*
14 *simple majority, to renew the term of the Community*
15 *Group for an additional seven years, with the option to*
16 *renew the term every seven years thereafter. Each renewal*
17 *must occur upon or within 90 days before termination of*
18 *the Community Group.*

19 **SEC. 3014. LIABILITY.**

20 *The United States (including all departments, agen-*
21 *cies, officers, and employees of the United States) shall be*
22 *held harmless and shall not be liable for any injury or dam-*
23 *age to any individual or property suffered in the course*
24 *of any mining, mineral, or geothermal activity, or any*

1 *other authorized nondefense-related activity, conducted on*
2 *the BLM land.*

3 **SEC. 3015. EFFECTS OF SUBTITLE.**

4 (a) *EFFECT ON WEAPON IMPACT AREA.*—*Nothing in*
5 *this subtitle expands the boundaries of the weapon impact*
6 *area of the Utah Test and Training Range.*

7 (b) *EFFECT ON SPECIAL USE AIRSPACE AND TRAINING*
8 *ROUTES.*—*Nothing in this subtitle precludes—*

9 (1) *the designation of new units of special use*
10 *airspace; or*

11 (2) *the expansion of existing units of special use*
12 *airspace.*

13 (c) *EFFECT ON EXISTING RIGHTS AND AGREE-*
14 *MENTS.*—

15 (1) *KNOLLS SPECIAL RECREATION MANAGEMENT*
16 *AREA; BLM COMMUNITY PITS CENTRAL GRAYBACK AND*
17 *SOUTH GRAYBACK.*—*Except as provided in section*
18 *3012, nothing in this subtitle limits or alters any ex-*
19 *isting right or right of access to—*

20 (A) *the Knolls Special Recreation Manage-*
21 *ment Area; or*

22 (B)(i) *the Bureau of Land Management*
23 *Community Pits Central Grayback and South*
24 *Grayback; and*

1 (ii) any other county or community pit lo-
2 cated within close proximity to the BLM land.

3 (2) NATIONAL HISTORIC TRAILS AND OTHER HIS-
4 TORICAL LANDMARKS.—*Except as provided in section*
5 *3012, nothing in this subtitle limits or alters any ex-*
6 *isting right or right of access to a component of the*
7 *National Trails System or other Federal or State his-*
8 *toric landmarks within the BLM land, including the*
9 *California National Historic Trail, the Pony Express*
10 *National Historic Trail, or the GAPA Launch Site*
11 *and Blockhouse.*

12 (3) CLOSURE OF INTERSTATE 80.—*Nothing in*
13 *this subtitle authorizes any additional authority or*
14 *right to the Secretary or the Secretary of the Air*
15 *Force to temporarily close Interstate 80.*

16 (4) EFFECT ON LIMITATION ON AMENDMENTS TO
17 CERTAIN INDIVIDUAL RESOURCE MANAGEMENT
18 PLANS.—*Nothing in this subtitle affects the limitation*
19 *established under section 2815(d) of the National De-*
20 *fense Authorization Act for Fiscal Year 2000 (Public*
21 *Law 106–65; 113 Stat. 852).*

22 (5) EFFECT ON MEMORANDUM OF UNDER-
23 STANDING.—*Nothing in this subtitle affects the memo-*
24 *randum of understanding entered into by the Air*
25 *Force, the Bureau of Land Management, the Utah De-*

1 *partment of Natural Resources, and the Utah Divi-*
2 *sion of Wildlife Resources relating to the reestablish-*
3 *ment of bighorn sheep in the Newfoundland Moun-*
4 *tains and signed by the parties to the memorandum*
5 *of understanding during the period beginning on*
6 *January 24, 2000, and ending on February 4, 2000.*

7 (6) *EFFECT ON EXISTING MILITARY SPECIAL USE*
8 *AIRSPACE AGREEMENT.—Nothing in this subtitle lim-*
9 *its or alters the Military Operating Areas of Airspace*
10 *Use Agreement between the Federal Aviation Admin-*
11 *istration and the Air Force in effect on the date of*
12 *enactment of this Act.*

13 (d) *EFFECT ON WATER RIGHTS.—*

14 (1) *NO RESERVATION CREATED.—Nothing in this*
15 *subtitle—*

16 (A) *establishes any reservation in favor of*
17 *the United States with respect to any water or*
18 *water right on the BLM land; or*

19 (B) *authorizes any appropriation of water*
20 *on the BLM land, except in accordance with ap-*
21 *plicable State law.*

22 (2) *PREVIOUSLY ACQUIRED AND RESERVED*
23 *WATER RIGHTS.—Nothing in this subtitle affects—*

1 (A) any water right acquired or reserved by
2 the United States before the date of enactment of
3 this Act; or

4 (B) the authority of the Secretary or the
5 Secretary of the Air Force, as applicable, to exer-
6 cise any water right described in subparagraph
7 (A).

8 (3) *NO EFFECT ON MCCARRAN AMENDMENT.*—
9 Nothing in this subtitle diminishes, enhances, or oth-
10 erwise affects in any way the rights, duties, and obli-
11 gations of the United States, the State of Utah, the
12 counties in which the BLM land is situated, and the
13 residents and stakeholders in those counties under sec-
14 tion 208 of the Act of July 10, 1952 (commonly
15 known as the “McCarran Amendment”) (43 U.S.C.
16 666).

17 (e) *EFFECT ON FEDERALLY RECOGNIZED INDIAN*
18 *TRIBES.*—

19 (1) *IN GENERAL.*—Nothing in this subtitle alters
20 any right reserved by treaty or Federal law for a fed-
21 erally recognized Indian tribe for tribal use.

22 (2) *CONSULTATION.*—The Secretary of the Air
23 Force shall consult with any federally recognized In-
24 dian tribe in the vicinity of the BLM land before tak-

1 *ing any action that will affect any tribal right or cul-*
2 *tural resource protected by treaty or Federal law.*

3 *(f) EFFECT ON PAYMENTS IN LIEU OF TAXES.—*

4 *(1) ELIGIBILITY OF BLM LAND AND NON-FED-*
5 *ERAL LAND.—The BLM land and the non-Federal*
6 *land described in section 3022(3) shall remain eligible*
7 *as entitlement land under section 6901 of title 31,*
8 *United States Code.*

9 *(2) NO PREJUDICE TO COUNTY PAYMENT IN LIEU*
10 *OF TAXES RIGHTS.—Nothing in this subtitle dimin-*
11 *ishes, enhances, or otherwise affects any other right or*
12 *entitlement of the counties in which the BLM land is*
13 *situated to payments in lieu of taxes based on the*
14 *BLM land, under section 6901 of title 31, United*
15 *States Code.*

16 *(g) WILDLIFE GUZZLERS.—*

17 *(1) IN GENERAL.—The Bureau of Land Manage-*
18 *ment and the Utah Division of Wildlife Resources*
19 *shall continue the management of wildlife guzzlers in*
20 *existence as of the date of enactment of this Act on*
21 *the BLM land.*

22 *(2) NEW GUZZLERS.—Nothing in this subtitle*
23 *prevents the Bureau of Land Management and the*
24 *Utah Division of Wildlife Resources from entering*
25 *into agreements for new wildlife guzzlers.*

1 (3) *ACQUIRED GUZZLERS.*—*The Secretary shall*
2 *continue to manage existing wildlife guzzlers or wild-*
3 *life improvements on the non-Federal land conveyed*
4 *to the Secretary under section 3023(a) that were in*
5 *existence on the day before the date of the conveyance.*

6 (h) *RANGELAND IMPROVEMENTS.*—*The Secretary shall*
7 *continue to manage, in a manner that promotes and facili-*
8 *tates grazing—*

9 (1) *rangeland improvements on the BLM land*
10 *that are in existence on the date of enactment of this*
11 *Act; and*

12 (2) *rangeland improvements on the non-Federal*
13 *land conveyed to the Secretary under section 3023(a)*
14 *that were in existence on the day before the date of*
15 *the conveyance.*

16 (i) *NEW RANGELAND IMPROVEMENTS.*—*Nothing in*
17 *this subtitle prevents the Bureau of Land Management, the*
18 *Utah Department of Agriculture or other State entity, or*
19 *a Federal land permittee from entering into agreements for*
20 *new rangeland improvements that promote and facilitate*
21 *grazing.*

22 (j) *SCHOOL AND INSTITUTIONAL TRUST LANDS AD-*
23 *MINISTRATION.*—*The Bureau of Land Management shall*
24 *maintain rangeland grazing improvements in existence as*

1 *of the date of enactment of this Act on acquired land of*
2 *the School and Institutional Trust Lands Administration.*

3 ***Subtitle B—Land Exchange***

4 ***SEC. 3021. FINDINGS AND PURPOSE.***

5 *(a) FINDINGS.—Congress finds that—*

6 *(1) the State owns approximately 68,057 acres of*
7 *land and approximately 10,280 acres of mineral in-*
8 *terests located within the Utah Test and Training*
9 *Range in Box Elder, Tooele, and Juab Counties,*
10 *Utah;*

11 *(2) the State owns approximately 2,353 acres of*
12 *land and approximately 3,560 acres of mineral inter-*
13 *ests located wholly or partially within the Cedar*
14 *Mountains Wilderness in Tooele County, Utah;*

15 *(3) the parcels of State land described in para-*
16 *graphs (1) and (2)—*

17 *(A) were granted by Congress to the State*
18 *pursuant to the Act of July 16, 1894 (28 Stat.*
19 *107, chapter 138), to be held in trust for the ben-*
20 *efit of the public school system and other public*
21 *institutions of the State; and*

22 *(B) are largely scattered in checkerboard*
23 *fashion among Federal land;*

24 *(4) continued State ownership and development*
25 *of State trust land within the Utah Test and Train-*

1 *ing Range and the Cedar Mountains Wilderness is in-*
2 *compatible with—*

3 *(A) the critical national defense uses of the*
4 *Utah Test and Training Range; and*

5 *(B) the Federal management of the Cedar*
6 *Mountains Wilderness; and*

7 *(5) it is in the public interest of the United*
8 *States to acquire in a timely manner all State trust*
9 *land within the Utah Test and Training Range and*
10 *the Cedar Mountains Wilderness, in exchange for the*
11 *conveyance of the Federal land to the State, in ac-*
12 *cordance with the terms and conditions described in*
13 *this subtitle.*

14 *(b) PURPOSE.—It is the purpose of this subtitle to di-*
15 *rect, facilitate, and expedite the exchange of certain Federal*
16 *land and non-Federal land between the United States and*
17 *the State.*

18 **SEC. 3022. DEFINITIONS.**

19 *In this subtitle:*

20 *(1) EXCHANGE MAP.—The term “Exchange*
21 *Map” means the map prepared by the Bureau of*
22 *Land Management entitled “Utah Test and Training*
23 *Range Enhancement/West Desert Land Exchange”*
24 *and dated February 12, 2016.*

1 (2) *FEDERAL LAND*.—The term “Federal land”
2 means the Bureau of Land Management land located
3 in Box Elder, Millard, Juab, Tooele, and Beaver
4 Counties, Utah, that is identified on the Exchange
5 Map as “BLM Lands Proposed for Transfer to State
6 Trust Lands”.

7 (3) *NON-FEDERAL LAND*.—The term “non-Fed-
8 eral land” means the land owned by the State in Box
9 Elder, Tooele, and Juab Counties, Utah, that is iden-
10 tified on the Exchange Map as—

11 (A) “State Trust Land Proposed for Trans-
12 fer to BLM”; and

13 (B) “State Trust Minerals Proposed for
14 Transfer to BLM”.

15 (4) *STATE*.—The term “State” means the State
16 of Utah, acting through the School and Institutional
17 Trust Lands Administration.

18 **SEC. 3023. EXCHANGE OF FEDERAL LAND AND NON-FED-**
19 **ERAL LAND.**

20 (a) *IN GENERAL*.—If the State offers to convey to the
21 United States title to the non-Federal land, the Secretary
22 shall—

23 (1) accept the offer; and

24 (2) on receipt of all right, title, and interest in
25 and to the non-Federal land, convey to the State (or

1 *a designee) all right, title, and interest of the United*
2 *States in and to the Federal land.*

3 **(b) VALID EXISTING RIGHTS.**—*The exchange author-*
4 *ized under subsection (a) shall be subject to valid existing*
5 *rights.*

6 **(c) TITLE APPROVAL.**—*Title to the Federal land and*
7 *non-Federal land to be exchanged under this section shall*
8 *be in a format acceptable to the Secretary and the State.*

9 **(d) APPRAISALS.**—

10 **(1) IN GENERAL.**—*The value of the Federal land*
11 *and the non-Federal land to be exchanged under this*
12 *section shall be determined by appraisals conducted*
13 *by one or more independent appraisers retained by*
14 *the State, with the consent of the Secretary.*

15 **(2) APPLICABLE LAW.**—*The appraisals under*
16 *paragraph (1) shall be conducted in accordance with*
17 *nationally recognized appraisal standards, including,*
18 *as appropriate, the Uniform Appraisal Standards for*
19 *Federal Land Acquisitions.*

20 **(3) MINERAL LAND.**—

21 **(A) MINERAL REPORTS.**—*The appraisals*
22 *under paragraph (1) shall take into account*
23 *mineral and technical reports provided by the*
24 *Secretary and the State in the evaluation of*

1 *mineral deposits in the Federal land and non-*
2 *Federal land.*

3 (B) *MINING CLAIMS.*—*An appraisal of any*
4 *parcel of Federal land that is encumbered by a*
5 *mining or millsite claim located under sections*
6 *2318 through 2352 of the Revised Statutes (com-*
7 *monly known as the “Mining Law of 1872”) (30*
8 *U.S.C. 21 et seq.) shall take into account the en-*
9 *cumbrance created by the claim for purposes of*
10 *determining the value of the parcel of the Federal*
11 *land.*

12 (C) *VALIDITY EXAMINATION.*—*Nothing in*
13 *this subtitle requires the United States to con-*
14 *duct a mineral examination for any mining*
15 *claim on the Federal land.*

16 (4) *APPROVAL.*—*The appraisals conducted under*
17 *paragraph (1) shall be submitted to the Secretary and*
18 *the State for approval.*

19 (5) *DISPUTE RESOLUTION.*—*If, by the date that*
20 *is 90 days after the date of submission of an ap-*
21 *praisal for review and approval under this subsection,*
22 *the Secretary or the State do not agree to accept the*
23 *findings of the appraisals with respect to one or more*
24 *parcels of Federal land or non-Federal land, the dis-*
25 *pute shall be resolved in accordance with section*

1 206(d)(2) of the *Federal Land Policy and Manage-*
2 *ment Act of 1976 (43 U.S.C. 1716(d)(2)).*

3 (6) *DURATION.*—*The appraisals conducted under*
4 *paragraph (1) shall remain valid until the date of the*
5 *completion of the exchange authorized under this sub-*
6 *title.*

7 (7) *REIMBURSEMENT OF STATE COSTS.*—*The*
8 *Secretary shall reimburse the State in an amount*
9 *equal to 50 percent of the costs incurred by the State*
10 *in retaining independent appraisers under paragraph*
11 *(1).*

12 (e) *CONVEYANCE OF TITLE.*—*The land exchange au-*
13 *thorized under this subtitle shall be completed by the later*
14 *of—*

15 (1) *the date that is 1 year after the date of final*
16 *approval by the Secretary and the State of the ap-*
17 *praisals conducted under subsection (d); and*

18 (2) *the date that is 1 year after the date of com-*
19 *pletion of the dispute resolution process authorized*
20 *under subsection (d)(5).*

21 (f) *PUBLIC INSPECTION AND NOTICE.*—

22 (1) *PUBLIC INSPECTION.*—*At least 30 days before*
23 *the date of conveyance of the Federal land and non-*
24 *Federal land, all final appraisals and appraisal re-*
25 *views for land to be exchanged under this section shall*

1 *be available for public review at the office of the State*
2 *Director of the Bureau of Land Management in the*
3 *State of Utah.*

4 (2) *NOTICE.—The Secretary or the State, as ap-*
5 *licable, shall publish in a newspaper of general cir-*
6 *culation in Salt Lake County, Utah, a notice that the*
7 *appraisals conducted under subsection (d) are avail-*
8 *able for public inspection.*

9 (g) *EQUAL VALUE EXCHANGE.—*

10 (1) *IN GENERAL.—The value of the Federal land*
11 *and non-Federal land to be exchanged under this sec-*
12 *tion—*

13 (A) *shall be equal; or*

14 (B) *shall be made equal in accordance with*
15 *paragraph (2).*

16 (2) *EQUALIZATION.—*

17 (A) *SURPLUS OF FEDERAL LAND.—*

18 (i) *IN GENERAL.—If the value of the*
19 *Federal land exceeds the value of the non-*
20 *Federal land, the value of the Federal land*
21 *and non-Federal land shall be equalized by*
22 *the State conveying to the United States—*

23 (I) *State trust land parcel 1, as*
24 *described in the assessment entitled*
25 *“Bureau of Land Management Envi-*

1 *ronmental Assessment UT-100-06-*
2 *EA*”, numbered *UTU-82090*, and
3 *dated March 2008; or*

4 *(II) State trust land located with-*
5 *in any of the wilderness areas or na-*
6 *tional conservation areas in Wash-*
7 *ington County, Utah, established under*
8 *subtitle O of title I of the Omnibus*
9 *Public Land Management Act of 2009*
10 *(Public Law 111-11; 123 Stat. 1075)*
11 *that has an appraised value equal to*
12 *the difference between—*

13 *(aa) the value of the Federal*
14 *land; and*

15 *(bb) the value of the non-Fed-*
16 *eral land.*

17 *(ii) ORDER OF CONVEYANCES.—Any*
18 *non-Federal land required to be conveyed to*
19 *the United States under clause (i) shall be*
20 *conveyed until the value of the Federal land*
21 *and non-Federal land is equalized, in the*
22 *following order:*

23 *(I) The State trust land parcel de-*
24 *scribed in clause (i)(I).*

1 (II) *State trust land parcels lo-*
2 *cated in the Red Cliffs National Con-*
3 *servation Area.*

4 (III) *State trust land parcels lo-*
5 *cated in the Docs Pass Wilderness.*

6 (IV) *State trust land parcels lo-*
7 *cated in the Beaver Dam Wash Na-*
8 *tional Conservation Area.*

9 (B) *SURPLUS OF NON-FEDERAL LAND.—If*
10 *the value of the non-Federal land exceeds the*
11 *value of the Federal land, the value of the Fed-*
12 *eral land and the non-Federal land shall be*
13 *equalized by the Secretary making a cash equali-*
14 *zation payment to the State, in accordance with*
15 *section 206(b) of the Federal Land Policy Man-*
16 *agement (43 U.S.C. 1716(b)).*

17 (h) *WITHDRAWAL OF FEDERAL LAND FROM MINERAL*
18 *ENTRY PRIOR TO EXCHANGE.—Subject to valid existing*
19 *rights, the Federal land to be conveyed to the State under*
20 *this section is withdrawn from mineral location, entry, and*
21 *patent under the mining laws pending conveyance of the*
22 *Federal land to the State.*

1 **SEC. 3024. STATUS AND MANAGEMENT OF NON-FEDERAL**
2 **LAND AFTER EXCHANGE.**

3 (a) *NON-FEDERAL LAND WITHIN UTAH TEST AND*
4 *TRAINING RANGE.*—*On conveyance to the United States*
5 *under this subtitle, the non-Federal land located within the*
6 *Utah Test and Training Range shall be managed in accord-*
7 *ance with the memorandum of agreement entered into*
8 *under section 3011(a).*

9 (b) *NON-FEDERAL LAND WITHIN CEDAR MOUNTAINS*
10 *WILDERNESS.*—*On conveyance to the United States under*
11 *this subtitle, the non-Federal land located within the Cedar*
12 *Mountains Wilderness shall, in accordance with section*
13 *206(c) of the Federal Land Policy Act of 1976 (43 U.S.C.*
14 *1716(c)), be added to, and administered as part of, the*
15 *Cedar Mountains Wilderness.*

16 **SEC. 3025. HAZARDOUS MATERIALS.**

17 (a) *COSTS.*—*Except as provided in subsection (b), the*
18 *costs of remedial actions relating to hazardous materials*
19 *on land acquired under this subtitle shall be paid by those*
20 *entities responsible for the costs under applicable law.*

21 (b) *REMEDICATION OF PRIOR TESTING AND TRAINING*
22 *ACTIVITY.*—*The Department of Defense shall bear all costs*
23 *of evaluation, management, and remediation caused by the*
24 *previous testing of military weapons systems and the train-*
25 *ing of military forces on non-Federal land to be conveyed*
26 *to the United States under this subtitle.*

1 **Subtitle C—Highway Rights-of-way**

2 **SEC. 3031. RECOGNITION AND TRANSFER OF CERTAIN**
3 **HIGHWAY RIGHTS-OF-WAY.**

4 (a) *DEFINITIONS.—In this section:*

5 (1) *HIGHWAY RIGHT-OF-WAY.—The term “high-*
6 *way right-of-way” means a right-of-way across Fed-*
7 *eral land for all county roads in the Counties of Box*
8 *Elder, Tooele, and Juab, in the State of Utah, accord-*
9 *ing to official transportation map and centerline de-*
10 *scriptions of each county in existence as of March 1,*
11 *2015.*

12 (2) *MAP.—The term “official transportation*
13 *map and centerline description” means—*

14 (A) *the map entitled “Official Transpor-*
15 *tation Map of Box Elder County, Utah” and*
16 *dated March 1, 2015, and accompanying center-*
17 *line description of each road on file with the*
18 *Clerk of Box Elder County as of March 1, 2015;*

19 (B) *the map entitled “Official Transpor-*
20 *tation Map of Tooele County” and dated March*
21 *1, 2015, and accompanying centerline descrip-*
22 *tion of each road on file with the Clerk of Tooele*
23 *County as of March 1, 2015; and*

24 (C) *the map entitled “Official Transpor-*
25 *tation Map of Juab County” and dated March*

1 1, 2015, and accompanying centerline descrip-
2 tion of each road on file with the Clerk of Juab
3 County as of March 1, 2015.

4 (3) *SECRETARY.*—*The term “Secretary”*
5 *means—*

6 (A) *the Secretary of Agriculture, with re-*
7 *spect to land administered by the Chief of the*
8 *Forest Service; or*

9 (B) *the Secretary of the Interior, with re-*
10 *spect to land administered by the Director of the*
11 *Bureau of Land Management.*

12 (b) *RECOGNITION OF EXISTENCE AND VALIDITY OF*
13 *RIGHTS-OF-WAY.*—*Congress recognizes the existence and*
14 *validity of each of the highway rights-of-way identified on*
15 *the official transportation maps and centerline descrip-*
16 *tions.*

17 (c) *CONVEYANCE OF AN EASEMENT ACROSS FEDERAL*
18 *LAND.*—

19 (1) *BOX ELDER COUNTY, UTAH.*—*The Secretary*
20 *shall convey, without consideration, to Box Elder*
21 *County, 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)(A).*

3 (2) *JUAB COUNTY, UTAH.—The Secretary shall*
4 *convey, without consideration, to Juab County, Utah,*
5 *and the State of Utah as joint tenants with undivided*
6 *interests, easements for motorized travel rights-of-way*
7 *across Federal land for all highways shown and de-*
8 *scribed in the official transportation map and center-*
9 *line description of the county described in subsection*
10 *(a)(2)(B).*

11 (3) *TOOELE COUNTY, UTAH.—The Secretary*
12 *shall convey, without consideration, to Tooele County,*
13 *Utah, and the State of Utah as joint tenants with un-*
14 *divided 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)(C).*

19 (d) *DESCRIPTION OF FEDERAL LAND SUBJECT TO*
20 *EASEMENT.—*

21 (1) *IN GENERAL.—All easements under sub-*
22 *section (c) shall include—*

23 (A) *the current disturbed width of each sub-*
24 *ject highway as shown and described in the offi-*

1 *cial transportation maps and centerline descrip-*
2 *tions; and*

3 *(B) any additional acreage on either side of*
4 *the disturbed width that the respective county*
5 *transportation department determines is nec-*
6 *essary for the efficient maintenance, repair, sign-*
7 *age, administration, and use of the Federal land*
8 *subject to the easement.*

9 (2) *DESCRIPTION.—*

10 *(A) IN GENERAL.—The exact acreage and*
11 *legal description of the Federal land subject to*
12 *the easements conveyed under subsection (c) shall*
13 *be—*

14 *(i) as described in the centerline de-*
15 *scriptions;*

16 *(ii) as referenced in the official trans-*
17 *portation maps; and*

18 *(iii) as described and referenced ac-*
19 *ording to the disturbed width of each high-*
20 *way as of the date of conveyance for travel*
21 *purposes, plus any reasonable additional*
22 *width as may be necessary for surface*
23 *maintenance, repairs, and turnaround pur-*
24 *poses.*

1 (B) *SURVEY NOT REQUIRED.*—Notwith-
2 standing any other provision of law, the convey-
3 ance of easements under subsection (c) shall be
4 effective without a survey of the exact acreage
5 and local description of the Federal land subject
6 to the easements.

7 (e) *RETENTION OF MAPS AND CENTERLINE DESCRIP-*
8 *TIONS.*—The maps and centerline descriptions referred to
9 in clauses (i) and (ii) of subsection (d)(2)(A) shall be on
10 file in the appropriate office of the Secretary.

11 (f) *EXCLUSION OF CERTAIN CLASS D ROADS FROM*
12 *ROAD EASEMENT CONVEYANCES.*—Notwithstanding the
13 highway rights-of-way identified on the official transpor-
14 tation maps and centerline descriptions, this section does
15 not apply to any class D road located within the boundaries
16 of—

17 (1) *Cedar Mountain Wilderness Area designated*
18 *by section 384(a) of the National Defense Authoriza-*
19 *tion Act for Fiscal Year 2006 (Public Law 109–163;*
20 *119 Stat. 3217; 16 U.S.C. 1132 note); or*

21 (2) *any wilderness study area within Box Elder*
22 *County, Tooele County, or Juab County, Utah, des-*
23 *ignated in law or by administrative action.*

1 ***DIVISION C—DEPARTMENT OF***
2 ***ENERGY NATIONAL SECURITY***
3 ***AUTHORIZATIONS AND***
4 ***OTHER AUTHORIZATIONS***
5 ***TITLE XXXI—DEPARTMENT OF***
6 ***ENERGY NATIONAL SECURITY***
7 ***PROGRAMS***
8 ***Subtitle A—National Security***
9 ***Programs Authorizations***

10 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***
11 ***TION.***

12 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
13 *hereby authorized to be appropriated to the Department of*
14 *Energy for fiscal year 2017 for the activities of the National*
15 *Nuclear Security Administration in carrying out programs*
16 *as specified in the funding table in section 4701.*

17 *(b) AUTHORIZATION OF NEW PLANT PROJECTS.—*
18 *From funds referred to in subsection (a) that are available*
19 *for carrying out plant projects, the Secretary of Energy*
20 *may carry out new plant projects for the National Nuclear*
21 *Security Administration as follows:*

22 *Project 17–D–630, Expand Electrical Distribu-*
23 *tion System, Lawrence Livermore National Labora-*
24 *tory, Livermore, California, \$25,000,000.*

1 *Project 17–D–640, U1a Complex Enhancements*
2 *Project, Nevada National Security Site, Mercury, Ne-*
3 *vada, \$11,500,000.*

4 *Project 17–D–911, BL Fire System Upgrade,*
5 *Bettis Atomic Power Laboratory, West Mifflin, Penn-*
6 *sylvania, \$1,400,000.*

7 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

8 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
9 *hereby authorized to be appropriated to the Department of*
10 *Energy for fiscal year 2017 for defense environmental*
11 *cleanup activities in carrying out programs as specified in*
12 *the funding table in section 4701.*

13 *(b) AUTHORIZATION OF NEW PLANT PROJECTS.—*
14 *From funds referred to in subsection (a) that are available*
15 *for carrying out plant projects, the Secretary of Energy*
16 *may carry out, for defense environmental cleanup activities,*
17 *the following new plant project:*

18 *Project 17–D–401, Saltstone Disposal Unit #7,*
19 *Savannah River Site, Aiken, South Carolina,*
20 *\$9,729,000.*

21 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

22 *Funds are hereby authorized to be appropriated to the*
23 *Department of Energy for fiscal year 2017 for other defense*
24 *activities in carrying out programs as specified in the fund-*
25 *ing table in section 4701.*

1 **SEC. 3104. NUCLEAR ENERGY.**

2 *Funds are hereby authorized to be appropriated to the*
3 *Department of Energy for fiscal year 2017 for nuclear en-*
4 *ergy as specified in the funding table in section 4701.*

5 **Subtitle B—Program Authoriza-**
6 **tions, Restrictions, and Limita-**
7 **tions**

8 **SEC. 3111. INDEPENDENT ACQUISITION PROJECT REVIEWS**
9 **OF CAPITAL ASSETS ACQUISITION PROJECTS.**

10 *(a) IN GENERAL.—The Atomic Energy Defense Act (50*
11 *U.S.C. 2501 et seq.) is amended by inserting after section*
12 *4732 the following new section:*

13 **“SEC. 4733. INDEPENDENT ACQUISITION PROJECT REVIEWS**
14 **OF CAPITAL ASSETS ACQUISITION PROJECTS.**

15 *“(a) REVIEWS.—The appropriate head shall ensure*
16 *that an independent entity conducts reviews of each capital*
17 *assets acquisition project as the project moves toward the*
18 *approval of each of critical decision 0, critical decision 1,*
19 *and critical decision 2 in the acquisition process.*

20 *“(b) PRE-CRITICAL DECISION 1 REVIEWS.—In addi-*
21 *tion to any other matters, with respect to each review of*
22 *a capital assets acquisition project under subsection (a)*
23 *that has not reached critical decision 1 approval in the ac-*
24 *quisition process, such review shall include—*

25 *“(1) a review using best practices of the analysis*
26 *of alternatives for the project; and*

1 “(2) *identification of any deficiencies in such*
2 *analysis of alternatives for the appropriate head to*
3 *address.*

4 “(c) *INDEPENDENT ENTITIES.—The appropriate head*
5 *shall ensure that each review of a capital assets acquisition*
6 *project under subsection (a) is conducted by an independent*
7 *entity with the appropriate expertise with respect to the*
8 *project and the stage in the acquisition process of the*
9 *project.*

10 “(d) *DEFINITIONS.—In this section:*

11 “(1) *The term ‘acquisition process’ means the ac-*
12 *quisition process for a project, as defined in Depart-*
13 *ment of Energy Order 413.3B (relating to project*
14 *management and project management for the acquisi-*
15 *tion of capital assets), or a successor order.*

16 “(2) *The term ‘appropriate head’ means—*

17 “(A) *the Administrator, with respect to cap-*
18 *ital assets acquisition projects of the Administra-*
19 *tion; and*

20 “(B) *the Assistant Secretary of Energy for*
21 *Environmental Management, with respect to*
22 *capital assets acquisition projects of the Office of*
23 *Environmental Management.*

24 “(3) *The term ‘capital assets acquisition project’*
25 *means a project that—*

1 “(A) the total project cost of which is more
2 than \$500,000,000; and

3 “(B) is covered by Department of Energy
4 Order 413.3, or a successor order, for the acqui-
5 sition of capital assets for atomic energy defense
6 activities.”.

7 (b) *CLERICAL AMENDMENT.*—The table of contents for
8 such Act is amended by inserting after the item relating
9 to section 4732 the following new item:

 “Sec. 4733. Independent acquisition project reviews of capital assets acquisition
 projects.”.

10 **SEC. 3112. RESEARCH AND DEVELOPMENT OF ADVANCED**
11 **NAVAL NUCLEAR FUEL SYSTEM BASED ON**
12 **LOW-ENRICHED URANIUM.**

13 (a) *PROHIBITION.*—Except as provided in subsection
14 (b), none of the funds authorized to be appropriated by this
15 Act or otherwise made available for fiscal year 2017 for the
16 Department of Energy may be obligated or expended to
17 plan or carry out research and development of an advanced
18 naval nuclear fuel system based on low-enriched uranium.

19 (b) *EXCEPTION.*—Of the funds authorized to be appro-
20 priated by this Act or otherwise made available for fiscal
21 year 2017 for defense nuclear nonproliferation, as specified
22 in the funding table in division D, not more than
23 \$5,000,000 shall be made available to the Deputy Adminis-
24 trator for Naval Reactors for initial planning and early

1 *research and development of an advanced naval nuclear fuel*
2 *system based on low-enriched uranium.*

3 *(c) BUDGET MATTERS.—Section 3118 of the National*
4 *Defense Authorization Act for Fiscal Year 2016 (Public*
5 *Law 114–92; 129 Stat. 1196) is amended—*

6 *(1) by striking paragraph (2) of subsection (c)*
7 *and inserting the following new paragraph:*

8 *“(2) BUDGET REQUESTS.—If the Secretaries de-*
9 *termine under paragraph (1) that research and devel-*
10 *opment of an advanced naval nuclear fuel system*
11 *based on low-enriched uranium should continue, the*
12 *Secretaries shall ensure that each budget of the Presi-*
13 *dent submitted to Congress under section 1105(a) of*
14 *title 31, United States Code, for fiscal year 2018 and*
15 *each fiscal year thereafter in which such research and*
16 *development is carried out includes in the budget line*
17 *item for the ‘Defense Nuclear Nonproliferation’ ac-*
18 *count amounts necessary to carry out the conceptual*
19 *plan under subsection (b).”;* and

20 *(2) in subsection (d), by striking “for material*
21 *management and minimization”.*

22 **SEC. 3113. DISPOSITION OF WEAPONS-USABLE PLUTONIUM.**

23 *(a) IN GENERAL.—Except as provided by subsection*
24 *(c), using funds described in subsection (b), the Secretary*

1 *of Energy shall carry out construction and project support*
2 *activities relating to the MOX facility.*

3 (b) *FUNDS DESCRIBED.*—*The funds described in this*
4 *subsection are the following:*

5 (1) *Funds authorized to be appropriated by this*
6 *Act or otherwise made available for fiscal year 2017*
7 *for the National Nuclear Security Administration for*
8 *the MOX facility for construction and project support*
9 *activities.*

10 (2) *Funds authorized to be appropriated for a*
11 *fiscal year prior to fiscal year 2017 for the National*
12 *Nuclear Security Administration for the MOX facility*
13 *for construction and project support activities that*
14 *are unobligated as of the date of the enactment of this*
15 *Act.*

16 (c) *WAIVER.*—*The Secretary may waive the require-*
17 *ment in subsection (a) to carry out construction and project*
18 *support activities relating to the MOX facility if—*

19 (1) *the Secretary submits to the congressional de-*
20 *fense committees—*

21 (A) *an updated performance baseline for*
22 *construction and project support activities relat-*
23 *ing to the MOX facility as required by section*
24 *3119(b) of the National Defense Authorization*

1 *Act for Fiscal Year 2016 (Public Law 114–92;*
2 *129 Stat. 1197);*

3 *(B) notification that the Secretary has*
4 *sought to enter into consultations with any rel-*
5 *evant State or government of a foreign country*
6 *necessary to pursue an alternative option for*
7 *carrying out the plutonium disposition program,*
8 *including a comprehensive description of the sta-*
9 *tus of such consultations and a detailed plan*
10 *and schedule for concluding such consultations;*

11 *(C) the commitment of the Secretary to re-*
12 *move plutonium from South Carolina and en-*
13 *sure a sustainable future for the Savannah River*
14 *Site; and*

15 *(D) either—*

16 *(i) notification that the prime con-*
17 *tractor of the MOX facility has not sub-*
18 *mitted a proposal, during the three-month*
19 *period following the date on which the Sec-*
20 *retary requests such a proposal, for a fixed-*
21 *price contract for completing construction*
22 *and project support activities for the MOX*
23 *facility; or*

24 *(ii) certification that such proposal is*
25 *materially deficient or non-responsive, or*

1 that an alternative option for carrying out
2 the plutonium disposition program exists
3 and the total lifecycle cost of such alter-
4 native option would be less than approxi-
5 mately half of the estimated remaining total
6 lifecycle cost of the mixed-oxide fuel pro-
7 gram; and

8 (2) a period of 15 days has elapsed following the
9 date of such submission.

10 (d) *DEFINITIONS.*—*In this section:*

11 (1) The term “MOX facility” means the mixed-
12 oxide fuel fabrication facility at the Savannah River
13 Site, Aiken, South Carolina.

14 (2) The term “project support activities” means
15 activities that support the design, long-lead equip-
16 ment procurement, and site preparation of the MOX
17 facility.

18 **SEC. 3114. DESIGN BASIS THREAT.**

19 (a) *UPDATE TO ORDER.*—*Not later than August 31,*
20 *2016, the Secretary of Energy shall update Department of*
21 *Energy Order 470.3B relating to the design basis threat for*
22 *protecting nuclear weapons, special nuclear material, and*
23 *other critical assets in the custody of the Department of En-*
24 *ergy.*

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

3 (1) *the intelligence community (as defined in*
4 *section 3(4) of the National Security Act of 1947 (50*
5 *U.S.C. 3003(4)) should promulgate regular, biannual*
6 *updates to the Nuclear Security Threat Capabilities*
7 *Assessment to better inform nuclear security postures*
8 *within the Department of Defense and the Depart-*
9 *ment of Energy;*

10 (2) *the Department of Defense and the Depart-*
11 *ment of Energy should closely, and in real-time, track*
12 *and assess national, regional, and local threats to the*
13 *defense nuclear facilities of the respective Depart-*
14 *ments; and*

15 (3) *the Department of Defense and the Depart-*
16 *ment of Energy should regularly review assessments*
17 *and other input provided by activities described in*
18 *paragraphs (1) and (2) and adjust security postures*
19 *accordingly.*

20 **SEC. 3115. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
21 **PROVISION OF CERTAIN ASSISTANCE TO RUS-**
22 **SIAN FEDERATION.**

23 (a) *PROHIBITION.*—

24 (1) *IN GENERAL.*—*None of the funds described in*
25 *paragraph (2) may be obligated or expended to enter*

1 *into a contract with, or otherwise provide assistance*
2 *to, the Russian Federation.*

3 (2) *FUNDS DESCRIBED.—The funds described in*
4 *this paragraph are the following:*

5 (A) *Funds authorized to be appropriated by*
6 *this Act or otherwise made available for fiscal*
7 *year 2017 for atomic energy defense activities.*

8 (B) *Funds authorized to be appropriated or*
9 *otherwise made available for a fiscal year prior*
10 *to fiscal year 2017 for atomic energy defense ac-*
11 *tivities that are unobligated as of the date of the*
12 *enactment of this Act.*

13 (b) *WAIVER.—The Secretary of Energy, without dele-*
14 *gation, may waive the prohibition in subsection (a)(1)*
15 *only—*

16 (1) *to meet requirements the Secretary deter-*
17 *mines to be new and emergency in nature; and*

18 (2) *if—*

19 (A) *the Secretary submits to the appro-*
20 *priate congressional committees a report con-*
21 *taining—*

22 (i) *a notification that such a waiver is*
23 *in the national security interest of the*
24 *United States;*

1 (ii) justification for such a waiver, in-
2 cluding an explanation of how meets the re-
3 quirements under paragraph (1); and

4 (iii) a certification that there is no
5 backlog of deferred maintenance with re-
6 spect to physical security equipment and re-
7 lated infrastructure at each Department of
8 Energy defense nuclear facility; and

9 (B) a period of 15 days elapses following
10 the date on which the Secretary submits such re-
11 port.

12 (c) *DEFINITIONS.*—*In this section:*

13 (1) The term “appropriate congressional com-
14 mittees” means the following:

15 (A) The congressional defense committees.

16 (B) The Committee on Foreign Relations of
17 the Senate and the Committee on Foreign Affairs
18 of the House of Representatives.

19 (2) The term “Department of Energy defense nu-
20 clear facility” has the meaning given that term in
21 section 318 of the Atomic Energy Act of 1954 (42
22 U.S.C. 2286g).

1 **SEC. 3116. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **FEDERAL SALARIES AND EXPENSES.**

3 *Of the funds authorized to be appropriated by this Act*
4 *or otherwise made available for fiscal year 2017 for the Na-*
5 *tional Nuclear Security Administration for defense-related*
6 *Federal salaries and expenses, not more than 90 percent*
7 *may be obligated or expended until the date on which the*
8 *Secretary of Energy submits to the congressional defense*
9 *committees and the congressional intelligence committees*
10 *the following:*

11 *(1) The updated plan on the designing and*
12 *building of prototypes of nuclear weapons that is re-*
13 *quired to be developed by not later than the same time*
14 *as the budget of the President for fiscal year 2018*
15 *pursuant to paragraphs (2) and (3)(B) of section*
16 *4509(a) of the Atomic Energy Defense Act (50 U.S.C.*
17 *2660(a)(2)).*

18 *(2) A description of the determination of the Sec-*
19 *retary under paragraph (4)(B) of such section with*
20 *respect to the manner in which the designing and*
21 *building of prototypes of nuclear weapons is carried*
22 *out under such updated plan.*

1 **SEC. 3117. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **DEFENSE ENVIRONMENTAL CLEANUP PRO-**
3 **GRAM DIRECTION.**

4 *Of the funds authorized to be appropriated by this Act*
5 *or otherwise made available for fiscal year 2017 for defense*
6 *environmental cleanup for program direction, not more*
7 *than 90 percent may be obligated or expended until the date*
8 *on which the Secretary of Energy submits to Congress the*
9 *future-years defense environmental cleanup plan required*
10 *to be submitted during 2017 under section 4402A of the*
11 *Atomic Energy Defense Act (50 U.S.C. 2582A).*

12 **SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR**
13 **ACCELERATION OF NUCLEAR WEAPONS DIS-**
14 **MANTLEMENT.**

15 *(a) LIMITATION ON MAXIMUM AMOUNT FOR DIS-*
16 *MANTLEMENT.—Of the funds authorized to be appropriated*
17 *by this Act or otherwise made available for any of fiscal*
18 *years 2017 through 2021 for the National Nuclear Security*
19 *Administration, not more than \$56,000,000 may be obli-*
20 *gated or expended in each such fiscal year to carry out the*
21 *nuclear weapons dismantlement and disposition activities*
22 *of the Administration.*

23 *(b) LIMITATION ON ACCELERATION OF DISMANTLE-*
24 *MENT ACTIVITIES.—Except as provided by subsection (d),*
25 *none of the funds authorized to be appropriated by this Act*
26 *or otherwise made available for any of fiscal years 2017*

1 *through 2021 for the National Nuclear Security Adminis-*
2 *tration may be obligated or expended to accelerate the nu-*
3 *clear weapons dismantlement activities of the Administra-*
4 *tion to a rate that exceeds the rate described in the Stockpile*
5 *Stewardship and Management Plan schedule.*

6 (c) *LIMITATION ON DISMANTLEMENT OF CERTAIN*
7 *CRUISE MISSILE WARHEADS.—Except as provided by sub-*
8 *section (d), none of the funds authorized to be appropriated*
9 *by this Act or otherwise made available for any of fiscal*
10 *years 2017 through 2021 for the National Nuclear Security*
11 *Administration may be obligated or expended to dismantle*
12 *or dispose a W84 nuclear weapon.*

13 (d) *EXCEPTION.—The limitations in subsection (b)*
14 *and (c) shall not apply to the following:*

15 (1) *The dismantlement of a nuclear weapon not*
16 *covered by the Stockpile Stewardship and Manage-*
17 *ment Plan schedule if the Administrator for Nuclear*
18 *Security certifies, in writing, to the congressional de-*
19 *fense committees that—*

20 (A) *the components of the nuclear weapon*
21 *are directly required for the purposes of a cur-*
22 *rent life extension program; or*

23 (B) *such dismantlement is necessary to con-*
24 *duct maintenance or surveillance of the nuclear*

1 *weapons stockpile or to ensure the safety or reli-*
2 *ability of the nuclear weapons stockpile.*

3 (2) *The dismantlement of a nuclear weapon if*
4 *the President certifies, in writing, to the congressional*
5 *defense committees that—*

6 (A) *such dismantlement is being carried out*
7 *pursuant to a nuclear arms reduction treaty or*
8 *similar international agreement that requires*
9 *such dismantlement; and*

10 (B) *such treaty or similar international*
11 *agreement—*

12 (i) *has entered into force after the date*
13 *of the enactment of this Act; and*

14 (ii) *was approved—*

15 (I) *with the advice and consent of*
16 *the Senate pursuant to Article II, sec-*
17 *tion 2, clause 2 of the Constitution*
18 *after the date of the enactment of this*
19 *Act; or*

20 (II) *by an Act of Congress, as de-*
21 *scribed in section 303(b) of the Arms*
22 *Control and Disarmament Act (22*
23 *U.S.C. 2573(b)).*

24 (e) *STOCKPILE STEWARDSHIP AND MANAGEMENT*
25 *PLAN SCHEDULE DEFINED.—In this section, the term*

1 “*Stockpile Stewardship and Management Plan schedule*”
2 *means the schedule described in table 2–7 of the annex of*
3 *the report titled “Fiscal Year 2016 Stockpile Stewardship*
4 *and Management Plan” submitted in March 2015 by the*
5 *Administrator for Nuclear Security to the congressional de-*
6 *fense committees under section 4203(b)(2) of the Atomic En-*
7 *ergy Defense Act (50 U.S.C. 2523(b)(2)).*

8 **SEC. 3119. ANNUAL CERTIFICATION OF SHIPMENTS TO**
9 **WASTE ISOLATION PILOT PLANT.**

10 (a) *ANNUAL CERTIFICATION.*—*During the five-year*
11 *period beginning on the date of the enactment of this Act,*
12 *not later than February 1 of each year, the Secretary of*
13 *Energy shall certify to the congressional defense committees*
14 *the following, with respect to the year covered by the certifi-*
15 *cation:*

16 (1) *The covered contractors have certified to the*
17 *Administrator for Nuclear Security that the covered*
18 *contractors are aware of the contents of each con-*
19 *tainer shipped by the covered contractors to the Waste*
20 *Isolation Pilot Plant, Carlsbad, New Mexico, in suffi-*
21 *cient detail to ensure that the container is handled*
22 *properly to prevent the release of radiation or con-*
23 *tamination.*

24 (2) *The Administrator is aware of the contents*
25 *of each container shipped by the Administrator or*

1 covered contractors to the Waste Isolation Pilot Plant,
2 Carlsbad, New Mexico, in such sufficient detail.

3 (3) *The Assistant Secretary of Energy for Envi-*
4 *ronmental Management is aware of the contents of*
5 *each container shipped from a clean-up site to the*
6 *Waste Isolation Pilot Plant in such sufficient detail.*

7 (b) *COVERED CONTRACTORS DEFINED.—In this sec-*
8 *tion, the term “covered contractors” means each manage-*
9 *ment and operating contractor of a national security lab-*
10 *oratory or nuclear weapons production facility (as such*
11 *terms are defined in section 4002 of the Atomic Energy De-*
12 *fense Act (50 U.S.C. 2501) that ships materials to the Waste*
13 *Isolation Pilot Plant, Carlsbad, New Mexico.*

14 ***Subtitle C—Plans and Reports***

15 ***SEC. 3121. CLARIFICATION OF ANNUAL REPORT AND CER-*** 16 ***TIFICATION ON STATUS OF SECURITY OF*** 17 ***ATOMIC ENERGY DEFENSE FACILITIES.***

18 *Section 4506(b)(1)(B) of the Atomic Energy Defense*
19 *Act (50 U.S.C. 2657) is amended to read as follows:*

20 *“(B) written certification that such facilities are*
21 *secure and that the security measures at such facili-*
22 *ties meet the security standards and requirements of*
23 *the Department of Energy.”.*

1 **SEC. 3122. ANNUAL REPORT ON SERVICE SUPPORT CON-**
2 **TRACTS OF THE NATIONAL NUCLEAR SECU-**
3 **RITY ADMINISTRATION.**

4 *Section 3241A(f) of the National Nuclear Security Ad-*
5 *ministration Act (50 U.S.C. 2441a(f)) is amended by add-*
6 *ing at the end the following new paragraph:*

7 *“(5) With respect to each contract identified*
8 *under paragraph (2)—*

9 *“(A) the cost of the contract; and*

10 *“(B) identification of the program or pro-*
11 *gram direction accounts that support the con-*
12 *tract.”.*

13 **SEC. 3123. REPEAL OF CERTAIN REPORTING REQUIRE-**
14 **MENTS.**

15 *(a) REPORTS ON PLAN TO PROTECT AGAINST INAD-*
16 *VERTENT RELEASE OF RESTRICTED DATA AND FORMERLY*
17 *RESTRICTED DATA.—Section 4522 of the Atomic Energy*
18 *Defense Act (50 U.S.C. 2672) is amended—*

19 *(1) by striking subsection (e); and*

20 *(2) by redesignating subsection (f) as subsection*
21 *(e).*

22 *(b) GAO REPORT ON PROGRAM ON SCIENTIFIC EN-*
23 *GAGEMENT FOR NONPROLIFERATION.—Section 3122 of the*
24 *National Defense Authorization Act for Fiscal Year 2013*
25 *(Public Law 112–239; 50 U.S.C. 2571 note), as amended*
26 *by section 3125 of the National Defense Authorization Act*

1 *for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 1063),*
2 *is further amended—*

3 (1) *in subsection (b)(1), by striking “, and to the*
4 *Comptroller General of the United States,”;*

5 (2) *by striking subsection (e); and*

6 (3) *by redesignating subsections (f) and (g) as*
7 *subsections (e) and (f), respectively.*

8 **SEC. 3124. INDEPENDENT ASSESSMENT OF TECHNOLOGY**

9 **DEVELOPMENT UNDER DEFENSE ENVIRON-**

10 **MENTAL CLEANUP PROGRAM.**

11 (a) *ASSESSMENT.*—*Not later than 60 days after the*
12 *date of the enactment of this Act, the Secretary of Energy*
13 *shall seek to enter into an agreement with the National*
14 *Academy of Sciences to conduct an independent assessment*
15 *of the technology development efforts of the defense environ-*
16 *mental cleanup program of the Department of Energy.*

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

19 (1) *A review of the technology development efforts*
20 *of the defense environmental cleanup program of the*
21 *Department of Energy, including an assessment of the*
22 *process by which the Secretary identifies and chooses*
23 *technologies to pursue under the program.*

1 (2) *A comprehensive review and assessment of*
2 *technologies or alternative approaches to defense envi-*
3 *ronmental cleanup efforts that could—*

4 (A) *reduce the long-term costs of such ef-*
5 *forts;*

6 (B) *accelerate schedules for carrying out*
7 *such efforts;*

8 (C) *mitigate uncertainties, vulnerabilities,*
9 *or risks relating to such efforts; or*

10 (D) *otherwise significantly improve the de-*
11 *fense environmental cleanup program.*

12 (c) *SUBMISSION.—Not later than September 30, 2017,*
13 *the National Academy of Sciences shall submit to the con-*
14 *gressional defense committees and the Secretary a report on*
15 *the assessment under subsection (a).*

16 **SEC. 3125. UPDATED PLAN FOR VERIFICATION AND MONI-**
17 **TORING OF PROLIFERATION OF NUCLEAR**
18 **WEAPONS AND FISSILE MATERIAL.**

19 (a) *UPDATED PLAN.—*

20 (1) *TRANSMISSION.—Not later than 90 days*
21 *after the date of the enactment of this Act, the Presi-*
22 *dent shall transmit to the appropriate congressional*
23 *committees a comprehensive and detailed update to*
24 *the plan developed under section 3133(a) of the Carl*
25 *Levin and Howard P. “Buck” McKeon National De-*

1 *fense Authorization Act for Fiscal Year 2015 (Public*
2 *Law 113–291; 128 Stat. 3896) with respect to*
3 *verification and monitoring relating to the potential*
4 *proliferation of nuclear weapons, components of such*
5 *weapons, and fissile material.*

6 (2) *FORM.—The updated plan under paragraph*
7 *(1) shall be transmitted in unclassified form, but may*
8 *include a classified annex.*

9 (b) *LIMITATION.—Of the funds authorized to be appro-*
10 *priated by this Act or otherwise made available for fiscal*
11 *year 2017 for the Department of Defense for supporting the*
12 *Executive Office of the President, \$10,000,000 may not be*
13 *obligated or expended until the date on which the President*
14 *transmits to the appropriate congressional committees the*
15 *updated plan under subsection (a)(1).*

16 (c) *BRIEFING.—Not later than 30 days after the date*
17 *of the enactment of this Act, the President shall provide to*
18 *the Committees on Armed Services of the House of Rep-*
19 *resentatives and the Senate (and any other appropriate*
20 *congressional committee upon request) an interim briefing*
21 *on the updated plan under subsection (a)(1).*

22 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
23 *FINED.—In this section, the term “appropriate congres-*
24 *sional committees” means the following:*

25 (1) *The congressional defense committees.*

1 (2) *The Permanent Select Committee on Intel-*
2 *ligence of the House of Representatives and the Select*
3 *Committee on Intelligence of the Senate.*

4 (3) *The Committee on Foreign Affairs of the*
5 *House of Representatives and the Committee on For-*
6 *eign Relations of the Senate.*

7 (4) *The Committee on Homeland Security of the*
8 *House of Representatives and the Committee on*
9 *Homeland Security and Governmental Affairs of the*
10 *Senate.*

11 (5) *The Committee on Energy and Commerce of*
12 *the House of Representatives and the Committee on*
13 *Commerce, Science, and Transportation of the Senate.*

14 **TITLE XXXII—DEFENSE NU-**
15 **CLEAR FACILITIES SAFETY**
16 **BOARD**

17 **SEC. 3201. AUTHORIZATION.**

18 *There are authorized to be appropriated for fiscal year*
19 *2017, \$31,000,000 for the operation of the Defense Nuclear*
20 *Facilities Safety Board under chapter 21 of the Atomic En-*
21 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

1 **TITLE XXXIII—NUCLEAR ENERGY**
2 **INNOVATION CAPABILITIES**

3 **SEC. 3301. SHORT TITLE.**

4 *This title may be cited as the “Nuclear Energy Innova-*
5 *tion Capabilities Act”.*

6 **SEC. 3302. NUCLEAR ENERGY.**

7 *Section 951 of the Energy Policy Act of 2005 (42*
8 *U.S.C. 16271) is amended to read as follows:*

9 **“SEC. 951. NUCLEAR ENERGY.**

10 *“(a) MISSION.—The Secretary shall conduct programs*
11 *of civilian nuclear research, development, demonstration,*
12 *and commercial application, including activities in this*
13 *subtitle. Such programs shall take into consideration the*
14 *following objectives:*

15 *“(1) Providing research infrastructure to pro-*
16 *mote scientific progress and enable users from aca-*
17 *demia, the National Laboratories, and the private sec-*
18 *tor to make scientific discoveries relevant for nuclear,*
19 *chemical, and materials science engineering.*

20 *“(2) Maintaining National Laboratory and uni-*
21 *versity nuclear energy research and development pro-*
22 *grams, including their infrastructure.*

23 *“(3) Providing the technical means to reduce the*
24 *likelihood of nuclear weapons proliferation and in-*

1 *creasing confidence margins for public safety of nu-*
2 *clear energy systems.*

3 *“(4) Reducing the environmental impact of nu-*
4 *clear energy related activities.*

5 *“(5) Supporting technology transfer from the*
6 *National Laboratories to the private sector.*

7 *“(6) Enabling the private sector to partner with*
8 *the National Laboratories to demonstrate novel reac-*
9 *tor concepts for the purpose of resolving technical un-*
10 *certainty associated with the aforementioned objec-*
11 *tives in this subsection.*

12 *“(b) DEFINITIONS.—In this subtitle:*

13 *“(1) ADVANCED FISSION REACTOR.—The term*
14 *‘advanced fission reactor’ means a nuclear fission re-*
15 *actor with significant improvements over the most re-*
16 *cent generation of nuclear reactors, which may in-*
17 *clude inherent safety features, lower waste yields,*
18 *greater fuel utilization, superior reliability, resistance*
19 *to proliferation, and increased thermal efficiency.*

20 *“(2) FAST NEUTRON.—The term ‘fast neutron’*
21 *means a neutron with kinetic energy above 100*
22 *kiloelectron volts.*

23 *“(3) NATIONAL LABORATORY.—The term ‘Na-*
24 *tional Laboratory’ has the meaning given that term*
25 *in paragraph (3) of section 2, except that with respect*

1 to subparagraphs (G), (H), and (N) of such para-
2 graph, for purposes of this subtitle the term includes
3 only the civilian activities thereof.

4 “(4) *NEUTRON FLUX*.—The term ‘neutron flux’
5 means the intensity of neutron radiation measured as
6 a rate of flow of neutrons applied over an area.

7 “(5) *NEUTRON SOURCE*.—The term ‘neutron
8 source’ means a research machine that provides neu-
9 tron irradiation services for research on materials
10 sciences and nuclear physics as well as testing of ad-
11 vanced materials, nuclear fuels, and other related
12 components for reactor systems.”.

13 **SEC. 3303. NUCLEAR ENERGY RESEARCH PROGRAMS.**

14 Section 952 of the Energy Policy Act of 2005 (42
15 U.S.C. 16272) is amended—

16 (1) by striking subsection (c); and

17 (2) by redesignating subsections (d) and (e) as
18 subsections (c) and (d), respectively.

19 **SEC. 3304. ADVANCED FUEL CYCLE INITIATIVE.**

20 Section 953(a) of the Energy Policy Act of 2005 (42
21 U.S.C. 16273(a)) is amended by striking “, acting through
22 the Director of the Office of Nuclear Energy, Science and
23 Technology,”.

1 **SEC. 3305. UNIVERSITY NUCLEAR SCIENCE AND ENGINEER-**
2 **ING SUPPORT.**

3 *Section 954(d)(4) of the Energy Policy Act of 2005 (42*
4 *U.S.C. 16274(d)(4)) is amended by striking “as part of a*
5 *taking into consideration effort that emphasizes” and in-*
6 *serting “that emphasize”.*

7 **SEC. 3306. DEPARTMENT OF ENERGY CIVILIAN NUCLEAR IN-**
8 **FRASTRUCTURE AND FACILITIES.**

9 *Section 955 of the Energy Policy Act of 2005 (42*
10 *U.S.C. 16275) is amended—*

11 *(1) by striking subsections (c) and (d); and*

12 *(2) by adding at the end the following:*

13 *“(c) VERSATILE NEUTRON SOURCE.—*

14 *“(1) MISSION NEED.—Not later than December*
15 *31, 2016, the Secretary shall determine the mission*
16 *need for a versatile reactor-based fast neutron source,*
17 *which shall operate as a national user facility. Dur-*
18 *ing this process, the Secretary shall consult with the*
19 *private sector, universities, National Laboratories,*
20 *and relevant Federal agencies to ensure that this user*
21 *facility will meet the research needs of the largest pos-*
22 *sible majority of prospective users.*

23 *“(2) ESTABLISHMENT.—Upon the determination*
24 *of mission need made under paragraph (1), the Sec-*
25 *retary shall, as expeditiously as possible, provide to*
26 *the Committee on Science, Space, and Technology of*

1 *the House of Representatives and the Committee on*
2 *Energy and Natural Resources of the Senate a de-*
3 *tailed plan for the establishment of the user facility.*

4 “(3) *FACILITY REQUIREMENTS.*—

5 “(A) *CAPABILITIES.*—*The Secretary shall*
6 *ensure that this user facility will provide, at a*
7 *minimum, the following capabilities:*

8 “(i) *Fast neutron spectrum irradiation*
9 *capability.*

10 “(ii) *Capacity for upgrades to accom-*
11 *modate new or expanded research needs.*

12 “(B) *CONSIDERATIONS.*—*In carrying out*
13 *the plan provided under paragraph (2), the Sec-*
14 *retary shall consider the following:*

15 “(i) *Capabilities that support experi-*
16 *mental high-temperature testing.*

17 “(ii) *Providing a source of fast neu-*
18 *trons at a neutron flux, higher than that at*
19 *which current research facilities operate,*
20 *sufficient to enable research for an optimal*
21 *base of prospective users.*

22 “(iii) *Maximizing irradiation flexi-*
23 *bility and irradiation volume to accommo-*
24 *date as many concurrent users as possible.*

1 “(iv) *Capabilities for irradiation with*
2 *neutrons of a lower energy spectrum.*

3 “(v) *Multiple loops for fuels and mate-*
4 *rials testing in different coolants.*

5 “(vi) *Additional pre-irradiation and*
6 *post-irradiation examination capabilities.*

7 “(vii) *Lifetime operating costs and*
8 *lifecycle costs.*

9 “(4) *REPORTING PROGRESS.—The Department*
10 *shall, in its annual budget requests, provide an expla-*
11 *nation for any delay in its progress and otherwise*
12 *make every effort to complete construction and ap-*
13 *prove the start of operations for this facility by De-*
14 *cember 31, 2025.*

15 “(5) *COORDINATION.—The Secretary shall lever-*
16 *age the best practices for management, construction,*
17 *and operation of national user facilities from the Of-*
18 *fice of Science.”.*

19 **SEC. 3307. SECURITY OF NUCLEAR FACILITIES.**

20 *Section 956 of the Energy Policy Act of 2005 (42*
21 *U.S.C. 16276) is amended by striking “, acting through the*
22 *Director of the Office of Nuclear Energy, Science and Tech-*
23 *nology,”.*

1 **SEC. 3308. HIGH-PERFORMANCE COMPUTATION AND SUP-**
2 **PORTIVE RESEARCH.**

3 *Section 957 of the Energy Policy Act of 2005 (42*
4 *U.S.C. 16277) is amended to read as follows:*

5 **“SEC. 957. HIGH-PERFORMANCE COMPUTATION AND SUP-**
6 **PORTIVE RESEARCH.**

7 *“(a) MODELING AND SIMULATION.—The Secretary*
8 *shall carry out a program to enhance the Nation’s capabili-*
9 *ties to develop new reactor technologies through high-per-*
10 *formance computation modeling and simulation techniques.*
11 *This program shall coordinate with relevant Federal agen-*
12 *cies through the National Strategic Computing Initiative*
13 *created under Executive Order No. 13702 (July 29, 2015)*
14 *while taking into account the following objectives:*

15 *“(1) Utilizing expertise from the private sector,*
16 *universities, and National Laboratories to develop*
17 *computational software and capabilities that prospec-*
18 *tive users may access to accelerate research and devel-*
19 *opment of advanced fission reactor systems, nuclear*
20 *fusion systems, and reactor systems for space explo-*
21 *ration.*

22 *“(2) Developing computational tools to simulate*
23 *and predict nuclear phenomena that may be vali-*
24 *dated through physical experimentation.*

25 *“(3) Increasing the utility of the Department’s*
26 *research infrastructure by coordinating with the Ad-*

1 *vanced Scientific Computing Research program with-*
2 *in the Office of Science.*

3 *“(4) Leveraging experience from the Energy In-*
4 *novation Hub for Modeling and Simulation.*

5 *“(5) Ensuring that new experimental and com-*
6 *putational tools are accessible to relevant research*
7 *communities.*

8 *“(b) SUPPORTIVE RESEARCH ACTIVITIES.—The Sec-*
9 *retary shall consider support for additional research activi-*
10 *ties to maximize the utility of its research facilities, includ-*
11 *ing physical processes to simulate degradation of materials*
12 *and behavior of fuel forms and for validation of computa-*
13 *tional tools.”.*

14 **SEC. 3309. ENABLING NUCLEAR ENERGY INNOVATION.**

15 *Subtitle E of title IX of the Energy Policy Act of 2005*
16 *(42 U.S.C. 16271 et seq.) is amended by adding at the end*
17 *the following:*

18 **“SEC. 958. ENABLING NUCLEAR ENERGY INNOVATION.**

19 *“(a) NATIONAL REACTOR INNOVATION CENTER.—The*
20 *Secretary shall carry out a program to enable the testing*
21 *and demonstration of reactor concepts to be proposed and*
22 *funded by the private sector. The Secretary shall leverage*
23 *the technical expertise of relevant Federal agencies and Na-*
24 *tional Laboratories in order to minimize the time required*
25 *to enable construction and operation of privately funded ex-*

1 *perimental reactors at National Laboratories or other De-*
2 *partment-owned sites. Such reactors shall operate to meet*
3 *the following objectives:*

4 “(1) *Enabling physical validation of novel reac-*
5 *tor concepts.*

6 “(2) *Resolving technical uncertainty and in-*
7 *creasing practical knowledge relevant to safety, resil-*
8 *ience, security, and functionality of first-of-a-kind re-*
9 *actor concepts.*

10 “(3) *General research and development to im-*
11 *prove nascent technologies.*

12 “(b) *REPORTING REQUIREMENT.*—*Not later than 180*
13 *days after the date of enactment of the Nuclear Energy In-*
14 *novation Capabilities Act, the Secretary, in consultation*
15 *with the National Laboratories, relevant Federal agencies,*
16 *and other stakeholders, shall transmit to the Committee on*
17 *Science, Space, and Technology of the House of Representa-*
18 *tives and the Committee on Energy and Natural Resources*
19 *of the Senate a report assessing the Department’s capabili-*
20 *ties to authorize, host, and oversee privately funded fusion*
21 *and advanced fission experimental reactors as described*
22 *under subsection (a). The report shall address the following:*

23 “(1) *The Department’s oversight capabilities, in-*
24 *cluding options to leverage expertise from the Nuclear*
25 *Regulatory Commission and National Laboratories.*

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 re-*
6 *search and development agreements, strategic partner-*
7 *ship projects, and agreements for commercializing*
8 *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 identified*
13 *by the Secretary.*”

14 **SEC. 3310. BUDGET PLAN.**

15 (a) *IN GENERAL.*—*Subtitle E of title IX of the Energy*
16 *Policy Act of 2005 (42 U.S.C. 16271 et seq.) is further*
17 *amended by adding at the end the following:*

18 **“SEC. 959. BUDGET PLAN.**

19 *“Not later than 12 months after the date of enactment*
20 *of the Nuclear Energy Innovation Capabilities Act, the De-*
21 *partment shall transmit to the Committee on Science,*
22 *Space, and Technology of the House of Representatives and*
23 *the Committee on Energy and Natural Resources of the Sen-*
24 *ate 2 alternative 10-year budget plans for civilian nuclear*
25 *energy research and development by the Department. The*

1 *first shall assume constant annual funding for 10 years at*
2 *the appropriated level for the Department’s civilian nuclear*
3 *energy research and development for fiscal year 2016. The*
4 *second shall be an unconstrained budget. The two plans*
5 *shall include—*

6 “(1) a prioritized list of the Department’s pro-
7 grams, projects, and activities to best support the de-
8 velopment of next generation nuclear energy tech-
9 nology;

10 “(2) realistic budget requirements for the De-
11 partment to implement sections 955(c), 957, and 958
12 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 than
17 *6 months after the date of enactment of this title, the Sec-*
18 *retary of the Department of Energy shall transmit to the*
19 *Committee on Science, Space, and Technology of the House*
20 *of Representatives and the Committee on Energy and Nat-*
21 *ural Resources of the Senate a report that will identify en-*
22 *gineering designs for innovative fusion energy systems that*
23 *have the potential to demonstrate net energy production not*
24 *later than 15 years after the start of construction. In this*
25 *report, the Secretary will identify budgetary requirements*

1 *that would be necessary for the Department to carry out*
 2 *a fusion innovation initiative to accelerate research and de-*
 3 *velopment of these designs.*

4 **SEC. 3311. CONFORMING AMENDMENTS.**

5 *The table of contents for the Energy Policy Act of 2005*
 6 *is amended by striking the item relating to section 957 and*
 7 *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 fiscal*
 13 *year 2017 for the purpose of carrying out activities under*
 14 *chapter 641 of title 10, United States Code, relating to the*
 15 *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 fis-*
 24 *cal year 2017, to be available without fiscal year limitation*

1 *if so provided in appropriations Acts, for the use of the De-*
2 *partment of Transportation for Maritime Administration*
3 *programs associated with maintaining the United States*
4 *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 in*
14 *the National Defense Reserve Fleet, \$20,000,000, to*
15 *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 chap-*
19 *ter 531 of title 46, United States Code, \$299,997,000.*

20 **SEC. 3502. AUTHORITY TO MAKE PRO RATA ANNUAL PAY-**
21 **MENTS UNDER OPERATING AGREEMENTS**
22 **FOR VESSELS PARTICIPATING IN MARITIME**
23 **SECURITY FLEET.**

24 *Section 53106(d) of title 46, United States Code, is*
25 *amended—*

1 (1) *by striking “and” at the end of paragraph*
2 (2);

3 (2) *by striking the period at the end of para-*
4 *graph (3) and inserting “; and”; and*

5 (3) *by adding at the end following:*

6 “(4) *may make a pro rata reduction in payment*
7 *if sufficient funds have not been appropriated to pay*
8 *the full annual payment authorized in subsection*
9 *(a).”.*

10 **SEC. 3503. AUTHORITY TO EXTEND CERTAIN AGE RESTRIC-**
11 **TIONS RELATING TO VESSELS IN THE MARI-**
12 **TIME SECURITY FLEET.**

13 (a) *AUTHORITY.—*

14 (1) *IN GENERAL.—Section 53102 of title 46,*
15 *United States Code, is amended by adding at the end*
16 *the following:*

17 “(g) *AUTHORITY TO EXTEND MAXIMUM SERVICE AGE*
18 *FOR VESSEL.—The Secretary of Defense, in conjunction*
19 *with the Secretary of Transportation, may, for a particular*
20 *participating fleet vessel, extend the maximum age restric-*
21 *tions under section 53101(5)(A)(ii) and section 53106(c)(3)*
22 *for a period of up to 5 years if the Secretaries jointly deter-*
23 *mine that it is in the national interest to do so.”.*

24 (2) *CONFORMING AMENDMENT.—The heading of*
25 *subsection (f) of such section is amended to read as*

1 follows: “*AUTHORITY TO WAIVE AGE RESTRICTION*
2 *FOR ELIGIBILITY OF A VESSEL TO BE INCLUDED IN*
3 *FLEET.—*”.

4 (b) *REPEAL OF REDUNDANT AGE LIMITATION.—Section*
5 *53106(c)(3) of such title is amended—*

6 (1) *in subparagraph (A), by striking “or (C);”*
7 *and inserting “; or”;*

8 (2) *in subparagraph (B), by striking “; or” and*
9 *inserting a period; and*

10 (3) *by striking subparagraph (C).*

11 **SEC. 3504. CORRECTIONS TO PROVISIONS ENACTED BY**
12 **COAST GUARD AUTHORIZATION ACTS.**

13 (a) *SHORT TITLE CORRECTION.—The Coast Guard*
14 *Authorization Act of 2015 (Public Law 114–120) is amend-*
15 *ed by striking “Coast Guard Authorization Act of 2015”*
16 *each place it appears (including in quoted material) and*
17 *inserting “Coast Guard Authorization Act of 2016”.*

18 (b) *TITLE 46, U.S.C.—*

19 (1) *Section 7510 of title 46, United States Code,*
20 *is amended—*

21 (A) *in subsection (c)(1)(D), by striking “en-*
22 *gine” and inserting “engineer”; and*

23 (B) *in subsection (c)(9), by inserting a pe-*
24 *riod after “App”;*

1 (2) *Section 4503(f)(2) of title 46, United States*
2 *Code, is amended by striking “, that” and inserting*
3 *“, then”.*

4 (c) *PROVISIONS RELATING TO THE PRIBILOF IS-*
5 *LANDS.—*

6 (1) *SHORT TITLE CORRECTION.—Section 521 of*
7 *the Coast Guard Authorization Act of 2016 (Public*
8 *Law 114–120), as amended by subsection (a), is fur-*
9 *ther amended by striking “2015” and inserting*
10 *“2016”.*

11 (2) *CONFORMING AMENDMENT.—Section*
12 *105(e)(1) of the Pribilof Islands Transition Act (16*
13 *U.S.C. 1161 note; Public Law 106–562) is amended*
14 *by striking “2015” and inserting “2016”.*

15 (3) *TECHNICAL CORRECTION.—Section 522(b)(2)*
16 *of the Coast Guard Authorization Act of 2016 (Public*
17 *Law 114–120), as amended by subsection (a), is fur-*
18 *ther amended by striking “subsection (a)” and insert-*
19 *ing “paragraph (1)”.*

20 (d) *TITLE 14, UNITED STATES CODE.—*

21 (1) *REDISTRIBUTION OF AUTHORIZATIONS OF*
22 *APPROPRIATIONS.—Section 2702 of title 14, United*
23 *States Code, is amended—*

1 *Defense Reserve Fleet shall remain a vessel within the*
2 *meaning of that term in section 3 of title 1 and subject*
3 *to the rights and responsibilities of a vessel under admiralty*
4 *law at least until such time as the vessel is delivered to*
5 *a dismantling facility or is disposed of otherwise from the*
6 *National Defense Reserve Fleet.”.*

7 **SEC. 3506. NDRF NATIONAL SECURITY MULTI-MISSION VES-**
8 **SEL.**

9 (a) *IN GENERAL.*—Subject to the availability of appro-
10 priations for fiscal year 2017 and each fiscal year there-
11 after, the Maritime Administrator shall seek to contract for
12 construction of a national security multi-mission vessel for
13 the National Defense Reserve Fleet for—

14 (1) *use as a training vessel that can be provided*
15 *to State maritime academies, under section 51504(b)*
16 *of title 46, United States Code; and*

17 (2) *humanitarian assistance, disaster response,*
18 *domestic and foreign emergency contingency oper-*
19 *ations, and other authorized uses of vessels of the Na-*
20 *tional Defense Reserve Fleet.*

21 (b) *CONSTRUCTION AND DOCUMENTATION REQUIRE-*
22 *MENTS.*—A vessel constructed under this section shall—

23 (1) *be constructed in a private United States*
24 *shipyard;*

1 (2) *be constructed in accordance with designs ap-*
2 *proved by the Maritime Administrator; and*

3 (3) *meet—*

4 (A) *the safety requirements of the Coast*
5 *Guard as a documented vessel; and*

6 (B) *the content standards of the Coast*
7 *Guard to qualify the vessel for a coastwise en-*
8 *dorsement as if such vessel were a privately*
9 *owned and operated commercial vessel; and*

10 (4) *be documented under section 12103 of title*
11 *46, United States Code.*

12 (c) *DESIGN STANDARDS AND CONSTRUCTION PRAC-*
13 *TICES.—Subject to subsection (b), construction of a vessel*
14 *under this section shall use commercial design standards*
15 *and commercial construction practices that are consistent*
16 *with the best interests of the Federal Government.*

17 (d) *GENERAL AGENT REQUIREMENT.—The Maritime*
18 *Administrator shall enter into a contract or other agree-*
19 *ment with the Secretary of the Navy under which the Navy*
20 *shall act as general agent for the Maritime Administration*
21 *for purposes of construction of a vessel under this section.*

22 (e) *CONTRACTS WITH OTHER FEDERAL ENTITIES.—*
23 *The Maritime Administrator may contract on a reimburs-*
24 *able basis with other Federal entities for goods and services*

1 *in connection with this section and other associated future*
2 *activities.*

3 (f) *CONTRACTORS.*—*Any contractor selected by the*
4 *Maritime Administration through its general agent to con-*
5 *struct the vessel under (a) shall be an entity established*
6 *under the laws of the United States or of a State, common-*
7 *wealth, or territory of the United States, that during the*
8 *five-year period preceding the date of the enactment of this*
9 *Act, either directly or through a subsidiary, completed the*
10 *construction of a vessel in excess of 10,000 gross tons and*
11 *documented under section 12103 of title 46, United States*
12 *Code.*

13 (g) *REPEAL OF PLAN APPROVAL REQUIREMENT.*—*Sec-*
14 *tion 109(j)(3) of title 49, United States Code, is repealed.*

15 **SEC. 3507. UNITED STATES MERCHANT MARINE ACADEMY.**

16 (a) *IN GENERAL.*—*Section 51301 of title 46, United*
17 *States Code, is amended by adding at the end the following:*

18 “(c) *SUPERINTENDENT.*—*The immediate command of*
19 *the United States Merchant Marine Academy shall be in*
20 *the Superintendent of the Academy, subject to the direction*
21 *of the Maritime Administrator under the general super-*
22 *vision of the Secretary of Transportation. The Secretary of*
23 *Transportation shall appoint the Superintendent from the*
24 *senior ranks of the United States merchant marine, mari-*
25 *time industry, or from the retired list of flag-rank Navy*

1 *or Coast Guard officers who have significant afloat com-*
2 *mand experience. Due to the unique mission of the Acad-*
3 *emy, it is highly desirable that the Superintendent be a*
4 *graduate of the Academy and have attained an unlimited*
5 *merchant mariner officer's license.*

6 “(d) *COMMANDANT OF MIDSHIPMEN.—Subject to the*
7 *direction of the Superintendent, the Commandant is the im-*
8 *mediate commander of the Regiment of Midshipmen and*
9 *is responsible for the instruction of all midshipmen in mar-*
10 *itime professionalism, ethics, leadership, and military bear-*
11 *ing necessary for future service as a licensed officer in the*
12 *merchant marine and a commissioned officer in the uni-*
13 *formed services. The Commandant shall be appointed from*
14 *the senior ranks of the United States merchant marine,*
15 *maritime industry, or from the retired list of flag-rank*
16 *Navy or Coast Guard officers who possess significant mer-*
17 *chant marine experience. It is highly desirable that the*
18 *Commandant have attained an unlimited merchant mar-*
19 *iner officer's license and is a graduate of United States Mer-*
20 *chant Marine Academy.”.*

21 (b) *LIMITATION ON APPLICATION.—The amendment*
22 *made by subsection (a) shall not apply with respect to the*
23 *individual serving on the date of the enactment of this Act*
24 *as the Superintendent of the United States Merchant Ma-*
25 *rine Academy.*

1 **SEC. 3508. USE OF NATIONAL DEFENSE RESERVE FLEET**
2 **SCRAPPING PROCEEDS.**

3 *Section 308704(a)(1)(C) of title 54, United States*
4 *Code, is amended to read as follows:*

5 *“(C) The remainder shall be available to the*
6 *Secretary to carry out the Program, as provided*
7 *in subsection (b).”.*

8 **SEC. 3509. FLOATING DRY DOCKS.**

9 *Section 55122 of title 46, United States Code, is*
10 *amended—*

11 *(1) by redesignating subsection (b) as subsection*
12 *(c); and*

13 *(2) by inserting after subsection (a) the fol-*
14 *lowing:*

15 *“(b) DRYDOCKS FOR CONSTRUCTION OF CERTAIN*
16 *NAVAL VESSELS.—*

17 *“(1) IN GENERAL.—In the application of sub-*
18 *section (a)(1)(C) to a floating drydock used for the*
19 *construction of naval vessels in a United States ship-*
20 *yard, ‘December 19, 2017’ shall be substituted for the*
21 *date referred to in that subsection if the Secretary of*
22 *the Navy determines that—*

23 *“(A) such a drydock is necessary for the*
24 *timely completion of such construction; and*

25 *“(B)(i) such drydock is owned and operated*
26 *by—*

1 “(I) a shipyard located in the United
2 States that is an eligible owner specified
3 under section 12103(b); or

4 “(II) an affiliate of such a shipyard;
5 or

6 “(i) such drydock is—

7 “(I) notwithstanding subsection
8 (a)(1)(B), owned by the State in which the
9 shipyard is located or a political subdivi-
10 sion of that State; and

11 “(II) operated by a shipyard located in
12 the United States that is an eligible owner
13 specified under section 12103(b).

14 “(2) NOTICE TO CONGRESS.—No later than 30
15 days after making a determination under paragraph
16 (1), the Secretary of the Navy shall notify the Com-
17 mittee on Armed Services and the Committee on
18 Transportation and Infrastructure of House of Rep-
19 resentatives and the Committee on Armed Services
20 and the Committee on Commerce, Science, and Trans-
21 portation of the Senate of such a determinations.”.

22 **TITLE XXXVI—BALLAST WATER**

23 **SEC. 3601. SHORT TITLE.**

24 This title may be cited as the “Vessel Incidental Dis-
25 charge Act”.

1 **SEC. 3602. DEFINITIONS.**

2 *In this title:*

3 (1) *ADMINISTRATOR.*—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) *AQUATIC NUISANCE SPECIES.*—The term
7 “aquatic nuisance species” means a nonindigenous
8 species (including a pathogen) that threatens the di-
9 versity or abundance of native species or the ecologi-
10 cal stability of navigable waters or commercial, agri-
11 cultural, aquacultural, or recreational activities de-
12 pendent on such waters.

13 (3) *BALLAST WATER.*—

14 (A) *IN GENERAL.*—The term “ballast
15 water” means any water, including any sedi-
16 ment suspended in such water, taken aboard a
17 vessel—

18 (i) to control trim, list, draught, sta-
19 bility, or stresses of the vessel; or

20 (ii) during the cleaning, maintenance,
21 or other operation of a ballast water treat-
22 ment technology of the vessel.

23 (B) *EXCLUSIONS.*—The term “ballast
24 water” does not include any pollutant that is
25 added to water described in subparagraph (A)
26 that is not directly related to the operation of a

1 *properly functioning ballast water treatment*
2 *technology under this title.*

3 (4) *BALLAST WATER PERFORMANCE STAND-*
4 *ARD.—The term “ballast water performance stand-*
5 *ard” means the numerical ballast water discharge*
6 *standard set forth in section 151.2030 of title 33,*
7 *Code of Federal Regulations, or section 151.1511 of*
8 *title 33, Code of Federal Regulations, as applicable,*
9 *or a revised numerical ballast water performance*
10 *standard established under subsection (a)(1)(B), (b),*
11 *or (c) of section 3604 of this title.*

12 (5) *BALLAST WATER TREATMENT TECHNOLOGY*
13 *OR TREATMENT TECHNOLOGY.—The term “ballast*
14 *water treatment technology” or “treatment tech-*
15 *nology” means any mechanical, physical, chemical, or*
16 *biological process used, alone or in combination, to*
17 *remove, render harmless, or avoid the uptake or dis-*
18 *charge of, aquatic nuisance species within ballast*
19 *water.*

20 (6) *BIOCIDE.—The term “biocide” means a sub-*
21 *stance or organism, including a virus or fungus, that*
22 *is introduced into or produced by a ballast water*
23 *treatment technology to reduce or eliminate aquatic*
24 *nuisance species as part of the process used to comply*

1 *with a ballast water performance standard under this*
2 *title.*

3 (7) *DISCHARGE INCIDENTAL TO THE NORMAL*
4 *OPERATION OF A VESSEL.—*

5 (A) *IN GENERAL.—The term “discharge in-*
6 *cidental to the normal operation of a vessel”*
7 *means—*

8 (i) *a discharge into navigable waters*
9 *from a vessel of—*

10 (I)(aa) *ballast water, graywater,*
11 *bilge water, cooling water, oil water*
12 *separator effluent, anti-fouling hull*
13 *coating leachate, boiler or economizer*
14 *blowdown, byproducts from cathodic*
15 *protection, controllable pitch propeller*
16 *and thruster hydraulic fluid, distilla-*
17 *tion and reverse osmosis brine, elevator*
18 *pit effluent, firemain system effluent,*
19 *freshwater layup effluent, gas turbine*
20 *wash water, motor gasoline and com-*
21 *pensating effluent, refrigeration and*
22 *air condensate effluent, seawater*
23 *pumping biofouling prevention sub-*
24 *stances, boat engine wet exhaust, sonar*
25 *dome effluent, exhaust gas scrubber*

1 *washwater, or stern tube packing gland*
2 *effluent; or*

3 *(bb) any other pollutant associ-*
4 *ated with the operation of a marine*
5 *propulsion system, shipboard maneu-*
6 *vering system, habitability system, or*
7 *installed major equipment, or from a*
8 *protective, preservative, or absorptive*
9 *application to the hull of a vessel;*

10 *(II) weather deck runoff, deck*
11 *wash, aqueous film forming foam efflu-*
12 *ent, chain locker effluent, non-oily ma-*
13 *chinery wastewater, underwater ship*
14 *husbandry effluent, welldeck effluent, or*
15 *fish hold and fish hold cleaning efflu-*
16 *ent; or*

17 *(III) any effluent from a properly*
18 *functioning marine engine; or*

19 *(ii) a discharge of a pollutant into*
20 *navigable waters in connection with the*
21 *testing, maintenance, or repair of a system,*
22 *equipment, or engine described in subclause*
23 *(I)(bb) or (III) of clause (i) whenever the*
24 *vessel is waterborne.*

1 (B) *EXCLUSIONS.*—*The term “discharge in-*
2 *cidental to the normal operation of a vessel” does*
3 *not include—*

4 (i) *a discharge into navigable waters*
5 *from a vessel of—*

6 (I) *rubbish, trash, garbage, incin-*
7 *erator ash, or other such material dis-*
8 *charged overboard;*

9 (II) *oil or a hazardous substance,*
10 *as those terms are defined in section*
11 *311 of the Federal Water Pollution*
12 *Control Act (33 U.S.C. 1321);*

13 (III) *sewage, as defined in section*
14 *312(a)(6) of the Federal Water Pollu-*
15 *tion Control Act (33 U.S.C.*
16 *1322(a)(6)); or*

17 (IV) *graywater referred to in sec-*
18 *tion 312(a)(6) of the Federal Water*
19 *Pollution Control Act (33 U.S.C.*
20 *1322(a)(6));*

21 (ii) *an emission of an air pollutant re-*
22 *sulting from the operation onboard a vessel*
23 *of a vessel propulsion system, motor driven*
24 *equipment, or incinerator; or*

1 (iii) a discharge into navigable waters
2 from a vessel when the vessel is operating in
3 a capacity other than as a means of trans-
4 portation on water.

5 (8) *GEOGRAPHICALLY LIMITED AREA.*—The term
6 “geographically limited area” means an area—

7 (A) with a physical limitation, including
8 limitation by physical size and limitation by
9 authorized route, that prevents a vessel from op-
10 erating outside the area, as determined by the
11 Secretary; or

12 (B) that is ecologically homogeneous, as de-
13 termined by the Secretary, in consultation with
14 the heads of other Federal departments or agen-
15 cies as the Secretary considers appropriate.

16 (9) *MANUFACTURER.*—The term “manufacturer”
17 means a person engaged in the manufacture, assem-
18 blage, or importation of ballast water treatment tech-
19 nology.

20 (10) *SECRETARY.*—The term “Secretary” means
21 the Secretary of the department in which the Coast
22 Guard is operating.

23 (11) *VESSEL.*—The term “vessel” means every
24 description of watercraft or other artificial contriv-

1 *ance used, or practically or otherwise capable of being*
2 *used, as a means of transportation on water.*

3 **SEC. 3603. REGULATION AND ENFORCEMENT.**

4 *(a) IN GENERAL.—The Secretary, in consultation with*
5 *the Administrator, shall establish and implement enforce-*
6 *able uniform national standards and requirements for the*
7 *regulation of discharges incidental to the normal operation*
8 *of a vessel. The standards and requirements shall—*

9 *(1) be based upon the best available technology*
10 *economically achievable; and*

11 *(2) supersede any permitting requirement or*
12 *prohibition on discharges incidental to the normal op-*
13 *eration of a vessel under any other provision of law.*

14 *(b) ADMINISTRATION AND ENFORCEMENT.—The Sec-*
15 *retary shall administer and enforce the uniform national*
16 *standards and requirements under this title. Each State*
17 *may enforce the uniform national standards and require-*
18 *ments under this title.*

19 **SEC. 3604. UNIFORM NATIONAL STANDARDS AND REQUIRE-**
20 **MENTS FOR THE REGULATION OF DIS-**
21 **CHARGES INCIDENTAL TO THE NORMAL OP-**
22 **ERATION OF A VESSEL.**

23 *(a) REQUIREMENTS.—*

24 *(1) BALLAST WATER MANAGEMENT REQUIRE-*
25 *MENTS.—*

1 (A) *IN GENERAL.*—Notwithstanding any
2 other provision of law, the requirements set forth
3 in the final rule, *Standards for Living Orga-*
4 *nisms in Ships’ Ballast Water Discharged in*
5 *U.S. Waters* (77 Fed. Reg. 17254 (March 23,
6 2012), as corrected at 77 Fed. Reg. 33969 (June
7 8, 2012)), shall be the management requirements
8 for a ballast water discharge incidental to the
9 normal operation of a vessel until the Secretary
10 revises the ballast water performance standard
11 under subsection (b) or adopts a more stringent
12 State standard under subparagraph (B) of this
13 paragraph.

14 (B) *ADOPTION OF MORE STRINGENT STATE*
15 *STANDARD.*—If the Secretary makes a deter-
16 mination in favor of a State petition under sec-
17 tion 3609, the Secretary shall adopt the more
18 stringent ballast water performance standard
19 specified in the statute or regulation that is the
20 subject of that State petition in lieu of the bal-
21 last water performance standard in the final rule
22 described under subparagraph (A).

23 (2) *INITIAL MANAGEMENT REQUIREMENTS FOR*
24 *DISCHARGES OTHER THAN BALLAST WATER.*—Not
25 later than 2 years after the date of enactment of this

1 *Act, the Secretary, in consultation with the Adminis-*
2 *trator, shall issue a final rule establishing best man-*
3 *agement practices for discharges incidental to the nor-*
4 *mal operation of a vessel other than ballast water.*

5 *(b) REVISED BALLAST WATER PERFORMANCE STAND-*
6 *ARD; 7-YEAR REVIEW.—*

7 *(1) IN GENERAL.—Subject to the feasibility re-*
8 *view under paragraph (2), not later than January 1,*
9 *2022, the Secretary, in consultation with the Admin-*
10 *istrator, shall issue a final rule revising the ballast*
11 *water performance standard under subsection (a)(1)*
12 *so that a ballast water discharge incidental to the*
13 *normal operation of a vessel will contain—*

14 *(A) less than 1 living organism per 10 cubic*
15 *meters that is 50 or more micrometers in min-*
16 *imum dimension;*

17 *(B) less than 1 living organism per 10 mil-*
18 *liliters that is less than 50 micrometers in min-*
19 *imum dimension and more than 10 micrometers*
20 *in minimum dimension;*

21 *(C) concentrations of indicator microbes*
22 *that are less than—*

23 *(i) 1 colony-forming unit of toxicogenic*
24 *Vibrio cholera (serotypes O1 and O139) per*
25 *100 milliliters or less than 1 colony-forming*

1 *unit of that microbe per gram of wet weight*
2 *of zoological samples;*

3 *(ii) 126 colony-forming units of esch-*
4 *erichia coli per 100 milliliters; and*

5 *(iii) 33 colony-forming units of intes-*
6 *tinal enterococci per 100 milliliters; and*

7 *(D) concentrations of such additional indi-*
8 *cator microbes and of viruses as may be specified*
9 *in regulations issued by the Secretary, in con-*
10 *sultation with the Administrator and such other*
11 *Federal agencies as the Secretary and the Ad-*
12 *ministrator consider appropriate.*

13 *(2) FEASIBILITY REVIEW.—*

14 *(A) IN GENERAL.—Not later than January*
15 *1, 2020, the Secretary, in consultation with the*
16 *Administrator, shall complete a review to deter-*
17 *mine the feasibility of achieving the revised bal-*
18 *last water performance standard under para-*
19 *graph (1).*

20 *(B) CRITERIA FOR REVIEW OF BALLAST*
21 *WATER PERFORMANCE STANDARD.—In con-*
22 *ducting a review under subparagraph (A), the*
23 *Secretary shall consider whether revising the bal-*
24 *last water performance standard will result in a*
25 *scientifically demonstrable and substantial re-*

1 *duction in the risk of introduction or establish-*
2 *ment of aquatic nuisance species, taking into ac-*
3 *count—*

4 *(i) improvements in the scientific un-*
5 *derstanding of biological and ecological*
6 *processes that lead to the introduction or es-*
7 *tablishment of aquatic nuisance species;*

8 *(ii) improvements in ballast water*
9 *treatment technology, including—*

10 *(I) the capability of such treat-*
11 *ment technology to achieve a revised*
12 *ballast water performance standard;*

13 *(II) the effectiveness and reli-*
14 *ability of such treatment technology in*
15 *the shipboard environment;*

16 *(III) the compatibility of such*
17 *treatment technology with the design*
18 *and operation of a vessel by class, type,*
19 *and size;*

20 *(IV) the commercial availability*
21 *of such treatment technology; and*

22 *(V) the safety of such treatment*
23 *technology;*

24 *(iii) improvements in the capabilities*
25 *to detect, quantify, and assess the viability*

1 of aquatic nuisance species at the concentra-
2 tions under consideration;

3 (iv) the impact of ballast water treat-
4 ment technology on water quality; and

5 (v) the costs, cost-effectiveness, and im-
6 pacts of—

7 (I) a revised ballast water per-
8 formance standard, including the po-
9 tential impacts on shipping, trade, and
10 other uses of the aquatic environment;
11 and

12 (II) maintaining the existing bal-
13 last water performance standard, in-
14 cluding the potential impacts on
15 water-related infrastructure, recre-
16 ation, propagation of native fish, shell-
17 fish, and wildlife, and other uses of
18 navigable waters.

19 (C) LOWER REVISED PERFORMANCE STAND-
20 ARD.—

21 (i) IN GENERAL.—If the Secretary, in
22 consultation with the Administrator, deter-
23 mines, on the basis of the feasibility review
24 and after an opportunity for a public hear-
25 ing, that no ballast water treatment tech-

1 *nology can be certified under section 3605*
2 *to comply with the revised ballast water*
3 *performance standard under paragraph (1),*
4 *the Secretary shall require the use of the*
5 *treatment technology that achieves the per-*
6 *formance levels of the best treatment tech-*
7 *nology available.*

8 *(ii) IMPLEMENTATION DEADLINE.—If*
9 *the Secretary, in consultation with the Ad-*
10 *ministrator, determines that the treatment*
11 *technology under clause (i) cannot be imple-*
12 *mented before the implementation deadline*
13 *under paragraph (3) with respect to a class*
14 *of vessels, the Secretary shall extend the im-*
15 *plementation deadline for that class of ves-*
16 *sels for not more than 36 months.*

17 *(iii) COMPLIANCE.—If the implementa-*
18 *tion deadline under paragraph (3) is ex-*
19 *tended, the Secretary shall recommend ac-*
20 *tion to ensure compliance with the extended*
21 *implementation deadline under clause (ii).*

22 *(D) HIGHER REVISED PERFORMANCE*
23 *STANDARD.—*

24 *(i) IN GENERAL.—If the Secretary, in*
25 *consultation with the Administrator, deter-*

1 *mines that ballast water treatment tech-*
2 *nology exists that exceeds the revised ballast*
3 *water performance standard under para-*
4 *graph (1) with respect to a class of vessels,*
5 *the Secretary shall revise the ballast water*
6 *performance standard for that class of ves-*
7 *sels to incorporate the higher performance*
8 *standard.*

9 *(ii) IMPLEMENTATION DEADLINE.—If*
10 *the Secretary, in consultation with the Ad-*
11 *ministrator, determines that the treatment*
12 *technology under clause (i) can be imple-*
13 *mented before the implementation deadline*
14 *under paragraph (3) with respect to a class*
15 *of vessels, the Secretary shall accelerate the*
16 *implementation deadline for that class of*
17 *vessels. If the implementation deadline*
18 *under paragraph (3) is accelerated, the Sec-*
19 *retary shall provide not less than 24 months*
20 *notice before the accelerated deadline takes*
21 *effect.*

22 *(3) IMPLEMENTATION DEADLINE.—The revised*
23 *ballast water performance standard under paragraph*
24 *(1) shall apply to a vessel beginning on the date of*

1 *the first drydocking of the vessel on or after January*
2 *1, 2022, but not later than December 31, 2024.*

3 (4) *REVISED PERFORMANCE STANDARD COMPLI-*
4 *ANCE DEADLINES.—*

5 (A) *IN GENERAL.—The Secretary may es-*
6 *tablish a compliance deadline for compliance by*
7 *a vessel (or a class, type, or size of vessel) with*
8 *a revised ballast water performance standard*
9 *under this subsection.*

10 (B) *PROCESS FOR GRANTING EXTEN-*
11 *SIONS.—In issuing regulations under this sub-*
12 *section, the Secretary shall establish a process for*
13 *an owner or operator to submit a petition to the*
14 *Secretary for an extension of a compliance dead-*
15 *line with respect to the vessel of the owner or op-*
16 *erator.*

17 (C) *PERIOD OF EXTENSIONS.—An extension*
18 *issued under subparagraph (B) may—*

19 (i) *apply for a period of not to exceed*
20 *18 months from the date of the applicable*
21 *deadline under subparagraph (A); and*

22 (ii) *be renewable for an additional pe-*
23 *riod of not to exceed 18 months.*

24 (D) *FACTORS.—In issuing a compliance*
25 *deadline or reviewing a petition under this*

1 paragraph, the Secretary shall consider, with re-
2 spect to the ability of an owner or operator to
3 meet a compliance deadline, the following fac-
4 tors:

5 (i) Whether the treatment technology to
6 be installed is available in sufficient quan-
7 tities to meet the compliance deadline.

8 (ii) Whether there is sufficient ship-
9 yard or other installation facility capacity.

10 (iii) Whether there is sufficient avail-
11 ability of engineering and design resources.

12 (iv) Vessel characteristics, such as en-
13 gine room size, layout, or a lack of installed
14 piping.

15 (v) Electric power generating capacity
16 aboard the vessel.

17 (vi) Safety of the vessel and crew.

18 (E) CONSIDERATION OF PETITIONS.—

19 (i) DETERMINATIONS.—The Secretary
20 shall approve or deny a petition for an ex-
21 tension of a compliance deadline submitted
22 by an owner or operator under this para-
23 graph.

24 (ii) DEADLINE.—If the Secretary does
25 not approve or deny a petition referred to

1 *in clause (i) on or before the last day of the*
2 *90-day period beginning on the date of sub-*
3 *mission of the petition, the petition shall be*
4 *deemed approved.*

5 *(c) FUTURE REVISIONS OF VESSEL INCIDENTAL DIS-*
6 *CHARGE STANDARDS; DECENNIAL REVIEWS.—*

7 *(1) REVISED BALLAST WATER PERFORMANCE*
8 *STANDARDS.—The Secretary, in consultation with the*
9 *Administrator, shall complete a review, 10 years after*
10 *the issuance of a final rule under subsection (b) and*
11 *every 10 years thereafter, to determine whether fur-*
12 *ther revision of the ballast water performance stand-*
13 *ard would result in a scientifically demonstrable and*
14 *substantial reduction in the risk of the introduction*
15 *or establishment of aquatic nuisance species.*

16 *(2) REVISED STANDARDS FOR DISCHARGES*
17 *OTHER THAN BALLAST WATER.—The Secretary, in*
18 *consultation with the Administrator, may include in*
19 *a decennial review under this subsection best manage-*
20 *ment practices for discharges covered by subsection*
21 *(a)(2). The Secretary shall initiate a rulemaking to*
22 *revise 1 or more best management practices for such*
23 *discharges after a decennial review if the Secretary,*
24 *in consultation with the Administrator, determines*
25 *that revising 1 or more of such practices would sub-*

1 *stantially reduce the impacts on navigable waters of*
2 *discharges incidental to the normal operation of a*
3 *vessel other than ballast water.*

4 (3) *CONSIDERATIONS.—In conducting a review*
5 *under paragraph (1), the Secretary, the Adminis-*
6 *trator, and the heads of other appropriate Federal*
7 *agencies as determined by the Secretary, shall con-*
8 *sider the criteria under subsection (b)(2)(B).*

9 (4) *REVISION AFTER DECENNIAL REVIEW.—The*
10 *Secretary shall initiate a rulemaking to revise the*
11 *current ballast water performance standard after a*
12 *decennial review if the Secretary, in consultation*
13 *with the Administrator, determines that revising the*
14 *current ballast water performance standard would re-*
15 *sult in a scientifically demonstrable and substantial*
16 *reduction in the risk of the introduction or establish-*
17 *ment of aquatic nuisance species.*

18 **SEC. 3605. TREATMENT TECHNOLOGY CERTIFICATION.**

19 (a) *CERTIFICATION REQUIRED.—Beginning 60 days*
20 *after the date that the requirements for testing protocols are*
21 *issued under subsection (i), no manufacturer of a ballast*
22 *water treatment technology shall sell, offer for sale, or intro-*
23 *duce or deliver for introduction into interstate commerce,*
24 *or import into the United States for sale or resale, a ballast*

1 *water treatment technology for a vessel unless the treatment*
2 *technology has been certified under this section.*

3 *(b) CERTIFICATION PROCESS.—*

4 *(1) EVALUATION.—Upon application of a manu-*
5 *facturer, the Secretary shall evaluate a ballast water*
6 *treatment technology with respect to—*

7 *(A) the effectiveness of the treatment tech-*
8 *nology in achieving the current ballast water*
9 *performance standard when installed on a vessel*
10 *(or a class, type, or size of vessel);*

11 *(B) the compatibility with vessel design and*
12 *operations;*

13 *(C) the effect of the treatment technology on*
14 *vessel safety;*

15 *(D) the impact on the environment;*

16 *(E) the cost effectiveness; and*

17 *(F) any other criteria the Secretary con-*
18 *siders appropriate.*

19 *(2) APPROVAL.—If after an evaluation under*
20 *paragraph (1) the Secretary determines that the treat-*
21 *ment technology meets the criteria, the Secretary may*
22 *certify the treatment technology for use on a vessel (or*
23 *a class, type, or size of vessel).*

24 *(3) SUSPENSION AND REVOCATION.—The Sec-*
25 *retary shall establish, by regulation, a process to sus-*

1 *pend or revoke a certification issued under this sec-*
2 *tion.*

3 (c) *CERTIFICATION CONDITIONS.—*

4 (1) *IMPOSITION OF CONDITIONS.—In certifying a*
5 *ballast water treatment technology under this section,*
6 *the Secretary, in consultation with the Administrator,*
7 *may impose any condition on the subsequent installa-*
8 *tion, use, or maintenance of the treatment technology*
9 *onboard a vessel as is necessary for—*

10 (A) *the safety of the vessel, the crew of the*
11 *vessel, and any passengers aboard the vessel;*

12 (B) *the protection of the environment; or*

13 (C) *the effective operation of the treatment*
14 *technology.*

15 (2) *FAILURE TO COMPLY.—The failure of an*
16 *owner or operator to comply with a condition im-*
17 *posed under paragraph (1) shall be considered a vio-*
18 *lation of this section.*

19 (d) *PERIOD FOR USE OF INSTALLED TREATMENT*
20 *EQUIPMENT.—Notwithstanding anything to the contrary in*
21 *this title or any other provision of law, the Secretary shall*
22 *allow a vessel on which a system is installed and operated*
23 *to meet a ballast water performance standard under this*
24 *title to continue to use that system, notwithstanding any*
25 *revision of a ballast water performance standard occurring*

1 *after the system is ordered or installed until the expiration*
2 *of the service life of the system, as determined by the Sec-*
3 *retary, so long as the system—*

4 *(1) is maintained in proper working condition;*
5 *and*

6 *(2) is maintained and used in accordance with*
7 *the manufacturer's specifications and any treatment*
8 *technology certification conditions imposed by the*
9 *Secretary under this section.*

10 *(e) CERTIFICATES OF TYPE APPROVAL FOR THE*
11 *TREATMENT TECHNOLOGY.—*

12 *(1) ISSUANCE.—If the Secretary approves a bal-*
13 *last water treatment technology for certification under*
14 *subsection (b), the Secretary shall issue a certificate*
15 *of type approval for the treatment technology to the*
16 *manufacturer in such form and manner as the Sec-*
17 *retary determines appropriate.*

18 *(2) CERTIFICATION CONDITIONS.—A certificate*
19 *of type approval issued under paragraph (1) shall*
20 *specify each condition imposed by the Secretary*
21 *under subsection (c).*

22 *(3) OWNERS AND OPERATORS.—A manufacturer*
23 *that receives a certificate of type approval for the*
24 *treatment technology under this subsection shall pro-*
25 *vide a copy of the certificate to each owner and oper-*

1 *ator of a vessel on which the treatment technology is*
2 *installed.*

3 *(f) INSPECTIONS.—An owner or operator who receives*
4 *a copy of a certificate under subsection (e)(3) shall retain*
5 *a copy of the certificate onboard the vessel and make the*
6 *copy of the certificate available for inspection at all times*
7 *while the owner or operator is utilizing the treatment tech-*
8 *nology.*

9 *(g) BIOCIDES.—The Secretary may not approve a bal-*
10 *last water treatment technology under subsection (b) if—*

11 *(1) it uses a biocide or generates a biocide that*
12 *is a pesticide, as defined in section 2 of the Federal*
13 *Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.*
14 *136), unless the biocide is registered under that Act*
15 *or the Secretary, in consultation with Administrator,*
16 *has approved the use of the biocide in such treatment*
17 *technology; or*

18 *(2) it uses or generates a biocide the discharge of*
19 *which causes or contributes to a violation of a water*
20 *quality standard under section 303 of the Federal*
21 *Water Pollution Control Act (33 U.S.C. 1313).*

22 *(h) PROHIBITION.—*

23 *(1) IN GENERAL.—Except as provided in para-*
24 *graph (2), the use of a ballast water treatment tech-*
25 *nology by an owner or operator of a vessel shall not*

1 *satisfy the requirements of this title unless it has been*
2 *approved by the Secretary under subsection (b).*

3 (2) *EXCEPTIONS.—*

4 (A) *COAST GUARD SHIPBOARD TECHNOLOGY*
5 *EVALUATION PROGRAM.—An owner or operator*
6 *may use a ballast water treatment technology*
7 *that has not been certified by the Secretary to*
8 *comply with the requirements of this section if*
9 *the technology is being evaluated under the Coast*
10 *Guard Shipboard Technology Evaluation Pro-*
11 *gram.*

12 (B) *BALLAST WATER TREATMENT TECH-*
13 *NOLOGIES CERTIFIED BY FOREIGN ENTITIES.—*
14 *An owner or operator may use a ballast water*
15 *treatment technology that has not been certified*
16 *by the Secretary to comply with the requirements*
17 *of this section if the technology has been certified*
18 *by a foreign entity and the certification dem-*
19 *onstrates performance and safety of the treat-*
20 *ment technology equivalent to the requirements of*
21 *this section, as determined by the Secretary.*

22 (i) *TESTING PROTOCOLS.—Not later than 180 days*
23 *after the date of enactment of this Act, the Administrator,*
24 *in consultation with the Secretary, shall issue requirements*

1 *for land-based and shipboard testing protocols or criteria*
2 *for—*

- 3 (1) *certifying the performance of each ballast*
4 *water treatment technology under this section; and*
5 (2) *certifying laboratories to evaluate such treat-*
6 *ment technologies.*

7 **SEC. 3606. EXEMPTIONS.**

8 (a) *IN GENERAL.—No permit shall be required or pro-*
9 *hibition enforced under any other provision of law for, nor*
10 *shall any standards regarding a discharge incidental to the*
11 *normal operation of a vessel under this title apply to—*

12 (1) *a discharge incidental to the normal oper-*
13 *ation of a vessel if the vessel is less than 79 feet in*
14 *length and engaged in commercial service (as defined*
15 *in section 2101(5) of title 46, United States Code);*

16 (2) *a discharge incidental to the normal oper-*
17 *ation of a vessel if the vessel is a fishing vessel, in-*
18 *cluding a fish processing vessel and a fish tender ves-*
19 *sel (as defined in section 2101 of title 46, United*
20 *States Code);*

21 (3) *a discharge incidental to the normal oper-*
22 *ation of a vessel if the vessel is a recreational vessel*
23 *(as defined in section 2101(25) of title 46, United*
24 *States Code);*

1 (4) *the placement, release, or discharge of equip-*
2 *ment, devices, or other material from a vessel for the*
3 *sole purpose of conducting research on the aquatic en-*
4 *vironment or its natural resources in accordance with*
5 *generally recognized scientific methods, principles, or*
6 *techniques;*

7 (5) *any discharge into navigable waters from a*
8 *vessel authorized by an on-scene coordinator in ac-*
9 *cordance with part 300 of title 40, Code of Federal*
10 *Regulations, or part 153 of title 33, Code of Federal*
11 *Regulations;*

12 (6) *any discharge into navigable waters from a*
13 *vessel that is necessary to secure the safety of the ves-*
14 *sel or human life, or to suppress a fire onboard the*
15 *vessel or at a shoreside facility; or*

16 (7) *a vessel of the armed forces of a foreign na-*
17 *tion when engaged in noncommercial service.*

18 (b) *BALLAST WATER DISCHARGES.*—*No permit shall*
19 *be required or prohibition enforced under any other provi-*
20 *sion of law for, nor shall any ballast water performance*
21 *standards under this title apply to—*

22 (1) *a ballast water discharge incidental to the*
23 *normal operation of a vessel determined by the Sec-*
24 *retary to—*

1 (A) operate exclusively within a geographi-
2 cally limited area;

3 (B) take up and discharge ballast water ex-
4 clusively within 1 Captain of the Port Zone es-
5 tablished by the Coast Guard, unless the Sec-
6 retary determines such discharge poses a sub-
7 stantial risk of introduction or establishment of
8 an aquatic nuisance species;

9 (C) operate pursuant to a geographic re-
10 striction issued as a condition under section
11 3309 of title 46, United States Code, or an
12 equivalent restriction issued by the country of
13 registration of the vessel; or

14 (D) continuously take on and discharge bal-
15 last water in a flow-through system that does not
16 introduce aquatic nuisance species into navi-
17 gable waters;

18 (2) a ballast water discharge incidental to the
19 normal operation of a vessel consisting entirely of
20 water suitable for human consumption; or

21 (3) a ballast water discharge incidental to the
22 normal operation of a vessel in an alternative compli-
23 ance program established pursuant to section 3607.

24 (c) *VESSELS WITH PERMANENT BALLAST WATER.*—
25 No permit shall be required or prohibition enforced under

1 *any other provision of law for, nor shall any ballast water*
2 *performance standard under this title apply to, a vessel that*
3 *carries all of its permanent ballast water in sealed tanks*
4 *that are not subject to discharge.*

5 *(d) VESSELS OF THE ARMED FORCES.—Nothing in*
6 *this title shall be construed to apply to the following vessels:*

7 *(1) A vessel owned or operated by the Depart-*
8 *ment of Defense (other than a time-chartered or voy-*
9 *age-chartered vessel).*

10 *(2) A vessel of the Coast Guard, as designated by*
11 *the Secretary of the department in which the Coast*
12 *Guard is operating.*

13 **SEC. 3607. ALTERNATIVE COMPLIANCE PROGRAM.**

14 *(a) IN GENERAL.—The Secretary, in consultation with*
15 *the Administrator, may promulgate regulations estab-*
16 *lishing 1 or more compliance programs as an alternative*
17 *to ballast water management regulations issued under sec-*
18 *tion 3604 for a vessel that—*

19 *(1) has a maximum ballast water capacity of*
20 *less than 8 cubic meters;*

21 *(2) is less than 3 years from the end of the useful*
22 *life of the vessel, as determined by the Secretary; or*

23 *(3) discharges ballast water into a facility for*
24 *the reception of ballast water that meets standards*

1 *promulgated by the Administrator, in consultation*
2 *with the Secretary.*

3 **(b) PROMULGATION OF FACILITY STANDARDS.**—*Not*
4 *later than 1 year after the date of enactment of this Act,*
5 *the Administrator, in consultation with the Secretary, shall*
6 *promulgate standards for—*

7 *(1) the reception of ballast water from a vessel*
8 *into a reception facility; and*

9 *(2) the disposal or treatment of the ballast water*
10 *under paragraph (1).*

11 **SEC. 3608. JUDICIAL REVIEW.**

12 **(a) IN GENERAL.**—*An interested person may file a pe-*
13 *tition for review of a final regulation promulgated under*
14 *this title in the United States Court of Appeals for the Dis-*
15 *trict of Columbia Circuit.*

16 **(b) DEADLINE.**—*A petition shall be filed not later than*
17 *120 days after the date that notice of the promulgation ap-*
18 *pears in the Federal Register.*

19 **(c) EXCEPTION.**—*Notwithstanding subsection (b), a*
20 *petition that is based solely on grounds that arise after the*
21 *deadline to file a petition under subsection (b) has passed*
22 *may be filed not later than 120 days after the date that*
23 *the grounds first arise.*

1 **SEC. 3609. EFFECT ON STATE AUTHORITY.**

2 (a) *IN GENERAL.*—No State or political subdivision
3 thereof may adopt or enforce any statute or regulation of
4 the State or political subdivision with respect to a discharge
5 incidental to the normal operation of a vessel after the date
6 of enactment of this Act.

7 (b) *SAVINGS CLAUSE.*—Notwithstanding subsection
8 (a), a State or political subdivision thereof may enforce a
9 statute or regulation of the State or political subdivision
10 with respect to ballast water discharges incidental to the
11 normal operation of a vessel that specifies a ballast water
12 performance standard that is more stringent than the bal-
13 last water performance standard under section
14 3604(a)(1)(A) and is in effect on the date of enactment of
15 this Act if the Secretary, after consultation with the Admin-
16 istrator and any other Federal department or agency the
17 Secretary considers appropriate, makes a determination
18 that—

19 (1) *compliance with any performance standard*
20 *specified in the statute or regulation can in fact be*
21 *achieved and detected;*

22 (2) *the technology and systems necessary to com-*
23 *ply with the statute or regulation are commercially*
24 *available; and*

1 (3) *the statute or regulation is consistent with*
2 *obligations under relevant international treaties or*
3 *agreements to which the United States is a party.*

4 (c) *PETITION PROCESS.*—

5 (1) *SUBMISSION.*—*The Governor of a State seek-*
6 *ing to enforce a statute or regulation under subsection*
7 *(b) shall submit a petition requesting the Secretary to*
8 *review the statute or regulation.*

9 (2) *CONTENTS; DEADLINE.*—*A petition shall—*

10 (A) *be accompanied by the scientific and*
11 *technical information on which the petition is*
12 *based; and*

13 (B) *be submitted to the Secretary not later*
14 *than 90 days after the date of enactment of this*
15 *Act.*

16 (3) *DETERMINATIONS.*—*The Secretary shall*
17 *make a determination on a petition under this sub-*
18 *section not later than 90 days after the date that the*
19 *petition is received.*

20 **SEC. 3610. APPLICATION WITH OTHER STATUTES.**

21 *Notwithstanding any other provision of law, this title*
22 *shall be the exclusive statutory authority for regulation by*
23 *the Federal Government of discharges incidental to the nor-*
24 *mal operation of a vessel to which this title applies. Except*
25 *as provided under section 3604(a)(1)(A), any regulation in*

1 *effect on the date immediately preceding the effective date*
2 *of this Act relating to any permitting requirement for or*
3 *prohibition on discharges incidental to the normal oper-*
4 *ation of a vessel to which this title applies shall be deemed*
5 *to be a regulation issued pursuant to the authority of this*
6 *title and shall remain in full force and effect unless or until*
7 *superseded by new regulations issued hereunder.*

8 ***DIVISION D—FUNDING TABLES***

9 ***SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-*** 10 ***BLES.***

11 *(a) IN GENERAL.—Whenever a funding table in this*
12 *division specifies a dollar amount authorized for a project,*
13 *program, or activity, the obligation and expenditure of the*
14 *specified dollar amount for the project, program, or activity*
15 *is hereby authorized, subject to the availability of appro-*
16 *priations.*

17 *(b) MERIT-BASED DECISIONS.—A decision to commit,*
18 *obligate, or expend funds with or to a specific entity on*
19 *the basis of a dollar amount authorized pursuant to sub-*
20 *section (a) shall—*

21 *(1) be based on merit-based selection procedures*
22 *in accordance with the requirements of sections*
23 *2304(k) and 2374 of title 10, United States Code, or*
24 *on competitive procedures; and*

1 (2) *comply with other applicable provisions of*
 2 *law.*

3 (c) *RELATIONSHIP TO TRANSFER AND PROGRAMMING*
 4 *AUTHORITY.*—*An amount specified in the funding tables in*
 5 *this division may be transferred or reprogrammed under*
 6 *a transfer or reprogramming authority provided by another*
 7 *provision of this Act or by other law. The transfer or re-*
 8 *programming of an amount specified in such funding tables*
 9 *shall not count against a ceiling on such transfers or*
 10 *reprogrammings under section 1001 or section 1522 of this*
 11 *Act or any other provision of law, unless such transfer or*
 12 *reprogramming would move funds between appropriation*
 13 *accounts.*

14 (d) *APPLICABILITY TO CLASSIFIED ANNEX.*—*This sec-*
 15 *tion applies to any classified annex that accompanies this*
 16 *Act.*

17 (e) *ORAL AND WRITTEN COMMUNICATIONS.*—*No oral*
 18 *or written communication concerning any amount specified*
 19 *in the funding tables in this division shall supersede the*
 20 *requirements of this section.*

21 **TITLE XLI—PROCUREMENT**

22 **SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT <i>(In Thousands of Dollars)</i>			
<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
001	UTILITY F/W AIRCRAFT	57,529	57,529
003	MQ-1 UAV	55,388	84,988
	<i>Ground Mounted Airspace Deconfliction Radar</i>		[29,600]
ROTARY			
006	AH-64 APACHE BLOCK IIIA REMAN	803,084	803,084

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[15,567]
008	TOW 2 SYSTEM SUMMARY	64,922	145,574
	<i>Realign APS Unit Set Requirements from OCO</i>		[80,652]
009	ADVANCE PROCUREMENT (CY)	19,949	19,949
010	GUIDED MLRS ROCKET (GMLRS)	172,088	248,079
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
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
	<i>Realign APS Unit Set Requirements from OCO</i>		[125,184]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	91,963	91,963
009	ASSAULT BRIDGE (MOD)	3,465	9,415
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[9,642]
003	CTG, HANDGUN, ALL TYPES	5,193	5,193
004	CTG, .50 CAL, ALL TYPES	46,693	52,691
	<i>Realign APS Unit Set Requirements from OCO</i>		[5,998]
005	CTG, 20MM, ALL TYPES	7,000	8,077
	<i>Realign APS Unit Set Requirements from OCO</i>		[1,077]
006	CTG, 25MM, ALL TYPES	7,753	34,987
	Program reduction		[-1,300]
	<i>Realign APS Unit Set Requirements from OCO</i>		[28,534]
007	CTG, 30MM, ALL TYPES	47,000	47,000
008	CTG, 40MM, ALL TYPES	118,178	115,501
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[8,999]
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	64,800	64,800
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	109,515	129,863
	<i>Realign APS Unit Set Requirements from OCO</i>		[20,348]
015	PROJ 155MM EXTENDED RANGE M982	39,200	39,340
	<i>Realign APS Unit Set Requirements from OCO</i>		[140]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	70,881	95,536
	<i>Realign APS Unit Set Requirements from OCO</i>		[24,655]
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES		16,866
	<i>Realign APS Unit Set Requirements from OCO</i>		[16,866]
	NETWORKED MUNITIONS		
018	SPIDER NETWORK MUNITIONS, ALL TYPES		10,353
	<i>Realign APS Unit Set Requirements from OCO</i>		[10,353]
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	38,000	101,210
	<i>Realign APS Unit Set Requirements from OCO</i>		[63,210]
020	ROCKET, HYDRA 70, ALL TYPES	87,213	87,213
	OTHER AMMUNITION		

SEC. 4101. PROCUREMENT
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Line	Item	FY 2017 Request	House Authorized
021	CAD/PAD, ALL TYPES	4,914	4,914
022	DEMOLITION MUNITIONS, ALL TYPES	6,380	12,753
	<i>Realign APS Unit Set Requirements from OCO</i>		[6,373]
023	GRENADES, ALL TYPES	22,760	26,903
	<i>Realign APS Unit Set Requirements from OCO</i>		[4,143]
024	SIGNALS, ALL TYPES	10,666	12,518
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[773]
028	ITEMS LESS THAN \$5 MILLION (AMMO)	10,006	10,006
029	AMMUNITION PECULIAR EQUIPMENT	17,275	13,575
	<i>Program reduction- excess carryover</i>		[-3,700]
030	FIRST DESTINATION TRANSPORTATION (AMMO)	14,951	14,951
	PRODUCTION BASE SUPPORT		
032	INDUSTRIAL FACILITIES	222,269	242,269
	<i>Program increase</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[4,180]
003	HI MOB MULTI-PURP WILD VEH (HMMWV)		50,000
	<i>HMMWV M997A3 ambulance recapitalization for Active Component</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[147,476]
009	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	7,460	7,460
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	39,564	45,686
	<i>Realign APS Unit Set Requirements from OCO</i>		[6,122]
011	PLS ESP	11,856	118,214
	<i>Realign APS Unit Set Requirements from OCO</i>		[106,358]
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV		76,561
	<i>Realign APS Unit Set Requirements from OCO</i>		[76,561]
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	49,751	76,870
	<i>Realign APS Unit Set Requirements from OCO</i>		[27,119]
014	MODIFICATION OF IN SVC EQUIP	64,000	57,456
	<i>Program reduction</i>		[-10,000]
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
024	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	36,580	36,580
025	SHF TERM	1,985	25,985
	<i>Realign APS Unit Set Requirements from OCO</i>		[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 (MNVF)	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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[25,892]
071	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	3,235	3,235
072	AIR VIGILANCE (AV)	733	733
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	1,740	1,740
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	455	455
076	CI MODERNIZATION	176	176
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
077	SENTINEL MODS	40,171	40,171
078	NIGHT VISION DEVICES	163,029	163,029
079	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	15,885	15,885
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	48,427	52,697
	<i>Realign APS Unit Set Requirements from OCO</i>		[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: LHMC XM32	5,924	5,924
089	MORTAR FIRE CONTROL SYSTEM	22,331	22,621
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[69,958]
093	LAMD BATTLE COMMAND SYSTEM	204,969	204,969
094	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,718	4,718
095	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	11,063	11,063
096	MANEUVER CONTROL SYSTEM (MCS)	151,318	151,318
097	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	155,660	155,660
098	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)	4,214	4,214
099	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	16,185	16,185
100	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,565	1,565
	ELECT EQUIP—AUTOMATION		
101	ARMY TRAINING MODERNIZATION	17,693	17,693
102	AUTOMATED DATA PROCESSING EQUIP	107,960	107,960
103	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	6,416	6,416
104	HIGH PERF COMPUTING MOD PGM (HPCMP)	58,614	58,614
105	CONTRACT WRITING SYSTEM	986	986
106	RESERVE COMPONENT AUTOMATION SYS (RCAS)	23,828	23,828
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
107	TACTICAL DIGITAL MEDIA	1,191	1,191
108	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	1,995	2,091
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[1,841]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
BRIDGING EQUIPMENT			
115	TACTICAL BRIDGING	13,553	39,553
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[280]
COMBAT SERVICE SUPPORT EQUIPMENT			
129	HEATERS AND ECUS	18,707	19,601
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[2,665]
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	18,509	18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	29,384	29,173
	<i>Realign APS Unit Set Requirements from OCO</i>		[9,789]
138	ITEMS LESS THAN \$5M (ENG SPT)		300
	<i>Realign APS Unit Set Requirements from OCO</i>		[300]
PETROLEUM EQUIPMENT			
139	QUALITY SURVEILLANCE EQUIPMENT	4,487	9,287
	<i>Realign APS Unit Set Requirements from OCO</i>		[4,800]
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	42,656	63,476
	<i>Realign APS Unit Set Requirements from OCO</i>		[20,820]
MEDICAL EQUIPMENT			
141	COMBAT SUPPORT MEDICAL	59,761	65,524
	<i>Realign APS Unit Set Requirements from OCO</i>		[5,763]
MAINTENANCE EQUIPMENT			
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	35,694	33,803
	Program reduction		[-3,500]
	<i>Realign APS Unit Set Requirements from OCO</i>		[1,609]
143	ITEMS LESS THAN \$5.0M (MAINT EQ)	2,716	2,861
	<i>Realign APS Unit Set Requirements from OCO</i>		[145]
CONSTRUCTION EQUIPMENT			
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	1,742	4,789
	<i>Realign APS Unit Set Requirements from OCO</i>		[3,047]
145	SCRAPERS, EARTHMOVING	26,233	26,233
147	HYDRAULIC EXCAVATOR	1,123	1,123
148	TRACTOR, FULL TRACKED		4,426
	<i>Realign APS Unit Set Requirements from OCO</i>		[4,426]
149	ALL TERRAIN CRANES	65,285	65,285
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	1,743	4,643
	<i>Realign APS Unit Set Requirements from OCO</i>		[2,900]
152	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	2,779	2,779
154	CONST EQUIP ESP	26,712	23,212
	Program reduction		[-3,500]
155	ITEMS LESS THAN \$5.0M (CONST EQUIP)	6,649	6,745
	<i>Realign APS Unit Set Requirements from OCO</i>		[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]
	<i>Realign APS Unit Set Requirements from OCO</i>		[19,961]
159	TACTICAL ELECTRIC POWER RECAPITALIZATION	7,867	7,867
MATERIAL HANDLING EQUIPMENT			
160	FAMILY OF FORKLIFTS	2,307	3,153
	<i>Realign APS Unit Set Requirements from OCO</i>		[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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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	JSF 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
	<i>Line shutdown costs—early to need</i>		[-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
	<i>Unobligated balances</i>		[-37,300]
034	H-53 SERIES	46,095	46,095
035	SH-60 SERIES	108,328	108,328
036	H-1 SERIES	46,333	46,333
037	EP-3 SERIES	14,681	14,681
038	P-3 SERIES	2,781	2,781
039	E-2 SERIES	32,949	32,949
040	TRAINER A/C SERIES	13,199	13,199
041	C-2A	19,066	19,066
042	C-130 SERIES	61,788	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

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(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
	<i>Transfer to Title XIV National Sea-Based Deterrence Fund</i>		<i>[-773,138]</i>
	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
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	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	RADLAC	8,092	8,092
084	CANES-INTELL	36,013	36,013
085	GPETE	6,428	6,428
087	INTEG COMBAT SYSTEM TEST FACILITY	8,376	8,376
088	EMI CONTROL INSTRUMENTATION	3,971	3,971
089	ITEMS LESS THAN \$5 MILLION	58,721	58,721
	SHIPBOARD COMMUNICATIONS		
090	SHIPBOARD TACTICAL COMMUNICATIONS	17,366	17,366
091	SHIP COMMUNICATIONS AUTOMATION	102,479	102,479
092	COMMUNICATIONS ITEMS UNDER \$5M	10,403	10,403
	SUBMARINE COMMUNICATIONS		
093	SUBMARINE BROADCAST SUPPORT	34,151	34,151
094	SUBMARINE COMMUNICATION EQUIPMENT	64,529	64,529
	SATELLITE COMMUNICATIONS		
095	SATELLITE COMMUNICATIONS SYSTEMS	14,414	14,414
096	NAVY MULTIBAND TERMINAL (NMT)	38,365	38,365
	SHORE COMMUNICATIONS		
097	JCS COMMUNICATIONS EQUIPMENT	4,156	4,156
	CRYPTOGRAPHIC EQUIPMENT		
099	INFO SYSTEMS SECURITY PROGRAM (ISSP)	85,694	85,694
100	MIO INTEL EXPLOITATION TEAM	920	920
	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

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Line	Item	FY 2017 Request	House Authorized
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	CAISR 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
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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		
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
	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	INDUSTRIAL PREPAREDNESS/POL PREVENTION	977	977
	CLASS IV		
009	ICBM FUZE MOD	17,095	17,095
010	MM III MODIFICATIONS	68,692	68,692
011	AGM-63D MAVERICK	282	282
013	AIR LAUNCH CRUISE MISSILE (ALCM)	21,762	21,762
014	SMALL DIAMETER BOMB	15,349	15,349

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
	<i>Pilot Program</i>		[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
	<i>Excess to Need</i>		[-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
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
	<i>Program reduction</i>		[-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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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		
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	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 Interceptors 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
	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
	<i>Realign APS Unit Set Requirements to Base</i>		[-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
	<i>Realign APS Unit Set Requirements to Base</i>		[-15,567]
008	TOW 2 SYSTEM SUMMARY	80,652	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-80,652]
010	GUIDED MLRS ROCKET (GMLRS)	75,991	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-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
	<i>Realign APS Unit Set Requirements to Base</i>		[-125,184]
009	ASSAULT BRIDGE (MOD)	5,950	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-5,950]
014	ABRAMS UPGRADE PROGRAM		0
	<i>Army requested realignment (ERI)</i>		[172,200]
	<i>Realign APS Unit Set Requirements to Base</i>		[-172,200]
WEAPONS & OTHER COMBAT VEHICLES			
017	MORTAR SYSTEMS	22,410	22,410
SUPPORT EQUIPMENT & FACILITIES			
036	BRADLEY PROGRAM		0
	<i>Army requested realignment (ERI)</i>		[72,800]
	<i>Realign APS Unit Set Requirements to Base</i>		[-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
	<i>Realign APS Unit Set Requirements to Base</i>		[-9,642]
004	CTG, .50 CAL, ALL TYPES	6,607	609
	<i>Realign APS Unit Set Requirements to Base</i>		[-5,998]
005	CTG, 20MM, ALL TYPES	1,077	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-1,077]
006	CTG, 25MM, ALL TYPES	28,534	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-28,534]
007	CTG, 30MM, ALL TYPES	20,000	20,000
008	CTG, 40MM, ALL TYPES	7,423	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-7,423]
MORTAR AMMUNITION			
009	60MM MORTAR, ALL TYPES	10,000	10,000
010	81MM MORTAR, ALL TYPES	2,677	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-2,677]
TANK AMMUNITION			
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	8,999	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-8,999]
ARTILLERY AMMUNITION			
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	30,348	10,000
	<i>Realign APS Unit Set Requirements to Base</i>		[-20,348]
015	PROJ 155MM EXTENDED RANGE M982	140	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-140]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	29,655	5,000
	<i>Realign APS Unit Set Requirements to Base</i>		[-24,655]
MINES			
017	MINES & CLEARING CHARGES, ALL TYPES	16,866	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-16,866]
NETWORKED MUNITIONS			

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
018	SPIDER NETWORK MUNITIONS, ALL TYPES	10,353	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-10,353]
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	63,210	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-63,210]
020	ROCKET, HYDRA 70, ALL TYPES	42,851	42,851
	OTHER AMMUNITION		
022	DEMOLITION MUNITIONS, ALL TYPES	6,373	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-6,373]
023	GRENADES, ALL TYPES	4,143	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-4,143]
024	SIGNALS, ALL TYPES	1,852	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-1,852]
	MISCELLANEOUS		
027	NON-LETHAL AMMUNITION, ALL TYPES	773	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-773]
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	301,523	88,460
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	SEMITRAILERS, FLATBED:	4,180	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-4,180]
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	147,476	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-147,476]
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,122	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-6,122]
011	PLS ESP	106,358	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-106,358]
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	203,766	127,205
	<i>Realign APS Unit Set Requirements to Base</i>		[-76,561]
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	101,154	74,035
	<i>Realign APS Unit Set Requirements to Base</i>		[-27,119]
014	MODIFICATION OF IN SVC EQUIP	155,456	152,000
	<i>Realign APS Unit Set Requirements to Base</i>		[-3,456]
	COMM—JOINT COMMUNICATIONS		
019	WIN-T—GROUND FORCES TACTICAL NETWORK	9,572	3,000
	<i>Realign APS Unit Set Requirements to Base</i>		[-6,572]
	COMM—SATELLITE COMMUNICATIONS		
025	SHF TERM	24,000	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-24,000]
	COMM—INTELLIGENCE COMM		
047	CI AUTOMATION ARCHITECTURE	1,550	1,550
	INFORMATION SECURITY		
051	COMMUNICATIONS SECURITY (COMSEC)	1,928	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-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
	<i>Realign APS Unit Set Requirements to Base</i>		[-160]
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,233	7,233
069	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	5,670	5,670
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
070	LIGHTWEIGHT COUNTER MORTAR RADAR	25,892	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-25,892]
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITE	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
	<i>Realign APS Unit Set Requirements to Base</i>		[-4,270]
089	MORTAR FIRE CONTROL SYSTEM	2,572	2,282
	<i>Realign APS Unit Set Requirements to Base</i>		[-290]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS	69,958	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-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
	<i>Realign APS Unit Set Requirements to Base</i>		[-96]
	CHEMICAL DEFENSIVE EQUIPMENT		
114	CBRN DEFENSE	1,841	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-1,841]
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	26,000	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-26,000]
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
124	ROBOTICS AND APPLIQUE SYSTEMS	268	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-268]
128	FAMILY OF BOATS AND MOTORS	280	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-280]
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECUS	894	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-894]
134	FORCE PROVIDER	53,800	53,800
135	FIELD FEEDING EQUIPMENT	2,665	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-2,665]
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,400	2,400
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	9,789	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-9,789]
138	ITEMS LESS THAN \$5M (ENG SPT)	300	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-300]
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,800	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-4,800]
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,240	57,420
	<i>Realign APS Unit Set Requirements to Base</i>		[-20,820]
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	5,763	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-5,763]
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	1,609	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-1,609]
143	ITEMS LESS THAN \$5.0M (MAINT EQ)	145	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-145]
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	3,047	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-3,047]
148	TRACTOR, FULL TRACKED	4,426	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-4,426]
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	2,900	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-2,900]
155	ITEMS LESS THAN \$5.0M (CONST EQUIP)	96	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-96]
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	21,861	1,900
	<i>Realign APS Unit Set Requirements to Base</i>		[-19,961]
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	846	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-846]
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	1,140	0
	<i>Realign APS Unit Set Requirements to Base</i>		[-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-THREAT DEFEAT FUND		
	NETWORK ATTACK		
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-THREAT 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-32 (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

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
	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			

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
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
	CLASSIFIED PROGRAMS		
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		
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)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
	AIRCRAFT PROCUREMENT, ARMY		

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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			
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]

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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-THREAT DEFEAT FUND			
NETWORK ATTACK			
001	RAPID ACQUISITION AND THREAT RESPONSE	113,272	113,272
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND	113,272	113,272
AIRCRAFT PROCUREMENT, NAVY			
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	JSF 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]
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			

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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]
	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	UH-1N REPLACEMENT		80,000
	Program increase to address urgent need		[80,000]
	OTHER AIRCRAFT		
015	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]

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
	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, TEST, AND EVALUA-**
 2 **TION**

4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 5 **TION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
		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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
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
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

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
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. <i>Program increase- all digital radar technology for CRAM</i>	53,332	61,332 [8,000]
092	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	17,887	17,887
093	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,813	8,813
094	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	10,487	10,487
095	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	15,068	15,068
096	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	89,716	89,716
097	0604802A	WEAPONS AND MUNITIONS—ENG DEV	80,365	80,365
098	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	75,098	86,198
		<i>Program Increase- next generation signature management</i>		[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
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—EX-PEDITIONARY (GBOSS-E).	5,032	5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS)	2,904	2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	96,977	96,977
118	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD)	2,089	2,089
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	33,836	33,836
120	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	18,824	18,824
121	0605047A	CONTRACT WRITING SYSTEM	20,663	20,663
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	41,133	41,133
123	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	83,995	83,995
125	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	5,028	5,028
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	42,972	42,972
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	252,811	252,811
131	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	4,955	4,955
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	11,530	11,530
133	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,142	2,142
134	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	41,498	41,498
135	0303032A	TROJAN—RH12	4,273	4,273
136	0304270A	ELECTRONIC WARFARE DEVELOPMENT	14,425	14,425
		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

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
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
		<i>Program reduction</i>		[−43,000]
178	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs).	30,455	30,455
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	316,857	316,857
180	0203740A	MANEUVER CONTROL SYSTEM	4,031	4,031
181	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	35,793	35,793
182	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	259	259
183	0203758A	DIGITIZATION	6,483	6,483
184	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	5,122	5,122
185	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	7,491	7,491
186	0203808A	TRACTOR CARD	20,333	20,333
188	0205410A	MATERIALS HANDLING EQUIPMENT	124	124
190	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	69,417	69,417
191	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	22,044	22,044
192	0208053A	JOINT TACTICAL GROUND SYSTEM	12,649	12,649
194	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	11,619	11,619
195	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	38,280	38,280
196	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	27,223	27,223
197	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,815	18,815
198	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	4,718	4,718
202	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,218	8,218
203	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	11,799	11,799
204	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	32,284	32,284
205	0305219A	MQ-1C GRAY EAGLE UAS	13,470	13,470
206	0305232A	RQ-11 UAV	1,613	1,613
207	0305233A	RQ-7 UAV	4,597	4,597
209	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	4,867	4,867
210	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	62,287	62,287
210A	9999999999	CLASSIFIED PROGRAMS	4,625	4,625
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	1,296,954	1,253,954
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	7,515,399	7,519,299
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	101,714	121,714
		<i>Program increase</i>		[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
		<i>Service Life Extension Program—AGOR</i>		[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

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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 DE- VELOPMENT.	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 TECH- NOLOGY.	15,167	15,167
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	736,988	751,988
		ADVANCED COMPONENT DEVELOPMENT & PROTO- TYPES		
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 COUNTERMEASURES	163,775	163,775
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

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078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	34,920	34,920
080	0604292N	MH-XX	1,620	1,620
081	0604454N	LX (R)	6,354	6,354
082	0604536N	ADVANCED UNDERSEA PROTOTYPING	78,589	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-8B AIRCRAFT—ENG DEV	33,664	33,664
093	0604215N	STANDARDS DEVELOPMENT	1,300	1,300
094	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	5,275	5,275
095	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	3,875	3,875
096	0604221N	P-3 MODERNIZATION PROGRAM	1,909	1,909
097	0604230N	WARFARE SUPPORT SYSTEM	13,237	13,237
098	0604231N	TACTICAL COMMAND SYSTEM	36,323	36,323
099	0604234N	ADVANCED HAWKEYE	363,792	363,792
100	0604245N	H-1 UPGRADES	27,441	27,441
101	0604261N	ACOUSTIC SEARCH SENSORS	34,525	34,525
102	0604262N	V-22A	174,423	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

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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
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 (TPMC)	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 (GATOR)	83,538	83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	38,593	38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,122	1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	99,998	99,998
205	0205601N	HARM IMPROVEMENT	48,635	48,635
206	0205604N	TACTICAL DATA LINKS	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,583	24,583
208	0205632N	MK-48 ADCAP	39,134	39,134
209	0205633N	AVIATION IMPROVEMENTS	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S) ...	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) ...	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES	56,285	56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC)	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE)	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,019	6,019

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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 (STUASLo)	5,071	5,071
238	0305239M	RQ-21A	9,497	9,497
239	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	77,965	77,965
240	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	11,181	11,181
241	0305421N	RQ-4 MODERNIZATION	181,266	181,266
242	0308601N	MODELING AND SIMULATION SUPPORT	4,709	4,709
243	0702207N	DEPOT MAINTENANCE (NON-IP)	49,322	54,322
		MH-60 Fleet Mid-Life Upgrades		[5,000]
245	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,204	3,204
245A	9999999999	CLASSIFIED PROGRAMS	1,228,460	1,228,460
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	3,592,934	3,592,934
		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

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039	0604422F	WEATHER SYSTEM FOLLOW-ON	118,953	113,953
		<i>Transfer Cloud Characterization and Theater Weather Imagery to NRO.</i>		[-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
		<i>Responsive Launch and Reconstitution</i>		[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
		<i>Program reduction</i>		[-5,000]
047	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	49,491	39,491
		<i>Excess funding to need</i>		[-10,000]
048	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	278,147	278,147
049	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	42,338	42,338
050	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	158,002	158,002
051	0306415F	ENABLED CYBER ACTIVITIES	15,842	15,842
052	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	5,782	5,782
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	2,847,833	2,847,833
		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	SUBUNITIONS	2,503	2,503
065	0604617F	AGILE COMBAT SUPPORT	53,680	53,680
066	0604618F	JOINT DIRECT ATTACK MUNITION	9,901	9,901
067	0604706F	LIFE SUPPORT SYSTEMS	7,520	7,520
068	0604735F	COMBAT TRAINING RANGES	77,409	77,409
069	0604800F	F-35—EMD	450,467	450,467
070	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	296,572	100,000
		<i>Launch System Investment (launch vehicle, upper stage, strap-on motor, or related infrastructure).</i>		[100,000]
		<i>Next Generation Launch System Investment</i>		[-296,572]
070A	0604XXXF	ROCKET PROPULSION SYSTEM		220,000
		<i>Rocket Propulsion System Replacement of RD-180</i>		[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
		<i>Scope Reduction</i>		[-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
		<i>Scope Reduction</i>		[-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 & DEMONSTRATION.	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

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099	0605864F	SPACE TEST PROGRAM (STP)	27,070	27,070
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	134,111	134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	176,666	176,666
105	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	4,410	4,410
106	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	14,613	14,613
107	0804731F	GENERAL SKILL TRAINING	1,404	1,404
109	1001004F	INTERNATIONAL ACTIVITIES	4,784	4,784
		SUBTOTAL MANAGEMENT SUPPORT	1,245,577	1,245,577
		OPERATIONAL SYSTEMS DEVELOPMENT		
110	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	393,268	393,268
111	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	15,427	15,427
112	0604445F	WIDE AREA SURVEILLANCE	46,695	46,695
115	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	10,368	10,368
116	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	31,952	31,952
117	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	42,960	42,960
118	0605278F	HC/MC-130 RECAP RDT&E	13,987	13,987
119	0101113F	B-52 SQUADRONS	78,267	78,267
120	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453
121	0101126F	B-1B SQUADRONS	5,830	5,830
122	0101127F	B-2 SQUADRONS	152,458	152,458
123	0101213F	MINUTEMAN SQUADRONS	182,958	182,958
124	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	39,148	39,148
126	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	6,042	6,042
128	0102110F	UH-1N REPLACEMENT PROGRAM	14,116	14,116
129	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	10,868	10,868
130	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	8,674	8,674
131	0205219F	MQ-9 UAV	151,373	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-32A 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

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184	0304260F	AIRBORNE SIGINT ENTERPRISE	90,762	90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,354	4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	15,624	15,624
189	0305111F	WEATHER SERVICE	19,974	22,974
		Commercial Weather Pilot Program		[3,000]
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	9,770	9,770
191	0305116F	AERIAL TARGETS	3,051	3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	405	405
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,844	4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	339	339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,989	3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	3,070	3,070
201	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,833	8,833
202	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	11,867	11,867
203	0305202F	DRAGON U-2	37,217	37,217
205	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	3,841	18,841
		Wide area motion imagery		[15,000]
206	0305207F	MANNED RECONNAISSANCE SYSTEMS	20,975	20,975
207	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,902	18,902
208	0305220F	RQ-4 UAV	256,307	256,307
209	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	22,610	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-TWAA SYSTEM	4,951	4,951
219	0305913F	NUDET DETECTION SYSTEM (SPACE)	21,093	21,093
220	0305940F	SPACE SITUATION AWARENESS OPERATIONS	35,002	35,002
222	0308699F	SHARED EARLY WARNING (SEW)	6,366	6,366
223	0401115F	C-130 AIRLIFT SQUADRON	15,599	15,599
224	0401119F	C-5 AIRLIFT SQUADRONS (IF)	66,146	66,146
225	0401130F	C-17 AIRCRAFT (IF)	12,430	12,430
226	0401132F	C-130J PROGRAM	16,776	16,776
227	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,166	5,166
229	0401314F	OPERATIONAL SUPPORT AIRLIFT	13,817	13,817
230	0401318F	CV-22	16,702	16,702
231	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,164	7,164
232	0702207F	DEPOT MAINTENANCE (NON-IF)	1,518	1,518
233	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	61,676	61,676
234	0708611F	SUPPORT SYSTEMS DEVELOPMENT	9,128	9,128
235	0804743F	OTHER FLIGHT TRAINING	1,653	1,653
236	0808716F	OTHER PERSONNEL ACTIVITIES	57	57
237	0901202F	JOINT PERSONNEL RECOVERY AGENCY	3,663	3,663
238	0901218F	CIVILIAN COMPENSATION PROGRAM	3,735	3,735
239	0901220F	PERSONNEL ADMINISTRATION	5,157	5,157
240	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,523	1,523
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	10,581	10,581
242A	999999999	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

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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]
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 CHSR	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
		QRSP		[-2,000]
063	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	17,659	17,659
064	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	87,135	87,135
065	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	37,329	37,329
066	0303310D8Z	CWMD SYSTEMS	44,836	21,236
		Constellation program reduction		[-23,600]
067	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	61,620	61,620
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	3,190,666	3,192,066

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES				
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,498	28,498
069	0603600D8Z	WALKOFF	89,643	89,643
071	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES	2,136	2,136
072	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	52,491	52,491
073	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT ..	206,834	206,834
074	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	862,080	862,080
075	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	138,187	138,187
076	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	230,077	230,077
077	0603890C	BMD ENABLING PROGRAMS	401,594	401,594
078	0603891C	SPECIAL PROGRAMS—MDA	321,607	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	HUMANTARLAN 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
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	1,658	1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	2,920	2,920

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
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	06058038E	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	060598KA	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	CAI INTEROPERABILITY	57,501	57,501
192	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	5,935	5,935
196	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	575	575
197	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	18,041	18,041
198	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,994	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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
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-**
 3 **ATIONS.**

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
		SYSTEM DEVELOPMENT & DEMONSTRATION		
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	10,900	10,900
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	73,110	73,110

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
		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
		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

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
		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 <i>(In Thousands of Dollars)</i>			
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
	<i>Realign APS Unit Set Requirements from OCO</i>		[334,900]
060	AVIATION ASSETS	1,360,597	1,360,597
070	FORCE READINESS OPERATIONS SUPPORT	3,086,443	3,094,443
	<i>Additional cyber protection teams</i>		[3,000]
	<i>Public-private cyber training partnership</i>		[5,000]
080	LAND FORCES SYSTEMS READINESS	439,488	439,488
090	LAND FORCES DEPOT MAINTENANCE	1,013,452	1,026,052
	<i>Realign APS Unit Set Requirements from OCO</i>		[12,600]
100	BASE OPERATIONS SUPPORT	7,816,343	7,831,343
	<i>Realign APS Unit Set Requirements from OCO</i>		[15,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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
	<i>Defense Foreign Language Program</i>		[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
	<i>Realign APS Unit Set Requirements from OCO</i>		[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 & MODERNIZA- TION	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 & MODERNIZA- TION	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
140	ADMINISTRATION	68,528	71,052

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	<i>National Guard State Partnership Program</i>		[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
	<i>Excessive standard price for fuel</i>		[-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 SERVICES	52,670	52,670
040	AIR OPERATIONS AND SAFETY SUPPORT	97,584	97,584
050	AIR SYSTEMS SUPPORT	446,733	446,733
060	AIRCRAFT DEPOT MAINTENANCE	1,007,681	1,007,681
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
	<i>Ship Repair Capability in the Western Pacific</i>		[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 SUPPORT	74,780	74,780
230	CRUISE MISSILE	106,030	106,030
240	FLEET BALLISTIC MISSILE	1,233,805	1,241,305
	<i>Engineering and Technical Services, Project 934</i>		[7,500]
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	163,025	163,025
260	WEAPONS MAINTENANCE	553,269	551,469
	<i>Heavy Weight Torpedo Program Execution</i>		[-1,500]
	<i>Light Weight Torpedo Program Execution</i>		[-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
410	SPECIALIZED SKILL TRAINING	699,214	699,214
420	FLIGHT TRAINING	5,310	5,310
430	PROFESSIONAL DEVELOPMENT EDUCATION	172,852	174,052
	<i>Naval Sea Cadets</i>		[1,200]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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 MANAGEMENT	124,070	124,070
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	369,767	369,767
530	OTHER PERSONNEL SUPPORT	285,927	285,927
540	SERVICEWIDE COMMUNICATIONS	319,908	319,908
570	SERVICEWIDE TRANSPORTATION	171,659	171,659
590	PLANNING, ENGINEERING AND DESIGN	270,863	270,863
600	ACQUISITION AND PROGRAM MANAGEMENT	1,112,766	1,112,766
610	HULL, MECHANICAL AND ELECTRICAL SUPPORT	49,078	49,078
620	COMBAT/WEAPONS SYSTEMS	24,989	24,989
630	SPACE AND ELECTRONIC WARFARE SYSTEMS	72,966	72,966
640	NAVAL INVESTIGATIVE SERVICE	595,711	595,711
700	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,809	4,809
730	CLASSIFIED PROGRAMS	517,440	517,440
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,851,976	4,851,976
	UNDISTRIBUTED		
740	UNDISTRIBUTED		-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
	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]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	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 MANAGEMENT	13,251	13,251
170	SERVICEWIDE COMMUNICATIONS	3,445	3,445
180	ACQUISITION AND PROGRAM MANAGEMENT	3,169	3,169
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	21,216	21,216
	UNDISTRIBUTED		
200	UNDISTRIBUTED		-26,600
	Excessive standard price for fuel		[-26,600]
	SUBTOTAL UNDISTRIBUTED		-26,600
	TOTAL OPERATION & MAINTENANCE, NAVY RES	927,656	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 RE- SERVE	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
040	DEPOT MAINTENANCE	7,042,988	6,986,488
	Compass Call Program Restructure		[-56,500]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
110	SPACE CONTROL SYSTEMS	362,250	362,250
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	907,245	907,245
130	COMBATANT COMMANDERS CORE OPERATIONS	199,171	199,171
135	CLASSIFIED PROGRAMS	930,757	930,757
	SUBTOTAL OPERATING FORCES	22,760,163	22,703,663
	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 & MODERNIZA- TION	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 & MODERNIZA- TION	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 & MODERNIZA- TION	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
	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 & MODERNIZA- TION	113,470	113,470
050	BASE SUPPORT	384,832	384,832
	SUBTOTAL OPERATING FORCES	2,977,943	2,977,943

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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 RE- SERVE	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 & MODERNIZA- TION	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 RECRUIT- ING	365,349	365,349
	SUBTOTAL TRAINING AND RECRUITING	589,708	589,708
ADMINISTRATION AND SERVICEWIDE ACTIVITIES			
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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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 Afghanistan		[70,100]
050	LAND FORCES OPERATIONS SUPPORT	556,066	156,366
	Army requested realignment (ERI)		[-132,000]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	Operational support for deployed end strength of 9,800 in Afghanistan		[67,200]
	Realign APS Unit Set Requirements to Base		[-334,900]
060	AVIATION ASSETS	58,620	90,120
	Operational support for deployed end strength of 9,800 in Afghanistan		[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 Afghanistan		[175,500]
080	LAND FORCES SYSTEMS READINESS	348,174	358,174
	Operational support for deployed end strength of 9,800 in Afghanistan		[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 Afghanistan		[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 Afghanistan		[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 Afghanistan		[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 Afghanistan		[97,500]
530	CLASSIFIED PROGRAMS	835,551	849,851
	Operational support for deployed end strength of 9,800 in Afghanistan		[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
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]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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		
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		
	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		
	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

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
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
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

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
	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
	TOTAL OPERATION & MAINTENANCE, MC RE- SERVE	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

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
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]
	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 Afghanistan		[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 Afghanistan		[1,000]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
	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, DEFENSE-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)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
	OPERATION & MAINTENANCE, ARMY 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

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
	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]

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	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
	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

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	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			
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 RE-SERVE		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

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
	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)

<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
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)

<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
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 re- quirements		[−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)

<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
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]

**SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR
BASE REQUIREMENTS.
(In Thousands of Dollars)**

<i>Item</i>	FY 2017 Request	House Authorized
<i>Fund Army National Guard end strength to 350k</i>		[303,700]
<i>Fund Army Reserves end strength to 205k</i>		[166,650]
<i>Marine Corps—Bonus Pay/PCS Resotral/Foreign Lan- guage Bonus</i>		[75,600]
<i>Military Personnel Pay Raise</i>		[330,000]
<i>Medicare-Eligible Retiree Health Fund Contributions</i>		49,900
<i>Increase associated with additional end strength</i>		[49,900]

1 **TITLE XLV—OTHER**
2 **AUTHORIZATIONS**

3 **SEC. 4501. OTHER AUTHORIZATIONS.**

**SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)**

<i>Item</i>	FY 2017 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
INDUSTRIAL OPERATIONS		
<i>SUPPLY MANAGEMENT—ARMY</i>	56,469	56,469
TOTAL WORKING CAPITAL FUND, ARMY	56,469	56,469
WORKING CAPITAL FUND, AIR FORCE		
FUEL COSTS		
<i>SUPPLIES AND MATERIALS</i>	63,967	63,967
TOTAL WORKING CAPITAL FUND, AIR FORCE ..	63,967	63,967
WORKING CAPITAL FUND, DEFENSE-WIDE		
ENERGY MANAGEMENT—DEF		
<i>SUPPLY CHAIN MANAGEMENT—DEF</i>	37,132	37,132
TOTAL WORKING CAPITAL FUND, DEFENSE- WIDE	37,132	37,132
WORKING CAPITAL FUND, DECA		
<i>WORKING CAPITAL FUND, DECA</i>	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		
<i>NATIONAL DEF SEALIFT VESSEL</i>		85,000
<i>National Security Multi-Mission Vehicle</i>		[85,000]
TOTAL NATIONAL DEFENSE SEALIFT FUND		85,000
NATIONAL SEA-BASED DETERRENCE FUND		
<i>DEVELOPMENT</i>		773,138
<i>Realignment of funds to the National Sea-Based Deter- rence Fund</i>		[773,138]
TOTAL NATIONAL SEA-BASED DETERRENCE FUND		773,138
CHEM AGENTS & MUNITIONS DESTRUCTION		
<i>OPERATION & MAINTENANCE</i>	147,282	147,282
<i>RDT&E</i>	388,609	388,609
<i>PROCUREMENT</i>	15,132	15,132
TOTAL CHEM AGENTS & MUNITIONS DE- STRUCTION	551,023	551,023

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

<i>Item</i>	FY 2017 Request	House Authorized
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	730,087	760,087
SOUTHCOM Operational Support		[30,000]
DRUG DEMAND REDUCTION PROGRAM	114,713	114,713
TOTAL DRUG INTERDICTION & CTR-DRUG AC- TIVITIES, 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 GENERAL	322,035	322,035
DEFENSE HEALTH PROGRAM OPERATION & MAINTENANCE		
IN-HOUSE CARE	9,240,160	9,240,160
PRIVATE SECTOR CARE	15,738,759	15,738,759
CONSOLIDATED HEALTH SUPPORT	2,367,759	2,367,759
INFORMATION MANAGEMENT	1,743,749	1,743,749
MANAGEMENT ACTIVITIES	311,380	311,380
EDUCATION AND TRAINING	743,231	743,231
BASE OPERATIONS/COMMUNICATIONS	2,086,352	2,086,352
SUBTOTAL OPERATION & MAINTENANCE	32,231,390	32,231,390
RDT&E		
RESEARCH	9,097	9,097
EXPLORATORY DEVELOPMENT	58,517	58,517
ADVANCED DEVELOPMENT	221,226	221,226
DEMONSTRATION/VALIDATION	96,602	96,602
ENGINEERING DEVELOPMENT	364,057	364,057
MANAGEMENT AND SUPPORT	58,410	58,410
CAPABILITIES ENHANCEMENT	14,998	14,998
SUBTOTAL RDT&E	822,907	822,907
PROCUREMENT		
INITIAL OUTFITTING	20,611	20,611
REPLACEMENT & MODERNIZATION	360,727	360,727
JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	2,413	2,413
DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZA- TION	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)		
<i>Item</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
WORKING CAPITAL FUND, ARMY		
INDUSTRIAL OPERATIONS		
SUPPLY MANAGEMENT—ARMY	46,833	46,833
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, DE- FENSE	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)		
<i>Item</i>	FY 2017 Request	House Authorized
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEFENSE		
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)				
<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	FY 2017 Request	House Agreement
	<i>Alaska</i>			
Army	Fort Wainwright	Unmanned Aerial Vehicle Hangar	47,000	47,000
	<i>California</i>			
Army	Concord	Access Control Point	12,600	12,600
	<i>Colorado</i>			
Army	Fort Carson	Automated Infantry Platoon Battle Course	8,100	8,100
Army	Fort Carson	Unmanned Aerial Vehicle Hangar	5,000	5,000
	<i>Georgia</i>			
Army	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
	<i>Germany</i>			
Army	East Camp Grafeneuochr	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
	<i>Guantanamo Bay, Cuba</i>			
Army	Guantanamo Bay	Guantanamo Bay Naval Station Migration Complex	33,000	33,000
	<i>Hawaii</i>			
Army	Fort Shafter	Command and Control Facility, Incr 2	40,000	40,000
	<i>Missouri</i>			
Army	Fort Leonard Wood	Fire Station	0	6,900
	<i>Texas</i>			
Army	Fort Hood	Automated Infantry Platoon Battle Course	7,600	7,600
	<i>Utah</i>			
Army	Camp Williams	Live Fire Exercise Shoothouse	7,400	7,400
	<i>Virginia</i>			
Army	Fort Belvoir	Secure Admin/Operations Facility, Incr 2	64,000	64,000
Army	Fort Belvoir	Vehicle Maintenance Shop	0	23,000
	<i>Worldwide Unspecified</i>			
Army	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
Military Construction, Army Total			503,459	572,959

Arizona

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Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
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, Incr 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
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

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Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
	<i>Delaware</i>			
AF	Dover AFB	Aircraft Maintenance Hangar	39,000	39,000
	<i>Florida</i>			
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
	<i>Georgia</i>			
AF	Moody AFB	Personnel Recovery 4-Bay Hangar/Helo Mx Unit	30,900	30,900
	<i>Germany</i>			
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
	<i>Guam</i>			
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
	<i>Japan</i>			
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
	<i>Kansas</i>			
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
	<i>Louisiana</i>			
AF	Barksdale AFB	Consolidated Communication Facility	21,000	21,000
	<i>Mariana Islands</i>			
AF	Unspecified Location	APR—Land Acquisition	9,000	9,000
	<i>Maryland</i>			
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
	<i>Massachusetts</i>			
AF	Hanscom AFB	Construct Vandenberg Gate Complex	0	10,965
AF	Hanscom AFB	System Management Engineering Facility	20,000	20,000
	<i>Montana</i>			
AF	Malmstrom AFB	Missile Maintenance Facility	14,600	14,600
	<i>Nevada</i>			
AF	Nellis AFB	F-35A POL Fill Stand Addition	10,600	10,600
	<i>New Mexico</i>			
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
	<i>Ohio</i>			
AF	Wright-Patterson AFB	Relocated Entry Control Facility 26A	12,600	12,600
	<i>Oklahoma</i>			
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
	<i>South Carolina</i>			
AF	Joint Base Charleston	Fire & Rescue Station	0	17,000
	<i>Texas</i>			
AF	Joint Base San Antonio	BMT Recruit Dormitory 6	67,300	67,300
	<i>Turkey</i>			
AF	Incirlik AB	Airfield Fire/Crash Rescue Station	13,449	13,449
	<i>United Arab Emirates</i>			
AF	Al Dhafra	Large Aircraft Maintenance Hangar	35,400	35,400
	<i>United Kingdom</i>			
AF	RAF Croughton	JIAC Consolidation—Ph 3	53,082	0
AF	RAF Croughton	Main Gate Complex	16,500	16,500
	<i>Utah</i>			
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
	<i>Virginia</i>			
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
	<i>Washington</i>			
AF	Fairchild AFB	Pipeline Dorm, USAF SERE School (150 RM)	27,000	27,000
	<i>Worldwide Unspecified</i>			
AF	Various Worldwide Locations	Planning & Design	143,582	163,582
AF	Various Worldwide Locations	Unspecified Minor Military Construction	30,000	63,082

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Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
	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, Incr 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	Seibach Elementary/Middle School Replacement	45,221	45,221
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 6	58,063	58,063
	Japan			
Def-Wide	Iwakuni	Construct Truck Offload & Loading Facilities	6,664	6,664
Def-Wide	Kadena AB	Kadena Elementary School Replacement	84,918	84,918
Def-Wide	Kadena AB	Medical Materiel Warehouse	20,881	20,881
Def-Wide	Kadena AB	SOF Maintenance Hangar	42,823	42,823
Def-Wide	Kadena AB	SOF Simulator Facility (MC-130)	12,602	12,602
Def-Wide	Yokota AB	Airfield Apron	41,294	41,294
Def-Wide	Yokota AB	Hangar/AMU	39,466	39,466
Def-Wide	Yokota AB	Operations and Warehouse Facilities	26,710	26,710
Def-Wide	Yokota AB	Simulator Facility	6,261	6,261
	Kwajalein			
Def-Wide	Kwajalein Atoll	Replace Fuel Storage Tanks	85,500	85,500
	Maine			
Def-Wide	Kittery	Medical/Dental Clinic Replacement	27,100	27,100
	Maryland			
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration Incr 1	50,000	50,000
Def-Wide	Fort Meade	Access Control Facility	21,000	21,000
Def-Wide	Fort Meade	NSAW Campus Feeders Phase 3	17,000	17,000
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Incr 2	195,000	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 Elem/Middle/High School Replacement	71,424	71,424
Def-Wide	RAF Lakenheath	Construct Hydrant Fuel System	13,500	13,500
	Virginia			
Def-Wide	Pentagon	Pentagon Metro Entrance Facility	12,111	12,111
Def-Wide	Pentagon	Upgrade IT Facilities Infrastructure—RRMC	8,105	8,105
	Wake Island			
Def-Wide	Wake Island	Test Support Facility	11,670	11,670
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	ECIP Design	10,000	0

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Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
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
Def-Wide	Worldwide Unspecified Locations	Unspecified Worldwide Locations	0	15,000
		Military Construction, Defense-Wide Total	2,056,091	1,929,643
NATO	Worldwide Unspecified	NATO Security Investment Program	177,932	177,932
		NATO Security Investment Program Total	177,932	177,932
Army NG	Colorado	Fort Carson National Guard Readiness Center	0	16,500
Army NG	Hawaii	Hilo Combined Support Maintenance Shop	31,000	31,000
Army NG	Iowa	Davenport National Guard Readiness Center	23,000	23,000
Army NG	Kansas	Fort Leavenworth National Guard Readiness Center	29,000	29,000
Army NG	New Hampshire	Hooksett National Guard Vehicle Maintenance Shop	11,000	11,000
Army NG	Rochester	National Guard Vehicle Maintenance Shop	8,900	8,900
Army NG	Oklahoma	Ardmore National Guard Readiness Center	22,000	22,000
Army NG	Pennsylvania	Fort Indiantown Gap Access Control Buildings	0	20,000
Army NG	York	National Guard Readiness Center	9,300	9,300
Army NG	Rhode Island	East Greenwich National Guard/Reserve Center Building (JFHQ)	20,000	20,000
Army NG	Utah	Camp Williams National Guard Readiness Center	37,000	37,000
Army NG	Worldwide Unspecified	Unspecified Worldwide Locations	8,729	8,729
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	12,001	12,001
Army NG	Wyoming	Camp Guernsey General Instruction Building	0	31,000
Army NG	Laramie	National Guard Readiness Center	21,000	21,000
		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

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Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
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 LAF	Construct Small Air Terminal	6,300	6,300
Air NG	Florida Jacksonville LAF	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 LAF	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 LAF	C-17 Corrosion Control/Fuel Cell Hangar	29,600	29,600
Air NG	Charlotte/Douglas LAF	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 LAF	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
AF Res	North Carolina Seymour Johnson AFB	KC-46A ADAL Bldg for AGE/Fuselage Training	5,700	5,700
AF Res	Seymour Johnson AFB	KC-46A ADAL Squadron Operations Facilities	2,250	2,250
AF Res	Seymour Johnson AFB	KC-46A Two-Bay Corrosion/Fuel Cell Hangar	90,000	90,000
AF Res	Pennsylvania Pittsburgh LAF	C-17 ADAL Fuel Hydrant System	22,800	22,800
AF Res	Pittsburgh LAF	C-17 Const/Overlay Taxiway and Apron	8,200	8,200
AF Res	Pittsburgh LAF	C-17 Construct Two-Bay Corrosion/Fuel Hangar	54,000	54,000
AF Res	Utah			

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Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
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, Incr 1	143,563	100,000
FH Con Army	Camp Walker	Family Housing New Construction	54,554	54,554
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Planning & Design	2,618	2,618
Family Housing Construction, Army Total			200,735	157,172
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings	10,178	10,178
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	19,146	19,146
FH Ops Army	Unspecified Worldwide Locations	Leasing	131,761	131,761
FH Ops Army	Unspecified Worldwide Locations	Maintenance	60,745	60,745
FH Ops Army	Unspecified Worldwide Locations	Management	40,344	40,344
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	400	400
FH Ops Army	Unspecified Worldwide Locations	Services	7,993	7,993
FH Ops Army	Unspecified Worldwide Locations	Utilities	55,428	55,428
Family Housing Operation And Maintenance, Army Total			325,995	325,995
	Mariana Islands			
FH Con Navy	Guam	Replace Andersen Housing PH I	78,815	78,815
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Construction Improvements	11,047	11,047
FH Con Navy	Unspecified Worldwide Locations	Planning & Design	4,149	4,149
Family Housing Construction, Navy And Marine Corps Total			94,011	94,011
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings	17,457	17,457
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	26,320	26,320
FH Ops Navy	Unspecified Worldwide Locations	Leasing	54,689	54,689
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	81,254	81,254
FH Ops Navy	Unspecified Worldwide Locations	Management	51,291	51,291
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	364	364
FH Ops Navy	Unspecified Worldwide Locations	Services	12,855	12,855
FH Ops Navy	Unspecified Worldwide Locations	Utilities	56,685	56,685
Family Housing Operation And Maintenance, Navy And Marine Corps Total			300,915	300,915
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	56,984	56,984
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

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<i>FH Ops AF</i>	<i>Unspecified Worldwide Locations</i>	<i>Housing Privatization Support</i>	41,809	41,809
<i>FH Ops AF</i>	<i>Unspecified Worldwide Locations</i>	<i>Leasing</i>	20,530	20,530
<i>FH Ops AF</i>	<i>Unspecified Worldwide Locations</i>	<i>Maintenance</i>	85,469	85,469
<i>FH Ops AF</i>	<i>Unspecified Worldwide Locations</i>	<i>Management</i>	42,919	42,919
<i>FH Ops AF</i>	<i>Unspecified Worldwide Locations</i>	<i>Miscellaneous</i>	1,745	1,745
<i>FH Ops AF</i>	<i>Unspecified Worldwide Locations</i>	<i>Services</i>	13,026	13,026
<i>FH Ops AF</i>	<i>Unspecified Worldwide Locations</i>	<i>Utilities</i>	37,241	37,241
Family Housing Operation And Maintenance, Air Force Total			274,429	274,429
<i>Worldwide Unspecified</i>				
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Furnishings</i>	399	399
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Furnishings</i>	20	20
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Furnishings</i>	500	500
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Leasing</i>	11,044	11,044
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Leasing</i>	40,984	40,984
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Maintenance</i>	800	800
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Maintenance</i>	349	349
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Management</i>	388	388
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Services</i>	32	32
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Utilities</i>	174	174
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Utilities</i>	367	367
<i>FH Ops DW</i>	<i>Unspecified Worldwide Locations</i>	<i>Utilities</i>	4,100	4,100
Family Housing Operation And Maintenance, Defense-Wide Total			59,157	59,157
<i>Worldwide Unspecified</i>				
<i>FHIF</i>	<i>Unspecified Worldwide Locations</i>	<i>Program Expenses</i>	3,258	3,258
DoD Family Housing Improvement Fund Total			3,258	3,258
<i>Worldwide Unspecified</i>				
<i>BRAC</i>	<i>Base Realignment & Closure, Army</i>	<i>Base Realignment and Closure</i>	14,499	24,499
Base Realignment and Closure—Army Total			14,499	24,499
<i>Worldwide Unspecified</i>				
<i>BRAC</i>	<i>Base Realignment & Closure, Navy</i>	<i>Base Realignment & Closure</i>	110,606	125,606
<i>BRAC</i>	<i>Unspecified Worldwide Locations</i>	<i>DON–100: Planning, Design and Management</i>	4,604	4,604
<i>BRAC</i>	<i>Unspecified Worldwide Locations</i>	<i>DON–101: Various Locations</i>	10,461	10,461
<i>BRAC</i>	<i>Unspecified Worldwide Locations</i>	<i>DON–138: NAS Brunswick, ME</i>	557	557
<i>BRAC</i>	<i>Unspecified Worldwide Locations</i>	<i>DON–157: MCSA Kansas City, MO</i>	100	100
<i>BRAC</i>	<i>Unspecified Worldwide Locations</i>	<i>DON–172: NWS Seal Beach, Concord, CA</i>	4,648	4,648
<i>BRAC</i>	<i>Unspecified Worldwide Locations</i>	<i>DON–84: JRB Willow Grove & Cambria Reg AP</i>	3,397	3,397
Base Realignment and Closure—Navy Total			134,373	149,373
<i>Worldwide Unspecified</i>				
<i>BRAC</i>	<i>Unspecified Worldwide Locations</i>	<i>DoD BRAC Activities—Air Force</i>	56,365	56,365

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
Base Realignment and Closure—Air Force Total			56,365	56,365
<i>Worldwide Unspecified</i>				
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
<i>Worldwide Unspecified</i>				
Army	Unspecified Worldwide Locations	ERI: Planning and Design	18,900	18,900
Military Construction, Army Total			18,900	18,900
<i>Iceland</i>				
Navy	Keflavik	ERI: P-8A Aircraft Rinse Rack	5,000	5,000
Navy	Keflavik	ERI: P-8A Hangar Upgrade	14,600	14,600
<i>Worldwide Unspecified</i>				
Navy	Unspecified Worldwide Locations	ERI: Planning and Design	1,800	1,800
Military Construction, Navy Total			21,400	21,400
<i>Bulgaria</i>				
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
<i>Djibouti</i>				
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
<i>Estonia</i>				
AF	Amari AB	ERI: Construct Bulk Fuel Storage	6,500	6,500
<i>Germany</i>				
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
<i>Lithuania</i>				
AF	Siauliai	ERI: Munitions Storage	3,000	3,000
<i>Poland</i>				
AF	Lask AB	ERI: Construct Squadron Operations Facility	4,100	4,100
AF	Powidz AB	ERI: Construct Squadron Operations Facility	4,100	4,100
<i>Romania</i>				
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
<i>Worldwide Unspecified</i>				
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
<i>Worldwide Unspecified</i>				
Def-Wide	Unspecified Worldwide Locations	ERI: Unspecified Minor Construction	5,000	5,000

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>FY 2017 Request</i>	<i>House Agreement</i>
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)

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>FY 2017 Request</i>	<i>House Agreement</i>
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)

<i>Program</i>	<i>FY 2017 Request</i>	<i>House Authorized</i>
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
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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized
Nuclear Energy		
<i>Idaho sitewide safeguards and security</i>	129,303	129,303
<i>Idaho operations and maintenance</i>	7,313	7,313
<i>Consent Based Siting</i>	15,260	0
<i>Denial of funds for defense-only repository</i>		[-15,260]
Total, Nuclear Energy	151,876	136,616
Weapons Activities		
Directed stockpile work		
Life extension programs		
<i>B61 Life extension program</i>	616,079	616,079
<i>W76 Life extension program</i>	222,880	222,880
<i>W88 Alt 370</i>	281,129	281,129
<i>W80-4 Life extension program</i>	220,253	241,253
<i>Mitigation of schedule risk</i>		[21,000]
Total, Life extension programs	1,340,341	1,361,341
Stockpile systems		
<i>B61 Stockpile systems</i>	57,313	57,313
<i>W76 Stockpile systems</i>	38,604	38,604
<i>W78 Stockpile systems</i>	56,413	56,413
<i>W80 Stockpile systems</i>	64,631	64,631
<i>B83 Stockpile systems</i>	41,659	41,659
<i>W87 Stockpile systems</i>	81,982	81,982
<i>W88 Stockpile systems</i>	103,074	103,074
Total, Stockpile systems	443,676	443,676
Weapons dismantlement and disposition		
<i>Operations and maintenance</i>	68,984	54,984
<i>Denial of dismantlement acceleration</i>		[-14,000]
Stockpile services		
<i>Production support</i>	457,043	457,043
<i>Research and development support</i>	34,187	34,187
<i>R&D certification and safety</i>	156,481	202,481
<i>Stockpile Responsiveness Program and technology maturation ef-</i> <i>forts</i>		[46,000]
<i>Management, technology, and production</i>	251,978	251,978
Total, Stockpile services	899,689	945,689
Nuclear material commodities		
<i>Uranium sustainment</i>	20,988	20,988
<i>Plutonium sustainment</i>	184,970	190,970
<i>Mitigation of schedule risk for meeting statutory pit production re-</i> <i>quirements</i>		[6,000]
<i>Tritium sustainment</i>	109,787	109,787
<i>Domestic uranium enrichment</i>	50,000	50,000
<i>Strategic materials sustainment</i>	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		
<i>Advanced certification</i>	58,000	58,000
<i>Primary assessment technologies</i>	99,000	111,000
<i>Support to Prototype Nuclear Weapons for Intelligence Estimates</i> <i>program</i>		[12,000]
<i>Dynamic materials properties</i>	106,000	106,000
<i>Advanced radiography</i>	50,500	50,500
<i>Secondary assessment technologies</i>	76,000	76,000
<i>Academic alliances and partnerships</i>	52,484	52,484
Total, Science	441,984	453,984
Engineering		
<i>Enhanced surety</i>	37,196	53,196
<i>Stockpile Responsiveness Program and technology maturation ef-</i> <i>forts</i>		[16,000]
<i>Weapon systems engineering assessment technology</i>	16,958	16,958
<i>Nuclear survivability</i>	43,105	47,105

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized
Improve planning and coordination on strategic radiation-hardened 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
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		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized
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 print- ing		[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	270,000	340,000
Increase to support construction		[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:		
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]

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized
<i>Richland community and regulatory support</i>	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		
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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized
<i>Program direction</i>	290,050	290,050
<i>Program support</i>	14,979	14,979
<i>Safeguards and Security</i>	255,973	255,973
<i>Technology development</i>	30,000	40,000
<i>NAS study on technology development, acceleration of priority efforts</i>		[10,000]
<i>Infrastructure recapitalization</i>	41,892	41,892
<i>Defense Uranium enrichment D&D</i>	155,100	0
<i>Ahead of need</i>		[-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		
<i>Environment, health, safety and security</i>	130,693	130,693
<i>Program direction</i>	66,519	66,519
Total, Environment, Health, safety and security	197,212	197,212
Independent enterprise assessments		
<i>Independent enterprise assessments</i>	24,580	24,580
<i>Program direction</i>	51,893	51,893
Total, Independent enterprise assessments	76,473	76,473
<i>Specialized security activities</i>	237,912	246,912
<i>IT infrastructure and red teaming</i>		[9,000]
Office of Legacy Management		
<i>Legacy management</i>	140,306	140,306
<i>Program direction</i>	14,014	14,014
Total, Office of Legacy Management	154,320	154,320
Defense-related activities		
Defense related administrative support		
<i>Chief financial officer</i>	23,642	23,642
<i>Chief information officer</i>	93,074	93,074
<i>Project management oversight and assessments</i>	3,000	3,000
Total, Defense related administrative support	119,716	119,716
<i>Office of hearings and appeals</i>	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”.*

5 ***TITLE LX—GENERAL***
6 ***PROVISIONS***

7 ***SEC. 6001. DEFINITIONS.***

8 *(a) DEFINITION OF MILITARY JUDGE.—Paragraph*
9 *(10) of section 801 of title 10, United States Code (article*

1 *1 of the Uniform Code of Military Justice), is amended to*
2 *read as follows:*

3 “(10) *The term ‘military judge’ means a judge*
4 *advocate designated under section 826(c) of this title*
5 *(article 26(c)) who is detailed under section 826(a) of*
6 *this title (article 26(a)).”.*

7 ***(b) DEFINITION OF JUDGE ADVOCATE.—Paragraph***
8 ***(13) of such section (article) is amended—***

9 ***(1) in subparagraph (A), by striking “the Army***
10 ***or the Navy” and inserting “the Army, the Navy, or***
11 ***the Air Force”;*** and

12 ***(2) in subparagraph (B), by striking “the Air***
13 ***Force or”.***

14 ***SEC. 6002. CLARIFICATION OF PERSONS SUBJECT TO UCMJ***
15 ***WHILE ON INACTIVE-DUTY TRAINING.***

16 *Paragraph (3) of section 802(a) of title 10, United*
17 *States Code (article 2(a) of the Uniform Code of Military*
18 *Justice), is amended to read as follows:*

19 “(3)(A) *While on inactive-duty training and*
20 *during any of the periods specified in subparagraph*
21 *(B)—*

22 ***(i) members of a reserve component; and***

23 ***(ii) members of the Army National Guard***
24 ***of the United States or the Air National Guard***

1 *of the United States, but only when in Federal*
2 *service.*

3 “(B) *The periods referred to in subparagraph*
4 *(A) are the following:*

5 “(i) *Travel to and from the inactive-duty*
6 *training site of the member, pursuant to orders*
7 *or regulations.*

8 “(ii) *Intervals between consecutive periods*
9 *of inactive-duty training on the same day, pur-*
10 *suant to orders or regulations.*

11 “(iii) *Intervals between inactive-duty train-*
12 *ing on consecutive days, pursuant to orders or*
13 *regulations.”.*

14 **SEC. 6003. STAFF JUDGE ADVOCATE DISQUALIFICATION**
15 **DUE TO PRIOR INVOLVEMENT IN CASE.**

16 *Subsection (c) of section 806 of title 10, United States*
17 *Code (article 6 of the Uniform Code of Military Justice),*
18 *is amended to read as follows:*

19 “(c)(1) *No person who, with respect to a case, serves*
20 *in a capacity specified in paragraph (2) may later serve*
21 *as a staff judge advocate or legal officer to any reviewing*
22 *or convening authority upon the same case.*

23 “(2) *The capacities referred to in paragraph (1) are,*
24 *with respect to the case involved, any of the following:*

1 “(A) *Preliminary hearing officer, court member,*
2 *military judge, military magistrate, or appellate*
3 *judge.*”

4 “(B) *Counsel who have acted in the same case or*
5 *appeared in any proceeding before a military judge,*
6 *military magistrate, preliminary hearing officer, or*
7 *appellate court.*”

8 **SEC. 6004. CONFORMING AMENDMENT RELATING TO MILI-**
9 **TARY MAGISTRATES.**

10 *The first sentence of section 806a(a) of title 10, United*
11 *States Code (article 6a(a) of the Uniform Code of Military*
12 *Justice), is amended by striking “military judge” and all*
13 *that follows through the end of the sentence and inserting*
14 *“military appellate judge, military judge, or military mag-*
15 *istrate to perform the duties of the position involved.”.*

16 **SEC. 6005. RIGHTS OF VICTIM.**

17 *(a) DESIGNATION OF REPRESENTATIVE.—Subsection*
18 *(c) of section 806b of title 10, United States Code (article*
19 *6b of the Uniform Code of Military Justice), is amended*
20 *in the first sentence by striking “the military judge” and*
21 *all that follows through the end of the sentence and inserting*
22 *the following: “the legal guardians of the victim or the rep-*
23 *resentatives of the victim’s estate, family members, or any*
24 *other person designated as suitable by the military judge,*
25 *may assume the rights of the victim under this section.”.*

1 (b) *RULE OF CONSTRUCTION.*—*Subsection (d) of such*
2 *section (article) is amended—*

3 (1) *by striking “or” at the end of paragraph (1);*

4 (2) *by striking the period at the end of para-*
5 *graph (2) and inserting “; or”; and*

6 (3) *by adding at the end the following new para-*
7 *graph:*

8 “(3) *to impair the exercise of discretion under*
9 *sections 830 and 834 of this title (articles 30 and*
10 *34).”.*

11 (c) *INTERVIEW OF VICTIM.*—*Such section (article) is*
12 *amended by adding at the end the following new subsection:*

13 “(f) *COUNSEL FOR ACCUSED INTERVIEW OF VICTIM OF*
14 *ALLEGED OFFENSE.*—(1) *Upon notice by counsel for the*
15 *Government to counsel for the accused of the name of an*
16 *alleged victim of an offense under this chapter who counsel*
17 *for the Government intends to call as a witness at a pro-*
18 *ceeding under this chapter, counsel for the accused shall*
19 *make any request to interview the victim through the Spe-*
20 *cial Victim’s Counsel or other counsel for the victim, if ap-*
21 *plicable.*

22 “(2) *If requested by an alleged victim who is subject*
23 *to a request for interview under paragraph (1), any inter-*
24 *view of the victim by counsel for the accused shall take place*

1 *only in the presence of the counsel for the Government, a*
2 *counsel for the victim, or, if applicable, a victim advocate.”.*

3 **TITLE LXI—APPREHENSION AND**
4 **RESTRAINT**

5 **SEC. 6101. RESTRAINT OF PERSONS CHARGED.**

6 *Section 810 of title 10, United States Code (article 10*
7 *of the Uniform Code of Military Justice), is amended to*
8 *read as follows:*

9 **“§ 810. Art. 10. Restraint of person charged**

10 *“(a) IN GENERAL.—(1) Subject to paragraph (2), any*
11 *person subject to this chapter who is charged with an offense*
12 *under this chapter may be ordered into arrest or confine-*
13 *ment as the circumstances require.*

14 *“(2) When a person subject to this chapter is charged*
15 *only with an offense that is normally tried by summary*
16 *court-martial, the person ordinarily shall not be ordered*
17 *into confinement.*

18 *“(b) NOTIFICATION TO ACCUSED AND RELATED PRO-*
19 *CEDURES.—(1) When a person subject to this chapter is or-*
20 *dered into arrest or confinement before trial, immediate*
21 *steps shall be taken—*

22 *“(A) to inform the person of the specific offense*
23 *of which the person is accused; and*

24 *“(B) to try the person or to dismiss the charges*
25 *and release the person.*

1 “(2) To facilitate compliance with paragraph (1), the
2 President shall prescribe regulations setting forth proce-
3 dures relating to referral for trial, including procedures for
4 prompt forwarding of the charges and specifications and,
5 if applicable, the preliminary hearing report submitted
6 under section 832 of this title (article 32).”.

7 **SEC. 6102. MODIFICATION OF PROHIBITION OF CONFINEMENT OF ARMED FORCES MEMBERS WITH ENEMY PRISONERS AND CERTAIN OTHERS.**

8
9
10 Section 812 of title 10, United States Code (article 12
11 of the Uniform Code of Military Justice), is amended to
12 read as follows:

13 **“§812. Art. 12. Prohibition of confinement of armed
14 forces members with enemy prisoners and
15 certain others**

16 “No member of the armed forces may be placed in con-
17 finement in immediate association with—

18 “(1) enemy prisoners; or

19 “(2) other individuals—

20 “(A) who are detained under the law of war
21 and are foreign nationals; and

22 “(B) who are not members of the armed
23 forces.”.

1 **TITLE LXII—NON-JUDICIAL**
2 **PUNISHMENT**

3 **SEC. 6201. MODIFICATION OF CONFINEMENT AS NON-JUDI-**
4 **CIAL PUNISHMENT.**

5 *Section 815 of title 10, United States Code (article 15*
6 *of the Uniform Code of Military Justice), is amended—*

7 *(1) in subsection (b)—*

8 *(A) in paragraph (2)(A), by striking “on*
9 *bread and water or diminished rations”; and*

10 *(B) in the undesignated matter after para-*
11 *graph (2), by striking “on bread and water or*
12 *diminished rations” in the sentence beginning*
13 *“No two or more”; and*

14 *(2) in subsection (d), by striking “on bread and*
15 *water or diminished rations” in paragraphs (2) and*
16 *(3).*

17 **TITLE LXIII—COURT-MARTIAL**
18 **JURISDICTION**

19 **SEC. 6301. COURTS-MARTIAL CLASSIFIED.**

20 *Section 816 of title 10, United States Code (article 16*
21 *of the Uniform Code of Military Justice), is amended to*
22 *read as follows:*

23 **“§ 816. Art 16. Courts-martial classified**

24 **“(a) IN GENERAL.—***The three kinds of courts-martial*
25 *in each of the armed forces are the following:*

1 “(1) *General courts-martial, as described in sub-*
2 *section (b).*

3 “(2) *Special courts-martial, as described in sub-*
4 *section (c).*

5 “(3) *Summary courts-martial, as described in*
6 *subsection (d).*

7 “(b) *GENERAL COURTS-MARTIAL.—General courts-*
8 *martial are of the following three types:*

9 “(1) *A general court-martial consisting of a*
10 *military judge and eight members, subject to sections*
11 *825(d)(3) and 829 of this title (articles 25(d)(3) and*
12 *29).*

13 “(2) *In a capital case, a general court-martial*
14 *consisting of a military judge and the number of*
15 *members determined under section 825a of this title*
16 *(article 25a), subject to sections 825(d)(3) and 829 of*
17 *this title (articles 25(d)(3) and 29).*

18 “(3) *A general court-martial consisting of a*
19 *military judge alone, if, before the court is assembled,*
20 *the accused, knowing the identity of the military*
21 *judge and after consultation with defense counsel, re-*
22 *quests, orally on the record or in writing, a court*
23 *composed of a military judge alone and the military*
24 *judge approves the request.*

1 “(c) *SPECIAL COURTS-MARTIAL.*—*Special courts-mar-*
2 *tial are of the following two types:*

3 “(1) *A special court-martial, consisting of a*
4 *military judge and four members, subject to sections*
5 *825(d)(3) and 829 of this title (articles 25(d)(3) and*
6 *29).*

7 “(2) *A special court-martial consisting of a mili-*
8 *tary judge alone—*

9 “(A) *if the case is so referred by the con-*
10 *vening authority, subject to section 819 of this*
11 *title (article 19) and such limitations as the*
12 *President may prescribe by regulation; or*

13 “(B) *if the case is referred under paragraph*
14 *(1) and, before the court is assembled, the ac-*
15 *cused, knowing the identity of the military judge*
16 *and after consultation with defense counsel, re-*
17 *quests, orally on the record or in writing, a court*
18 *composed of a military judge alone and the mili-*
19 *tary judge approves the request.*

20 “(d) *SUMMARY COURT-MARTIAL.*—*A summary court-*
21 *martial consists of one commissioned officer.”.*

22 **SEC. 6302. JURISDICTION OF GENERAL COURTS-MARTIAL.**

23 *Section 818 of title 10, United States Code (article 18*
24 *of the Uniform Code of Military Justice), is amended—*

1 (1) *in subsection (b), by striking “section*
2 *816(1)(B) of this title (article 16(1)(B))” and insert-*
3 *ing “section 816(b)(3) of this title (article 16(b)(3))”;*
4 *and*

5 (2) *by striking subsection (c) and inserting the*
6 *following:*

7 “*(c) Consistent with sections 819 and 820 of this title*
8 *(articles 19 and 20), only general courts-martial have juris-*
9 *isdiction over the following offenses:*

10 “*(1) A violation of subsection (a) or (b) of sec-*
11 *tion 920 of this title (article 120).*

12 “*(2) A violation of subsection (a) or (b) of sec-*
13 *tion 920b of this title (article 120b).*

14 “*(3) An attempt to commit an offense specified*
15 *in paragraph (1) or (2) that is punishable under sec-*
16 *tion 880 of this title (article 80).”.*

17 **SEC. 6303. JURISDICTION OF SPECIAL COURTS-MARTIAL.**

18 *Section 819 of title 10, United States Code (article 19*
19 *of the Uniform Code of Military Justice), is amended—*

20 (1) *by striking “Subject to” in the first sentence*
21 *and inserting the following:*

22 “*(a) IN GENERAL.—Subject to”;*

23 (2) *by striking “A bad-conduct discharge” and*
24 *all that follows through the end; and*

1 (3) by adding after subsection (a), as designated
2 by paragraph (1), the following new subsections:

3 “(b) *ADDITIONAL LIMITATION.*—Neither a bad-conduct
4 discharge, nor confinement for more than six months, nor
5 forfeiture of pay for more than six months may be adjudged
6 if charges and specifications are referred to a special court-
7 martial consisting of a military judge alone under section
8 816(c)(2)(A) of this title (article 16(c)(2)(A)).

9 “(c) *MILITARY MAGISTRATE.*—If charges and speci-
10 fications are referred to a special court-martial consisting
11 of a military judge alone under section 816(c)(2)(A) of this
12 title (article 16(c)(2)(A)), the military judge, with the con-
13 sent of the parties, may designate a military magistrate
14 to preside over the special court-martial.”

15 **SEC. 6304. SUMMARY COURT-MARTIAL AS NON-CRIMINAL**
16 **FORUM.**

17 Section 820 of title 10, United States Code (article 20
18 of the Uniform Code of Military Justice), is amended—

19 (1) by inserting “(a) **IN GENERAL.**—” before
20 “Subject to”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(b) *NON-CRIMINAL FORUM.*—A summary court-mar-
24 tial is a non-criminal forum. A finding of guilty at a sum-

1 *mary court-martial does not constitute a criminal convic-*
2 *tion.”.*

3 **TITLE LXIV—COMPOSITION OF**
4 **COURTS-MARTIAL**

5 **SEC. 6401. TECHNICAL AMENDMENT RELATING TO PER-**
6 **SONS AUTHORIZED TO CONVENE GENERAL**
7 **COURTS-MARTIAL.**

8 *Section 822(a)(6) of title 10, United States Code (arti-*
9 *cle 22(a)(6) of the Uniform Code of Military Justice), is*
10 *amended by striking “in chief”.*

11 **SEC. 6402. WHO MAY SERVE ON COURTS-MARTIAL; DETAIL**
12 **OF MEMBERS.**

13 *(a) WHO MAY SERVE ON COURTS-MARTIAL.—Sub-*
14 *section (c) of section 825 of title 10, United States Code*
15 *(article 25 of the Uniform Code of Military Justice), is*
16 *amended to read as follows:*

17 *“(c)(1) Any enlisted member on active duty is eligible*
18 *to serve on a general or special court-martial for the trial*
19 *of any other enlisted member.*

20 *“(2) Before a court-martial with a military judge and*
21 *members is assembled for trial, an enlisted member who is*
22 *an accused may personally request, orally on the record or*
23 *in writing, that—*

24 *“(A) the membership of the court-martial be*
25 *comprised entirely of officers; or*

1 “(B) *enlisted members comprise at least one-*
2 *third of the membership of the court-martial, regard-*
3 *less of whether enlisted members have been detailed to*
4 *the court-martial.*”

5 “(3) *Except as provided in paragraph (4), after such*
6 *a request, the accused may not be tried by a general or spe-*
7 *cial court-martial if the membership of the court-martial*
8 *is inconsistent with the request.*”

9 “(4) *If, because of physical conditions or military ex-*
10 *igencies, a sufficient number of eligible officers or enlisted*
11 *members, as the case may be, are not available to carry*
12 *out paragraph (2), the trial may nevertheless be held. In*
13 *that event, the convening authority shall make a detailed*
14 *written statement of the reasons for nonavailability. The*
15 *statement shall be appended to the record.*”

16 **(b) DETAIL OF MEMBERS.**—*Subsection (d) of such sec-*
17 *tion (article) is amended by adding at the end the following*
18 *new paragraph:*

19 “(3) *The convening authority shall detail not less*
20 *than the number of members necessary to impanel the*
21 *court-martial under section 829 of this title (article*
22 *29).*”

1 **SEC. 6403. NUMBER OF COURT-MARTIAL MEMBERS IN CAP-**
2 **ITAL CASES.**

3 *Section 825a of title 10, United States Code (article*
4 *25a of the Uniform Code of Military Justice), is amended*
5 *to read as follows:*

6 **“§ 825a. Art. 25a. Number of court-martial members in**
7 **capital cases**

8 *“(a) IN GENERAL.—In a case in which the accused*
9 *may be sentenced to death, the number of members shall*
10 *be 12.*

11 *“(b) CASE NO LONGER CAPITAL.—Subject to section*
12 *829 of this title (article 29)—*

13 *“(1) if a case is referred for trial as a capital*
14 *case and, before the members are impaneled, the ac-*
15 *cused may no longer be sentenced to death, the num-*
16 *ber of members shall be eight; and*

17 *“(2) if a case is referred for trial as a capital*
18 *case and, after the members are impaneled, the ac-*
19 *cused may no longer be sentenced to death, the num-*
20 *ber of members shall remain 12.”.*

21 **SEC. 6404. DETAILING, QUALIFICATIONS, ETC. OF MILITARY**
22 **JUDGES.**

23 *(a) SPECIAL COURTS-MARTIAL.—Subsection (a) of sec-*
24 *tion 826 of title 10, United States Code (article 26 of the*
25 *Uniform Code of Military Justice), is amended—*

1 (1) *in the first sentence, by inserting after “each*
2 *general” the following: “and special”; and*

3 (2) *by striking the second sentence.*

4 (b) *QUALIFICATIONS.—Subsection (b) of such section*
5 *(article) is amended by striking “qualified for duty” and*
6 *inserting “qualified, by reason of education, training, expe-*
7 *rience, and judicial temperament, for duty”.*

8 (c) *DETAIL AND ASSIGNMENT.—Subsection (c) of such*
9 *section (article) is amended to read as follows:*

10 “(c)(1) *In accordance with regulations prescribed*
11 *under subsection (a), a military judge of a general or spe-*
12 *cial court-martial shall be designated for detail by the*
13 *Judge Advocate General of the armed force of which the*
14 *military judge is a member.*

15 “(2) *Neither the convening authority nor any member*
16 *of the staff of the convening authority shall prepare or re-*
17 *view any report concerning the effectiveness, fitness, or effi-*
18 *ciency of the military judge so detailed, which relates to*
19 *the military judge’s performance of duty as a military*
20 *judge.*

21 “(3) *A commissioned officer who is certified to be*
22 *qualified for duty as a military judge of a general court-*
23 *martial—*

24 “(A) *may perform such duties only when the of-*
25 *ficer is assigned and directly responsible to the Judge*

1 *Advocate General of the armed force of which the*
2 *military judge is a member; and*

3 “(B) *may perform duties of a judicial or non-*
4 *judicial nature other than those relating to the offi-*
5 *cer’s primary duty as a military judge of a general*
6 *court-martial when such duties are assigned to the of-*
7 *ficer by or with the approval of that Judge Advocate*
8 *General.*

9 “(4) *In accordance with regulations prescribed by the*
10 *President, assignments of military judges under this section*
11 *(article) shall be for appropriate minimum periods, subject*
12 *to such exceptions as may be authorized in the regula-*
13 *tions.”.*

14 *(d) DETAIL TO A DIFFERENT ARMED FORCE.—Such*
15 *section (article) is further amended by adding at the end*
16 *the following new subsection:*

17 “(f) *A military judge may be detailed under subsection*
18 *(a) to a court-martial that is convened in a different armed*
19 *force, when so permitted by the Judge Advocate General of*
20 *the armed force of which the military judge is a member.”.*

21 *(e) CHIEF TRIAL JUDGES.—Such section (article), as*
22 *amended by subsection (d), is further amended by adding*
23 *at the end the following new subsection:*

24 “(g) *In accordance with regulations prescribed by the*
25 *President, each Judge Advocate General shall designate a*

1 *chief trial judge from among the members of the applicable*
2 *trial judiciary.”.*

3 **SEC. 6405. QUALIFICATIONS OF TRIAL COUNSEL AND DE-**
4 **FENSE COUNSEL.**

5 *Section 827 of title 10, United States Code (article 27*
6 *of the Uniform Code of Military Justice), is amended—*

7 *(1) in the first sentence of paragraph (2) of sub-*
8 *section (a), by striking “No person” and all that fol-*
9 *lows through “trial counsel,” the first place it appears*
10 *and inserting the following: “No person who, with re-*
11 *spect to a case, has served as a preliminary hearing*
12 *officer, court member, military judge, military mag-*
13 *istrate, or appellate judge, may later serve as trial*
14 *counsel,”;*

15 *(2) in the first sentence of subsection (b), by*
16 *striking “Trial counsel or defense counsel” and insert-*
17 *ing “Trial counsel, defense counsel, or assistant de-*
18 *fense counsel”;* and

19 *(3) by striking subsection (c) and inserting the*
20 *following new subsections:*

21 *“(c)(1) Defense counsel and assistant defense counsel*
22 *detailed for a special court-martial shall have the qualifica-*
23 *tions set forth in subsection (b).*

24 *“(2) Trial counsel and assistant trial counsel detailed*
25 *for a special court-martial and assistant trial counsel de-*

1 tailed for a general court-martial must be determined to
 2 be competent to perform such duties by the Judge Advocate
 3 General, under such rules as the President may prescribe.

4 “(d) To the greatest extent practicable, in any capital
 5 case, at least one defense counsel shall, as determined by
 6 the Judge Advocate General, be learned in the law applica-
 7 ble to such cases. If necessary, this counsel may be a civilian
 8 and, if so, may be compensated in accordance with regula-
 9 tions prescribed by the Secretary of Defense.”.

10 **SEC. 6406. ASSEMBLY AND IMPANELING OF MEMBERS; DE-**

11 **TAIL OF NEW MEMBERS AND MILITARY**
 12 **JUDGES.**

13 Section 829 of title 10, United States Code (article 29
 14 of the Uniform Code of Military Justice), is amended to
 15 read as follows:

16 **“§ 829. Art. 29. Assembly and impaneling of members;**

17 **detail of new members and military**
 18 **judges**

19 “(a) *ASSEMBLY.*—The military judge shall announce
 20 the assembly of a general or special court-martial with
 21 members. After such a court-martial is assembled, no mem-
 22 ber may be absent, unless the member is excused—

23 “(1) as a result of a challenge;

24 “(2) under subsection (b)(1)(B); or

1 “(3) *by order of the military judge or the con-*
2 *vening authority for disability or other good cause.*

3 “(b) *IMPANELING.—(1) Under rules prescribed by the*
4 *President, the military judge of a general or special court-*
5 *martial with members shall—*

6 “(A) *after determination of challenges, impanel*
7 *the court-martial; and*

8 “(B) *excuse the members who, having been as-*
9 *sembled, are not impaneled.*

10 “(2) *In a general court-martial, the military judge*
11 *shall impanel—*

12 “(A) *12 members in a capital case; and*

13 “(B) *eight members in a noncapital case.*

14 “(3) *In a special court-martial, the military judge*
15 *shall impanel four members.*

16 “(c) *ALTERNATE MEMBERS.—In addition to members*
17 *under subsection (b), the military judge shall impanel alter-*
18 *nate members, if the convening authority authorizes alter-*
19 *nate members.*

20 “(d) *DETAIL OF NEW MEMBERS.—(1) If, after mem-*
21 *bers are impaneled, the membership of the court-martial is*
22 *reduced to—*

23 “(A) *fewer than 12 members with respect to a*
24 *general court-martial in a capital case;*

1 “(B) fewer than six members with respect to a
2 *general court-martial in a noncapital case; or*

3 “(C) fewer than four members with respect to a
4 *special court-martial;*

5 *the trial may not proceed unless the convening au-*
6 *thority details new members and, from among the*
7 *members so detailed, the military judge impanels new*
8 *members sufficient in number to provide the member-*
9 *ship specified in paragraph (2).*

10 “(2) *The membership referred to in paragraph*
11 *(1) is as follows:*

12 “(A) *12 members with respect to a general*
13 *court-martial in a capital case.*

14 “(B) *At least six but not more than eight*
15 *members with respect to a general court-martial*
16 *in a noncapital case.*

17 “(C) *Four members with respect to a special*
18 *court-martial.*

19 “(e) *DETAIL OF NEW MILITARY JUDGE.—If the mili-*
20 *tary judge is unable to proceed with the trial because of*
21 *disability or otherwise, a new military judge shall be de-*
22 *tailed to the court-martial.*

23 “(f) *EVIDENCE.—(1) In the case of new members under*
24 *subsection (d), the trial may proceed with the new members*
25 *present after the evidence previously introduced is read or,*

1 *in the case of audiotape, videotape, or similar recording,*
 2 *is played, in the presence of the new members, the military*
 3 *judge, the accused, and counsel for both sides.*

4 “(2) *In the case of a new military judge under sub-*
 5 *section (e), the trial shall proceed as if no evidence had been*
 6 *introduced, unless the evidence previously introduced is*
 7 *read or, in the case of audiotape, videotape, or similar re-*
 8 *ording, is played, in the presence of the new military*
 9 *judge, the accused, and counsel for both sides.”.*

10 **SEC. 6407. MILITARY MAGISTRATES.**

11 *Subchapter V of chapter 47 of title 10, United States*
 12 *Code, is amended by inserting after section 826 (article 26*
 13 *of the Uniform Code of Military Justice) the following new*
 14 *section (article):*

15 **“§ 826a. Art. 26a. Military magistrates**

16 “(a) *QUALIFICATIONS.—A military magistrate shall be*
 17 *a commissioned officer of the armed forces who—*

18 “(1) *is a member of the bar of a Federal court*
 19 *or a member of the bar of the highest court of a State;*
 20 *and*

21 “(2) *is certified to be qualified, by reason of edu-*
 22 *cation, training, experience, and judicial tempera-*
 23 *ment, for duty as a military magistrate by the Judge*
 24 *Advocate General of the armed force of which the offi-*
 25 *cer is a member.*

1 “(b) *DUTIES.*—*In accordance with regulations pre-*
 2 *scribed by the Secretary concerned, in addition to duties*
 3 *when designated under section 819 of this title (article 19),*
 4 *a military magistrate may be assigned to perform other du-*
 5 *ties of a nonjudicial nature.*”.

6 ***TITLE LXV—PRE-TRIAL***
 7 ***PROCEDURE***

8 ***SEC. 6501. CHARGES AND SPECIFICATIONS.***

9 *Section 830 of title 10, United States Code (article 30*
 10 *of the Uniform Code of Military Justice), is amended to*
 11 *read as follows:*

12 ***“§ 830. Art. 30. Charges and specifications***

13 “(a) *IN GENERAL.*—*Charges and specifications—*

14 “(1) *may be preferred only by a person subject*
 15 *to this chapter; and*

16 “(2) *shall be preferred by presentment in writ-*
 17 *ing, signed under oath before a commissioned officer*
 18 *of the armed forces who is authorized to administer*
 19 *oaths.*

20 “(b) *REQUIRED CONTENT.*—*The writing under sub-*
 21 *section (a) shall state that—*

22 “(1) *the signer has personal knowledge of, or has*
 23 *investigated, the matters set forth in the charges and*
 24 *specifications; and*

1 “(2) *the charges and specifications are true, to*
2 *the best of the knowledge and belief of the signer.*”

3 “(c) *DUTY OF PROPER AUTHORITY.—When charges*
4 *and specifications are preferred under subsection (a), the*
5 *proper authority shall, as soon as practicable—*

6 “(1) *inform the person accused of the charges*
7 *and specifications; and*

8 “(2) *determine what disposition should be made*
9 *of the charges and specifications in the interest of jus-*
10 *tice and discipline.”.*

11 **SEC. 6502. PRELIMINARY HEARING REQUIRED BEFORE RE-**
12 **FERRAL TO GENERAL COURT-MARTIAL.**

13 (a) *IN GENERAL.—Section 832 of title 10, United*
14 *States Code (article 32 of the Uniform Code of Military Jus-*
15 *tice), is amended by striking the section heading and sub-*
16 *sections (a), (b), and (c), and inserting the following:*

17 **“§ 832. Art. 32. Preliminary hearing required before**
18 **referral to general court-martial**

19 “(a) *IN GENERAL.—(1)(A) Except as provided in sub-*
20 *paragraph (B), a preliminary hearing shall be held before*
21 *referral of charges and specifications for trial by general*
22 *court-martial. The preliminary hearing shall be conducted*
23 *by an impartial hearing officer, detailed by the convening*
24 *authority in accordance with subsection (b).*”

1 “(B) Under regulations prescribed by the President, a
2 preliminary hearing need not be held if the accused submits
3 a written waiver to the convening authority and the con-
4 vening authority determines that a hearing is not required.

5 “(2) The issues for determination at a preliminary
6 hearing are limited to the following:

7 “(A) Whether or not the specification alleges an
8 offense under this chapter.

9 “(B) Whether or not there is probable cause to
10 believe that the accused committed the offense charged.

11 “(C) Whether or not the convening authority has
12 court-martial jurisdiction over the accused and over
13 the offense.

14 “(D) A recommendation as to the disposition
15 that should be made of the case.

16 “(b) HEARING OFFICER.—(1) A preliminary hearing
17 under this section shall be conducted by an impartial hear-
18 ing officer, who—

19 “(A) whenever practicable, shall be a judge advo-
20 cate who is certified under section 827(b)(2) of this
21 title (article 27(b)(2)); or

22 “(B) in exceptional circumstances, shall be an
23 impartial hearing officer, who is not a judge advocate
24 so certified.

1 “(2) *In the case of a hearing officer under paragraph*
2 *(1)(B), a judge advocate who is certified under section*
3 *827(b)(2) of this title (article 27(b)(2)) shall be available*
4 *to provide legal advice to the hearing officer.*

5 “(3) *Whenever practicable, the hearing officer shall be*
6 *equal in grade or senior in grade to military counsel who*
7 *are detailed to represent the accused or the Government at*
8 *the preliminary hearing.*

9 “(c) *REPORT TO CONVENING AUTHORITY.—After a*
10 *preliminary hearing under this section, the hearing officer*
11 *shall submit to the convening authority a written report*
12 *(accompanied by a recording of the preliminary hearing*
13 *under subsection (e)) that includes the following:*

14 “(1) *For each specification, a statement of the*
15 *reasoning and conclusions of the hearing officer with*
16 *respect to determinations under subsection (a)(2), in-*
17 *cluding a summary of relevant witness testimony and*
18 *documentary evidence presented at the hearing and*
19 *any observations of the hearing officer concerning the*
20 *testimony of witnesses and the availability and ad-*
21 *missibility of evidence at trial.*

22 “(2) *Recommendations for any necessary modi-*
23 *fications to the form of the charges or specifications.*

24 “(3) *An analysis of any additional information*
25 *submitted after the hearing by the parties or by a vic-*

1 *tim of an offense, that, under such rules as the Presi-*
2 *dent may prescribe, is relevant to disposition under*
3 *sections 830 and 834 of this title (articles 30 and 34).*

4 “(4) *A statement of action taken on evidence ad-*
5 *duced with respect to uncharged offenses, as described*
6 *in subsection (f).”.*

7 (b) *SUNDRY AMENDMENTS.—Subsection (d) of such*
8 *section (article) is amended—*

9 (1) *in paragraph (1), by striking “subsection*
10 *(a)” in the first sentence and inserting “this section”;*

11 (2) *in paragraph (2), by striking “in defense”*
12 *and all that follows through the end and inserting*
13 *“that is relevant to the issues for determination under*
14 *subsection (a)(2).”;*

15 (3) *in paragraph (3), by adding at the end the*
16 *following new sentence: “A declination under this*
17 *paragraph shall not serve as the sole basis for order-*
18 *ing a deposition under section 849 of this title (article*
19 *49).”;* and

20 (4) *in paragraph (4), by striking “the limited*
21 *purposes of the hearing, as provided in subsection*
22 *(a)(2).” and inserting the following: “determinations*
23 *under subsection (a)(2).”.*

24 (c) *REFERENCE TO MCM.—Subsection (e) of such sec-*
25 *tion (article) is amended by striking “as prescribed by the*

1 *Manual for Courts-Martial*” in the second sentence and in-
2 serting “under such rules as the President may prescribe”.

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 subsection
6 (c) is not a basis for relief if the report is in substantial
7 compliance with that subsection.”.

8 **SEC. 6503. DISPOSITION GUIDANCE.**

9 Section 833 of title 10, United States Code (article 33
10 of the Uniform Code of Military Justice), is amended to
11 read as follows:

12 **“§ 833. Art 33. Disposition guidance**

13 “The President shall direct the Secretary of Defense to
14 issue, in consultation with the Secretary of the department
15 in which the Coast Guard is operating when it is not oper-
16 ating as a service in the Navy, non-binding guidance re-
17 garding factors that commanders, convening authorities,
18 staff judge advocates, and judge advocates should take into
19 account when exercising their duties with respect to dispo-
20 sition of charges and specifications in the interest of justice
21 and discipline under sections 830 and 834 of this title (arti-
22 cles 30 and 34). Such guidance shall take into account, with
23 appropriate consideration of military requirements, the
24 principles contained in official guidance of the Attorney
25 General to attorneys for the Government with respect to dis-

1 *position of Federal criminal cases in accordance with the*
 2 *principle of fair and evenhanded administration of Federal*
 3 *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 34*
 7 *of the Uniform Code of Military Justice), is amended to*
 8 *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 REQUIRED**
 13 **BEFORE REFERRAL.—***Before referral of charges and*
 14 *specifications to a general court-martial for trial, the*
 15 *convening authority shall submit the matter to the*
 16 *staff judge advocate for advice, which the staff judge*
 17 *advocate shall provide to the convening authority in*
 18 *writing. The convening authority may not refer a*
 19 *specification under a charge to a general court-mar-*
 20 *tial unless the staff judge advocate advises the con-*
 21 *vening 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 RECOMMENDATION*
4 *AS TO DISPOSITION.*—Together with the written ad-
5 vice provided under paragraph (1), the staff judge ad-
6 vocate shall provide a written recommendation to the
7 convening authority as to the disposition that should
8 be made of the specification in the interest of justice
9 and discipline.

10 “(3) *STAFF JUDGE ADVOCATE ADVICE AND REC-*
11 *COMMENDATION TO ACCOMPANY REFERRAL.*—When a
12 convening authority makes a referral for trial by gen-
13 eral court-martial, the written advice of the staff
14 judge advocate under paragraph (1) and the written
15 recommendation of the staff judge advocate under
16 paragraph (2) with respect to each specification shall
17 accompany the referral.

18 “(b) *SPECIAL COURT-MARTIAL; CONVENING AUTHOR-*
19 *ITY CONSULTATION WITH JUDGE ADVOCATE.*—Before refer-
20 ral of charges and specifications to a special court-martial
21 for trial, the convening authority shall consult a judge advo-
22 cate 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-martial

1 *or special court-martial, changes may be made to charges*
2 *and specifications—*

3 “(1) *to correct errors in form; and*

4 “(2) *when applicable, to conform to the substance*
5 *of the evidence contained in a report under section*
6 *832(c) of this title (article 32(c)).*

7 “(d) *DEFINITION.—In this section, the term ‘referral’*
8 *means the order of a convening authority that charges and*
9 *specifications against an accused be tried by a specified*
10 *court-martial.”.*

11 **SEC. 6505. SERVICE OF CHARGES AND COMMENCEMENT OF**
12 **TRIAL.**

13 *Section 835 of title 10, United States Code (article 35*
14 *of the Uniform Code of Military Justice), is amended to*
15 *read as follows:*

16 **“§ 835. Art. 35. Service of charges; commencement of**
17 **trial**

18 “(a) *IN GENERAL.—Trial counsel detailed for a court-*
19 *martial under section 827 of this title (article 27) shall*
20 *cause to be served upon the accused a copy of the charges*
21 *and specifications referred for trial.*

22 “(b) *COMMENCEMENT OF TRIAL.—(1) Subject to para-*
23 *graphs (2) and (3), no trial or other proceeding of a general*
24 *court-martial or a special court-martial (including any ses-*

1 sion under section 839(a) of this title (article 39(a)) may
2 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 the
5 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 and
11 only if the first session occurs before the end of the applica-
12 ble period under paragraph (1)(A) or (1)(B). If the first
13 session occurs before the end of the applicable period, the
14 military judge shall, at that session, inquire as to whether
15 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 States
20 Code (article 38 of the Uniform Code of Military Justice),
21 is amended by striking “, under the direction” and all that
22 follows through “(article 27),”.

23 **SEC. 6602. SESSIONS.**

24 Section 839 of title 10, United States Code (article 39
25 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 inserting*
5 *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 40
16 *of the Uniform Code of Military Justice), is amended by*
17 *striking “court-martial without a military judge” and in-*
18 *serting “summary court-martial”.*

19 **SEC. 6604. CONFORMING AMENDMENTS RELATING TO**
20 **CHALLENGES.**

21 Section 841 of title 10, United States Code (article 41
22 *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 “minimum”.

4 **SEC. 6605. STATUTE OF LIMITATIONS.**

5 (a) *INCREASE IN PERIOD FOR CHILD ABUSE OF-*
6 *FENSES.*—Subsection (b)(2)(A) of section 843 of title 10,
7 *United States Code (article 43 of the Uniform Code of Mili-*
8 *tary Justice), is amended by striking “five years” and in-*
9 *serting “ten years”.*

10 (b) *INCREASE IN PERIOD FOR FRAUDULENT ENLIST-*
11 *MENT OR APPOINTMENT OFFENSES.*—Such section (article)
12 *is further amended by adding at the end the following new*
13 *subsection:*

14 “(h) *FRAUDULENT ENLISTMENT OR APPOINTMENT.*—
15 *A person charged with fraudulent enlistment or fraudulent*
16 *appointment under section 904a(1) of this title (article*
17 *104a(1)) may be tried by court-martial if the sworn charges*
18 *and specifications are received by an officer exercising sum-*
19 *mary court-martial jurisdiction with respect to that person,*
20 *as follows:*

21 “(1) *In the case of an enlisted member, during*
22 *the period of the enlistment or five years, whichever*
23 *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 punishable*
9 *by confinement for more than one year, no statute of limita-*
10 *tions that would otherwise preclude prosecution of the of-*
11 *fense shall preclude such prosecution until a period of time*
12 *following the implication of the person by DNA testing has*
13 *elapsed that is equal to the otherwise applicable limitation*
14 *period.*”.

15 (d) *CONFORMING AMENDMENTS.*—*Such section (arti-*
16 *cle) is further amended in subsection (b)(2)(B) by striking*
17 *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), un-*
21 *less the offense is covered by subsection (a).*

22 “(ii) *Maiming in violation of section*
23 *928a of this title (article 128a).*

24 “(iii) *Aggravated assault, assault con-*
25 *summated by a battery, or assault with in-*

1 *tent to commit specified offenses in viola-*
2 *tion of section 928 of this title (article 128).*

3 “(iv) *Kidnapping in violation of sec-*
4 *tion 925 of this title (article 125).”.*

5 (e) *APPLICATION.—The amendments made by sub-*
6 *sections (a), (b), (c), and (d) shall apply to the prosecution*
7 *of any offense committed before, on, or after the date of the*
8 *enactment of this subsection if the applicable limitation pe-*
9 *riod has not yet expired.*

10 **SEC. 6606. FORMER JEOPARDY.**

11 *Subsection (c) of section 844 of title 10, United States*
12 *Code (article 44 of the Uniform Code of Military Justice),*
13 *is amended to read as follows:*

14 “(c)(1) *A court-martial with a military judge alone*
15 *is a trial in the sense of this section (article) if, without*
16 *fault of the accused—*

17 “(A) *after introduction of evidence; and*

18 “(B) *before announcement of findings under sec-*
19 *tion 853 of this title (article 53);*

20 *the case is dismissed or terminated by the convening*
21 *authority or on motion of the prosecution for failure*
22 *of available evidence or witnesses.*

23 “(2) *A court-martial with a military judge and*
24 *members is a trial in the sense of this section (article)*
25 *if, without fault of the accused—*

1 “(A) after the members, having taken an
2 oath as members under section 842 of this title
3 (article 42) and after completion of challenges
4 under section 841 of this title (article 41), are
5 impaneled; and

6 “(B) before announcement of findings under
7 section 853 of this title (article 53);
8 the case is dismissed or terminated by the convening
9 authority or on motion of the prosecution for failure
10 of available evidence or witnesses.”.

11 **SEC. 6607. PLEAS OF THE ACCUSED.**

12 (a) *PLEAS OF GUILTY*.—Subsection (b) of section 845
13 of title 10, United States Code (article 45 of the Uniform
14 Code of Military Justice), is amended—

15 (1) in the first sentence, by striking “may be ad-
16 judged” and inserting “is mandatory”; and

17 (2) in the second sentence—

18 (A) by striking “or by a court-martial with-
19 out a military judge”; and

20 (B) by striking “, if permitted by regula-
21 tions of the Secretary concerned,”.

22 (b) *HARMLESS ERROR*.—Such section (article) is fur-
23 ther amended by adding at the end the following new sub-
24 section:

1 “(c) *HARMLESS ERROR*.—A variance from the require-
2 ments of this article is harmless error if the variance does
3 not materially prejudice the substantial rights of the ac-
4 cused.”.

5 **SEC. 6608. CONTEMPT.**

6 (a) *AUTHORITY TO PUNISH*.—Subsection (a) of section
7 848 of title 10, United States Code (article 48 of the Uni-
8 form Code of Military Justice), is amended to read as fol-
9 lows:

10 “(a) *AUTHORITY TO PUNISH*.—(1) With respect to any
11 proceeding under this chapter, a judicial officer specified
12 in paragraph (2) may punish for contempt any person
13 who—

14 “(A) uses any menacing word, sign, or gesture in
15 the presence of the judicial officer during the pro-
16 ceeding;

17 “(B) disturbs the proceeding by any riot or dis-
18 order; or

19 “(C) willfully disobeys a lawful writ, process,
20 order, rule, decree, or command issued with respect to
21 the proceeding.

22 “(2) A judicial officer referred to in paragraph (1) is
23 any of the following:

1 “(A) Any judge of the Court of Appeals for the
2 Armed Forces and any judge of a Court of Criminal
3 Appeals under section 866 of this title (article 66).

4 “(B) Any military judge detailed to a court-
5 martial, a provost court, a military commission, or
6 any other proceeding under this chapter.

7 “(C) Any military magistrate designated to pre-
8 side under section 819 of this title (article 19).”.

9 (b) *REVIEW*.—Such section (article) is further amend-
10 *ed*—

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

13 (2) by inserting after subsection (b) the following
14 new subsection (c):

15 “(c) *REVIEW*.—A punishment under this section—

16 “(1) if imposed by a military judge or military
17 magistrate, may be reviewed by the Court of Criminal
18 Appeals in accordance with the uniform rules of pro-
19 cedure for the Courts of Criminal Appeals under sec-
20 tion 866(g) of this title (article 66(g)); and

21 “(2) if imposed by a judge of the Court of Ap-
22 peals for the Armed Forces or a judge of a Court of
23 Criminal Appeals, shall constitute a judgment of the
24 court, subject to review under the applicable provi-

1 *sions of section 867 or 867a of this title (article 67*
2 *or 67a).’.*

3 (c) *SECTION HEADING.—The heading for such section*
4 *(article) is amended to read as follows:*

5 **“§ 848. Art. 48. Contempt”.**

6 **SEC. 6609. DEPOSITIONS.**

7 *Section 849 of title 10, United States Code (article 49*
8 *of the Uniform Code of Military Justice), is amended to*
9 *read as follows:*

10 **“§ 849. Art. 49. Depositions**

11 *“(a) IN GENERAL.—(1) Subject to paragraph (2), a*
12 *convening authority or a military judge may order deposi-*
13 *tions at the request of any party.*

14 *“(2) A deposition may be ordered under paragraph (1)*
15 *only if the requesting party demonstrates that, due to excep-*
16 *tional circumstances, it is in the interest of justice that the*
17 *testimony of a prospective witness be preserved for use at*
18 *a court-martial, military commission, court of inquiry, or*
19 *other military court or board.*

20 *“(3) A party who requests a deposition under this sec-*
21 *tion shall give to every other party reasonable written notice*
22 *of the time and place for the deposition.*

23 *“(4) A deposition under this section shall be taken be-*
24 *fore, and authenticated by, an impartial officer, as follows:*

1 “(A) Whenever practicable, by an impartial
2 *judge advocate certified under section 827(b) of this*
3 *title (article 27(b)).*

4 “(B) In exceptional circumstances, by an impar-
5 *tial military or civil officer authorized to administer*
6 *oaths by (i) the laws of the United States or (ii) the*
7 *laws of the place where the deposition is taken.*

8 “(b) *REPRESENTATION BY COUNSEL.—Representation*
9 *of the parties with respect to a deposition shall be by counsel*
10 *detailed in the same manner as trial counsel and defense*
11 *counsel are detailed under section 827 of this title (article*
12 *27). In addition, the accused shall have the right to be rep-*
13 *resented by civilian or military counsel in the same manner*
14 *as such counsel are provided for in section 838(b) of this*
15 *title (article 38(b)).*

16 “(c) *ADMISSIBILITY AND USE AS EVIDENCE.—A depo-*
17 *sition order under subsection (a) does not control the admis-*
18 *sibility of the deposition in a court-martial or other pro-*
19 *ceeding under this chapter. Except as provided by sub-*
20 *section (d), a party may use all or part of a deposition*
21 *as provided by the rules of evidence.*

22 “(d) *CAPITAL CASES.—Testimony by deposition may*
23 *be presented in capital cases only by the defense.”.*

1 **SEC. 6610. ADMISSIBILITY OF SWORN TESTIMONY BY**
2 **AUDIOTAPE OR VIDEOTAPE FROM RECORDS**
3 **OF COURTS OF INQUIRY.**

4 (a) *IN GENERAL.*—Section 850 of title 10, United
5 States Code (article 50 of the Uniform Code of Military Jus-
6 tice), is amended by adding at the end the following new
7 subsection:

8 “(d) *AUDIOTAPE OR VIDEOTAPE.*—Sworn testimony
9 that—

10 “(1) is recorded by audiotape, videotape, or
11 similar method; and

12 “(2) is contained in the duly authenticated
13 record of proceedings of a court of inquiry;

14 is admissible before a court-martial, military commission,
15 court of inquiry, or military board, to the same extent as
16 sworn testimony may be read in evidence before any such
17 body under subsection (a), (b), or (c).”.

18 (b) *SECTION HEADING.*—The heading for such section
19 (article) is amended to read as follows:

20 “§ 850. **Art. 50. Admissibility of sworn testimony from**
21 **records of courts of inquiry”.**

22 **SEC. 6611. CONFORMING AMENDMENT RELATING TO DE-**
23 **FENSE OF LACK OF MENTAL RESPONSIBILITY.**

24 Section 850a(c) of title 10, United States Code (article
25 50a(c) of the Uniform Code of Military Justice), is amended

1 *by striking “, or the president of a court-martial without*
2 *a military judge,”.*

3 **SEC. 6612. VOTING AND RULINGS.**

4 *Section 851 of title 10, United States Code (article 51*
5 *of the Uniform Code of Military Justice), is amended—*

6 *(1) in subsection (a), by striking “, and by mem-*
7 *bers of a court-martial without a military judge upon*
8 *questions of challenge,” in the first sentence;*

9 *(2) in subsection (b)—*

10 *(A) by striking “and, except for questions of*
11 *challenge, the president of a court-martial with-*
12 *out a military judge” in the first sentence; and*

13 *(B) by striking “, or by the president” in*
14 *the second sentence and all that follows through*
15 *the end of the subsection and inserting “is final*
16 *and constitutes the ruling of the court, except*
17 *that the military judge may change a ruling at*
18 *any time during trial.”; and*

19 *(3) in subsection (c), by striking “or the presi-*
20 *dent of a court-martial without a military judge” in*
21 *the matter before paragraph (1).*

1 **SEC. 6613. VOTES REQUIRED FOR CONVICTION, SEN-**
2 **TENCING, AND OTHER MATTERS.**

3 *Section 852 of title 10, United States Code (article 52*
4 *of the Uniform Code of Military Justice), is amended to*
5 *read as follows:*

6 **“§852. Art. 52. Votes required for conviction, sen-**
7 **tencing, and other matters**

8 *“(a) IN GENERAL.—No person may be convicted of an*
9 *offense in a general or special court-martial, other than—*

10 *“(1) after a plea of guilty under section 845(b)*
11 *of this title (article 45(b));*

12 *“(2) by a military judge in a court-martial with*
13 *a military judge alone, under section 816 of this title*
14 *(article 16); or*

15 *“(3) in a court-martial with members under sec-*
16 *tion 816 of this title (article 16), by the concurrence*
17 *of at least three-fourths of the members present when*
18 *the vote is taken.*

19 *“(b) LEVEL OF CONCURRENCE REQUIRED.—*

20 *“(1) IN GENERAL.—Except as provided in sub-*
21 *section (a) and in paragraph (2), all matters to be*
22 *decided by members of a general or special court-mar-*
23 *tial shall be determined by a majority vote, but a re-*
24 *consideration of a finding of guilty or reconsideration*
25 *of a sentence, with a view toward decreasing the sen-*
26 *tence, may be made by any lesser vote which indicates*

1 *that the reconsideration is not opposed by the number*
2 *of votes required for that finding or sentence.*

3 “(2) *SENTENCING.*—*A sentence of death requires*
4 *(A) a unanimous finding of guilty of an offense in*
5 *this chapter expressly made punishable by death and*
6 *(B) a unanimous determination by the members that*
7 *the sentence for that offense shall include death. All*
8 *other sentences imposed by members shall be deter-*
9 *mined by the concurrence of at least three-fourths of*
10 *the members present when the vote is taken.”.*

11 **SEC. 6614. PLEA AGREEMENTS.**

12 *Subchapter VII of chapter 47 of title 10, United States*
13 *Code, is amended by inserting after section 853 (article 53*
14 *of the Uniform Code of Military Justice) the following:*

15 **“§ 853a. Art. 53a. Plea agreements**

16 “(a) *IN GENERAL.*—(1) *At any time before the an-*
17 *nouncement of findings under section 853 of this title (arti-*
18 *cle 53), the convening authority and the accused may enter*
19 *into a plea agreement with respect to such matters as—*

20 “(A) *the manner in which the convening author-*
21 *ity will dispose of one or more charges and specifica-*
22 *tions; and*

23 “(B) *limitations on the sentence that may be ad-*
24 *judged for one or more charges and specifications.*

1 “(2) *The military judge of a general or special court-*
2 *martial may not participate in discussions between the*
3 *parties concerning prospective terms and conditions of a*
4 *plea agreement.*

5 “(b) *ACCEPTANCE OF PLEA AGREEMENT.*—*Subject to*
6 *subsection (c), the military judge of a general or special*
7 *court-martial shall accept a plea agreement submitted by*
8 *the parties, except that the military judge may reject a plea*
9 *agreement that proposes a sentence if the military judge de-*
10 *termines that the proposed sentence is plainly unreasonable.*

11 “(c) *LIMITATION ON ACCEPTANCE OF PLEA AGREE-*
12 *MENTS.*—*The military judge of a general or special court-*
13 *martial shall reject a plea agreement that—*

14 “(1) *contains a provision that has not been ac-*
15 *cepted by both parties;*

16 “(2) *contains a provision that is not understood*
17 *by the accused; or*

18 “(3) *except as provided in subsection (d), con-*
19 *tains a provision for a sentence that is less than the*
20 *mandatory minimum sentence applicable to an of-*
21 *fense referred to in section 856(b)(2) of this title (arti-*
22 *cle 56(b)(2)).*

23 “(d) *LIMITED CONDITIONS FOR ACCEPTANCE OF PLEA*
24 *AGREEMENT FOR SENTENCE BELOW MANDATORY MINIMUM*
25 *FOR CERTAIN OFFENSES.*—*With respect to an offense re-*

1 *ferred to in section 856(b)(2) of this title (article*
2 *56(b)(2))—*

3 *“(1) the military judge may accept a plea agree-*
4 *ment that provides for a sentence of bad conduct dis-*
5 *charge; and*

6 *“(2) upon recommendation of the trial counsel,*
7 *in exchange for substantial assistance by the accused*
8 *in the investigation or prosecution of another person*
9 *who has committed an offense, the military judge may*
10 *accept a plea agreement that provides for a sentence*
11 *that is less than the mandatory minimum sentence*
12 *for the offense charged.*

13 *“(e) BINDING EFFECT OF PLEA AGREEMENT.—Upon*
14 *acceptance by the military judge of a general or special*
15 *court-martial, a plea agreement shall bind the parties and*
16 *the military judge.”.*

17 **SEC. 6615. RECORD OF TRIAL.**

18 *Section 854 of title 10, United States Code (article 54*
19 *of the Uniform Code of Military Justice), is amended—*

20 *(1) by striking subsection (a) and inserting the*
21 *following:*

22 *“(a) GENERAL AND SPECIAL COURTS-MARTIAL.—Each*
23 *general or special court-martial shall keep a separate record*
24 *of the proceedings in each case brought before it. The record*
25 *shall be certified by a court-reporter, except that in the case*

1 *of death, disability, or absence of a court reporter, the record*
2 *shall be certified by an official selected as the President may*
3 *prescribe by regulation.”;*

4 *(2) in subsection (b)—*

5 *(A) by striking “(b) Each special and sum-*
6 *mary court-martial” and inserting“(b) SUM-*
7 *MARY COURT-MARTIAL.—Each summary*
8 *court-martial”;* and

9 *(B) by striking “authenticated” and insert-*
10 *ing “certified”;*

11 *(3) by striking subsection (c) and inserting the*
12 *following:*

13 *“(c) CONTENTS OF RECORD.—(1) Except as provided*
14 *in paragraph (2), the record shall contain such matters as*
15 *the President may prescribe by regulation.*

16 *“(2) In accordance with regulations prescribed by the*
17 *President, a complete record of proceedings and testimony*
18 *shall be prepared in any case of a sentence of death, dis-*
19 *missal, discharge, confinement for more than six months,*
20 *or forfeiture of pay for more than six months.”.*

21 *(4) in subsection (d)—*

22 *(A) by striking “(d) A copy” and inserting*
23 *“(d) EVIDENCE.—A copy”;* and

24 *(B) by striking “authenticated” and insert-*
25 *ing “certified”;* and

1 (5) *in subsection (e)*—

2 (A) *by striking “involving a sexual assault*
3 *or other offense covered by section 920 of this*
4 *title (article 120)” in the first sentence and in-*
5 *serting “upon request,”; and*

6 (B) *by striking “authenticated” in the sec-*
7 *ond sentence and inserting “certified”.*

8 **TITLE LXVII—SENTENCES**

9 **SEC. 6701. SENTENCING.**

10 (a) *IN GENERAL.*—Section 856 of title 10, United
11 States Code (article 56 of the Uniform Code of Military Jus-
12 tice), is amended to read as follows:

13 **“§ 856. Art. 56. Sentencing**

14 “(a) *SENTENCE MAXIMUMS.*—The punishment which
15 a court-martial may direct for an offense may not exceed
16 such limits as the President may prescribe for that offense.

17 “(b) *SENTENCE MINIMUMS FOR CERTAIN OF-*
18 *FENSES.*—(1) *Except as provided in subsection (d) of sec-*
19 *tion 853a of this title (article 53a), punishment for any*
20 *offense specified in paragraph (2) shall include dismissal*
21 *or dishonorable discharge, as applicable.*

22 “(2) *The offenses referred to in paragraph (1) are as*
23 *follows:*

24 “(A) *Rape under subsection (a) of section 920 of*
25 *this title (article 120).*

1 “(B) *Sexual assault under subsection (b) of such*
2 *section (article).*

3 “(C) *Rape of a child under subsection (a) of sec-*
4 *tion 920b of this title (article 120b).*

5 “(D) *Sexual assault of a child under subsection*
6 *(b) of such section (article).*

7 “(E) *An attempt to commit an offense specified*
8 *in subparagraph (A), (B), (C), or (D) that is punish-*
9 *able under section 880 of this title (article 80).*

10 “(c) *IMPOSITION OF SENTENCE.—*

11 “(1) *IN GENERAL.—In sentencing an accused*
12 *under section 853 of this title (article 53), a court-*
13 *martial shall impose punishment that is sufficient,*
14 *but not greater than necessary, to promote justice and*
15 *to maintain good order and discipline in the armed*
16 *forces, taking into consideration—*

17 “(A) *the nature and circumstances of the of-*
18 *fense and the history and characteristics of the*
19 *accused;*

20 “(B) *the impact of the offense on—*

21 “(i) *the financial, social, psychological,*
22 *or medical well-being of any victim of the*
23 *offense; and*

1 “(ii) *the mission, discipline, or effi-*
2 *ciency of the command of the accused and*
3 *any victim of the offense;*

4 “(C) *the need for the sentence—*

5 “(i) *to reflect the seriousness of the of-*
6 *fense;*

7 “(ii) *to promote respect for the law;*

8 “(iii) *to provide just punishment for*
9 *the offense;*

10 “(iv) *to promote adequate deterrence of*
11 *misconduct;*

12 “(v) *to protect others from further*
13 *crimes by the accused;*

14 “(vi) *to rehabilitate the accused; and*

15 “(vii) *to provide, in appropriate cases,*
16 *the opportunity for retraining and return*
17 *to duty to meet the needs of the service; and*

18 “(D) *the sentences available under this*
19 *chapter.*

20 “(2) *OFFENSE BASED SENTENCING IN GENERAL*
21 *AND SPECIAL COURTS-MARTIAL.—In announcing the*
22 *sentence under section 853 of this title (article 53) in*
23 *a general or special court-martial, the court-martial*
24 *shall, with respect to each offense of which the accused*
25 *is found guilty, specify the term of confinement, if*

1 *any, and the amount of the fine, if any. If the accused*
2 *is sentenced to confinement for more than one offense,*
3 *the court-martial shall specify whether the terms of*
4 *confinement are to run consecutively or concurrently.*

5 *“(3) SENTENCE OF CONFINEMENT FOR LIFE*
6 *WITHOUT ELIGIBILITY FOR PAROLE.—(A) If an of-*
7 *fense is subject to a sentence of confinement for life,*
8 *a court-martial may impose a sentence of confine-*
9 *ment for life without eligibility for parole.*

10 *“(B) An accused who is sentenced to confinement*
11 *for life without eligibility for parole shall be confined*
12 *for the remainder of the accused’s life unless—*

13 *“(i) the sentence is set aside or otherwise*
14 *modified as a result of—*

15 *“(I) action taken by the convening au-*
16 *thority or the Secretary concerned; or*

17 *“(II) any other action taken during*
18 *post-trial procedure and review under any*
19 *other provision of subchapter IX of this*
20 *chapter;*

21 *“(ii) the sentence is set aside or otherwise*
22 *modified as a result of action taken by a Court*
23 *of Criminal Appeals, the Court of Appeals for*
24 *the Armed Forces, or the Supreme Court; or*

25 *“(iii) the accused is pardoned.*

1 “(d) *APPEAL OF SENTENCE BY THE UNITED*
 2 *STATES.—(1) With the approval of the Judge Advocate*
 3 *General concerned, the Government may appeal a sentence*
 4 *to the Court of Criminal Appeals, on the grounds that—*

5 “(A) *the sentence violates the law; or*

6 “(B) *the sentence is plainly unreasonable.*

7 “(2) *An appeal under this subsection must be filed*
 8 *within 60 days after the date on which the judgment of a*
 9 *court-martial is entered into the record under section 860c*
 10 *of this title (article 60c).”.*

11 (b) *CONFORMING AMENDMENT.—Section 856a of title*
 12 *10, United States Code (article 56a of the Uniform Code*
 13 *of Military Justice), is repealed.*

14 **SEC. 6701A. MINIMUM CONFINEMENT PERIOD REQUIRED**
 15 **FOR CONVICTION OF CERTAIN SEX-RELATED**
 16 **OFFENSES COMMITTED BY MEMBERS OF THE**
 17 **ARMED FORCES.**

18 (a) *MANDATORY PUNISHMENTS.—Subsection (b)(1) of*
 19 *section 856 of title 10, United States Code (article 56 of*
 20 *the Uniform Code of Military Justice), as amended by sec-*
 21 *tion 6701, is further amended by striking “shall include*
 22 *dismissal or dishonorable discharge, as applicable.” and in-*
 23 *serting the following: “shall include, at a minimum—*

24 “(A) *dismissal or dishonorable discharge, as ap-*
 25 *plicable; and*

1 “(B) confinement for two years.”.

2 (b) *APPLICATION OF AMENDMENT.*—Subparagraph
3 (B) of paragraph (1) of section 856(b) of title 10, United
4 States Code (article 56(b) of the Uniform Code of Military
5 Justice), as added by subsection (a), shall apply to offenses
6 specified in paragraph (2) of such section committed on or
7 after the date that is 180 days after the date of the enact-
8 ment of this Act.

9 **SEC. 6702. EFFECTIVE DATE OF SENTENCES.**

10 (a) *IN GENERAL.*—Section 857 of title 10, United
11 States Code (article 57 of the Uniform Code of Military Jus-
12 tice), is amended to read as follows:

13 **“§ 857. Art. 57. Effective date of sentences**

14 “(a) *EXECUTION OF SENTENCES.*—A court-martial
15 sentence shall be executed and take effect as follows:

16 “(1) *FORFEITURE AND REDUCTION.*—A forfeiture
17 of pay or allowances shall be applicable to pay and
18 allowances accruing on and after the date on which
19 the sentence takes effect. Any forfeiture of pay or al-
20 lowances or reduction in grade that is included in a
21 sentence of a court-martial takes effect on the earlier
22 of—

23 “(A) the date that is 14 days after the date
24 on which the sentence is adjudged; or

1 “(B) *in the case of a summary court-mar-*
2 *tial, the date on which the sentence is approved*
3 *by the convening authority.*

4 “(2) *CONFINEMENT.—Any period of confinement*
5 *included in a sentence of a court-martial begins to*
6 *run from the date the sentence is adjudged by the*
7 *court-martial, but periods during which the sentence*
8 *to confinement is suspended or deferred shall be ex-*
9 *cluded in computing the service of the term of confine-*
10 *ment.*

11 “(3) *APPROVAL OF SENTENCE OF DEATH.—If the*
12 *sentence of the court-martial extends to death, that*
13 *part of the sentence providing for death may not be*
14 *executed until approved by the President. In such a*
15 *case, the President may commute, remit, or suspend*
16 *the sentence, or any part thereof, as the President sees*
17 *fit. That part of the sentence providing for death may*
18 *not be suspended.*

19 “(4) *APPROVAL OF DISMISSAL.—If in the case of*
20 *a commissioned officer, cadet, or midshipman, the*
21 *sentence of a court-martial extends to dismissal, that*
22 *part of the sentence providing for dismissal may not*
23 *be executed until approved by the Secretary concerned*
24 *or such Under Secretary or Assistant Secretary as*
25 *may be designated by the Secretary concerned. In*

1 *such a case, the Secretary, Under Secretary, or Assist-*
2 *ant Secretary, as the case may be, may commute,*
3 *remit, or suspend the sentence, or any part of the sen-*
4 *tence, as the Secretary sees fit. In time of war or na-*
5 *tional emergency he may commute a sentence of dis-*
6 *missal to reduction to any enlisted grade. A person so*
7 *reduced may be required to serve for the duration of*
8 *the war or emergency and six months thereafter.*

9 *“(5) COMPLETION OF APPELLATE REVIEW.—If a*
10 *sentence extends to death, dismissal, or a dishonorable*
11 *or bad-conduct discharge, that part of the sentence ex-*
12 *tending to death, dismissal, or a dishonorable or bad-*
13 *conduct discharge may be executed, in accordance*
14 *with service regulations, after completion of appellate*
15 *review (and, with respect to death or dismissal, ap-*
16 *proval under paragraph (3) or (4), as appropriate).*

17 *“(6) OTHER SENTENCES.—Except as otherwise*
18 *provided in this subsection, a general or special court-*
19 *martial sentence is effective upon entry of judgment*
20 *and a summary court-martial sentence is effective*
21 *when the convening authority acts on the sentence.*

22 *“(b) DEFERRAL OF SENTENCES.—(1) On application*
23 *by an accused, the convening authority or, if the accused*
24 *is no longer under his jurisdiction, the officer exercising*
25 *general court-martial jurisdiction over the command to*

1 *which the accused is currently assigned, may, in his or her*
2 *sole discretion, defer the effective date of a sentence of con-*
3 *finement, reduction, or forfeiture. The deferment shall ter-*
4 *minate upon entry of judgment or, in the case of a sum-*
5 *mary court-martial, when the convening authority acts on*
6 *the sentence. The deferment may be rescinded at any time*
7 *by the officer who granted it or, if the accused is no longer*
8 *under his jurisdiction, by the officer exercising general*
9 *court-martial jurisdiction over the command to which the*
10 *accused is currently assigned.*

11 “(2) *In any case in which a court-martial sentences*
12 *a person referred to in paragraph (3) to confinement, the*
13 *convening authority may defer the service of the sentence*
14 *to confinement, without the consent of that person, until*
15 *after the person has been permanently released to the armed*
16 *forces by a State or foreign country referred to in that para-*
17 *graph.*

18 “(3) *Paragraph (2) applies to a person subject to this*
19 *chapter who—*

20 “(A) *while in the custody of a State or foreign*
21 *country is temporarily returned by that State or for-*
22 *foreign country to the armed forces for trial by court-*
23 *martial; and*

1 “(B) after the court-martial, is returned to that
2 State or foreign country under the authority of a mu-
3 tual agreement or treaty, as the case may be.

4 “(4) In this subsection, the term ‘State’ includes the
5 District of Columbia and any Commonwealth, territory, or
6 possession of the United States.

7 “(5) In any case in which a court-martial sentences
8 a person to confinement, but in which review of the case
9 under section 867(a)(2) of this title (article 67(a)(2)) is
10 pending, the Secretary concerned may defer further service
11 of the sentence to confinement while that review is pending.

12 “(c) APPELLATE REVIEW.—(1) Appellate review is
13 complete under this section when—

14 “(A) a review under section 865 of this title (ar-
15 ticle 65) is completed; or

16 “(B) a review under section 866 of this title (ar-
17 ticle 66) is completed by a Court of Criminal Appeals
18 and—

19 “(i) the time for the accused to file a peti-
20 tion for review by the Court of Appeals for the
21 Armed Forces has expired and the accused has
22 not filed a timely petition for such review and
23 the case is not otherwise under review by that
24 Court;

1 “(ii) such a petition is rejected by the Court
2 of Appeals for the Armed Forces; or

3 “(iii) review is completed in accordance
4 with the judgment of the Court of Appeals for the
5 Armed Forces and—

6 “(I) a petition for a writ of certiorari
7 is not filed within the time limits prescribed
8 by the Supreme Court;

9 “(II) such a petition is rejected by the
10 Supreme Court; or

11 “(III) review is otherwise completed in
12 accordance with the judgment of the Su-
13 preme Court.

14 “(2) The completion of appellate review shall con-
15 stitute a final judgment as to the legality of the pro-
16 ceedings.”.

17 (b) *CONFORMING AMENDMENTS.*—(1) *Subchapter VIII*
18 *of chapter 47 of title 10, United States Code, is amended*
19 *by striking section 857a (article 57a of the Uniform Code*
20 *of Military Justice).*

21 (2) *Subchapter IX of chapter 47 of title 10, United*
22 *States Code, is amended by striking section 871 (article 71*
23 *of the Uniform Code of Military Justice).*

24 (3) *The second sentence of subsection (a)(1) of section*
25 *858b of title 10, United States Code (article 58b of the Uni-*

1 *form Code of Military Justice), is amended by striking “sec-*
2 *tion 857(a) of this title (article 57(a))” and inserting “sec-*
3 *tion 857 of this title (article 57)”.*

4 **SEC. 6703. SENTENCE OF REDUCTION IN ENLISTED GRADE.**

5 *Section 858a of title 10, United States Code (article*
6 *58a of the Uniform Code of Military Justice), is amended—*

7 *(1) in subsection (a)—*

8 *(A) by striking “Unless otherwise provided*
9 *in regulations to be prescribed by the Secretary*
10 *concerned, a” and inserting “A”;*

11 *(B) by striking “as approved by the con-*
12 *vening authority” and inserting “as set forth in*
13 *the judgment of the court-martial entered into*
14 *the record under section 860c of this title (article*
15 *60c)”;* and

16 *(C) in the matter after paragraph (3), by*
17 *striking “of that approval” and inserting “on*
18 *which the judgment is so entered”;* and

19 *(2) in subsection (b), by striking “disapproved,*
20 *or, as finally approved” and inserting “reduced, or,*
21 *as finally affirmed”.*

1 **TITLE LXVIII—POST-TRIAL PRO-**
2 **CEDURE AND REVIEW OF**
3 **COURTS-MARTIAL**

4 **SEC. 6801. POST-TRIAL PROCESSING IN GENERAL AND SPE-**
5 **CIAL COURTS-MARTIAL.**

6 *Section 860 of title 10, United States Code (article 60*
7 *of the Uniform Code of Military Justice), is amended to*
8 *read as follows:*

9 **“§ 860. Art. 60. Post-trial processing in general and**
10 **special courts-martial**

11 *“(a) STATEMENT OF TRIAL RESULTS.—(1) The mili-*
12 *tary judge of a general or special court-martial shall enter*
13 *into the record of trial a document entitled ‘Statement of*
14 *Trial Results’, which shall set forth—*

15 *“(A) each plea and finding;*

16 *“(B) the sentence, if any; and*

17 *“(C) such other information as the President*
18 *may prescribe by regulation.*

19 *“(2) Copies of the Statement of Trial Results shall be*
20 *provided promptly to the convening authority, the accused,*
21 *and any victim of the offense.*

22 *“(b) POST-TRIAL MOTIONS.—In accordance with regu-*
23 *lations prescribed by the President, the military judge in*
24 *a general or special court-martial shall address all post-*
25 *trial motions and other post-trial matters that—*

1 “(1) may affect a plea, a finding, the sentence,
2 the Statement of Trial Results, the record of trial, or
3 any post-trial action by the convening authority; and

4 “(2) are subject to resolution by the military
5 judge before entry of judgment.”.

6 **SEC. 6802. LIMITED AUTHORITY TO ACT ON SENTENCE IN**
7 **SPECIFIED POST-TRIAL CIRCUMSTANCES.**

8 Subchapter IX of chapter 47 of title 10, United States
9 Code, is amended by inserting after section 860 (article 60
10 of the Uniform Code of Military Justice), as amended by
11 section 6801, the following new section (article):

12 **“§ 860a. Art. 60a. Limited authority to act on sentence**
13 **in specified post-trial circumstances**

14 “(a) *IN GENERAL.*—(1) The convening authority of a
15 general or special court-martial described in paragraph
16 (2)—

17 “(A) may act on the sentence of the court-mar-
18 tial only as provided in subsection (b), (c), or (d);
19 and

20 “(B) may not act on the findings of the court-
21 martial.

22 “(2) The courts-martial referred to in paragraph (1)
23 are the following:

24 “(A) A general or special court-martial in which
25 the maximum sentence of confinement established

1 *under subsection (a) of section 856 of this title (arti-*
2 *cle 56) for any offense of which the accused is found*
3 *guilty is more than two years.*

4 *“(B) A general or special court-martial in which*
5 *the total of the sentences of confinement imposed, run-*
6 *ning consecutively, is more than six months.*

7 *“(C) A general or special court-martial in which*
8 *the sentence imposed includes a dismissal, dishonor-*
9 *able discharge, or bad-conduct discharge.*

10 *“(D) A general or special court-martial in which*
11 *the accused is found guilty of a violation of subsection*
12 *(a) or (b) of section 920 of this title (article 120), sec-*
13 *tion 920b of this title (article 120b), or such other of-*
14 *fense as the Secretary of Defense may specify by regu-*
15 *lation.*

16 *“(3) Except as provided in subsection (d), the con-*
17 *vening authority may act under this section only before*
18 *entry of judgment.*

19 *“(4) Under regulations prescribed by the Secretary*
20 *concerned, a commissioned officer commanding for the time*
21 *being, a successor in command, or any person exercising*
22 *general court-martial jurisdiction may act under this sec-*
23 *tion in place of the convening authority.*

24 *“(b) REDUCTION, COMMUTATION, AND SUSPENSION OF*
25 *SENTENCES GENERALLY.—(1) Except as provided in sub-*

1 *section (c) or (d), the convening authority may not reduce,*
2 *commute, or suspend any of the following sentences:*

3 “(A) *A sentence of confinement, if the total pe-*
4 *riod of confinement imposed for all offenses involved,*
5 *running consecutively, is greater than six months.*

6 “(B) *A sentence of dismissal, dishonorable dis-*
7 *charge, or bad-conduct discharge.*

8 “(C) *A sentence of death.*

9 “(2) *The convening authority may reduce, commute,*
10 *or suspend any sentence not specified in paragraph (1).*

11 “(c) *SUSPENSION OF CERTAIN SENTENCES UPON REC-*
12 *COMMENDATION OF MILITARY JUDGE.—(1) Upon rec-*
13 *ommendation of the military judge, as included in the*
14 *Statement of Trial Results, together with an explanation*
15 *of the facts supporting the recommendation, the convening*
16 *authority may suspend—*

17 “(A) *a sentence of confinement, in whole or in*
18 *part; or*

19 “(B) *a sentence of dismissal, dishonorable dis-*
20 *charge, or bad-conduct discharge.*

21 “(2) *The convening authority may not, under para-*
22 *graph (1)—*

23 “(A) *suspend a mandatory minimum sentence;*
24 *or*

1 “(B) suspend a sentence to an extent in excess of
2 the suspension recommended by the military judge.

3 “(d) *REDUCTION OF SENTENCE FOR SUBSTANTIAL AS-*
4 *SISTANCE BY ACCUSED.*—(1) Upon a recommendation by
5 the trial counsel, if the accused, after sentencing and before
6 entry of judgment, provides substantial assistance in the in-
7 vestigation or prosecution of another person, the convening
8 authority may reduce, commute, or suspend a sentence, in
9 whole or in part, including any mandatory minimum sen-
10 tence.

11 “(2) Upon a recommendation by a trial counsel, des-
12 igned in accordance with rules prescribed by the Presi-
13 dent, if the accused, after entry of judgment, provides sub-
14 stantial assistance in the investigation or prosecution of an-
15 other person, a convening authority, designated under such
16 regulations, may reduce, commute, or suspend a sentence,
17 in whole or in part, including any mandatory minimum
18 sentence.

19 “(3) In evaluating whether the accused has provided
20 substantial assistance under this subsection, the convening
21 authority may consider the presentence assistance of the ac-
22 cused.

23 “(e) *SUBMISSIONS BY ACCUSED AND VICTIM.*—(1) In
24 accordance with rules prescribed by the President, in deter-
25 mining whether to act under this section, the convening au-

1 *thority shall consider matters submitted in writing by the*
2 *accused or any victim of an offense. Such rules shall in-*
3 *clude—*

4 “(A) *procedures for notice of the opportunity to*
5 *make such submissions;*

6 “(B) *the deadlines for such submissions; and*

7 “(C) *procedures for providing the accused and*
8 *any victim of an offense with a copy of the recording*
9 *of any open sessions of the court-martial and copies*
10 *of, or access to, any admitted, unsealed exhibits.*

11 “(2) *The convening authority shall not consider under*
12 *this section any submitted matters that relate to the char-*
13 *acter of a victim unless such matters were presented as evi-*
14 *dence at trial and not excluded at trial.*

15 “(f) *DECISION OF CONVENING AUTHORITY.—(1) The*
16 *decision of the convening authority under this section shall*
17 *be forwarded to the military judge, with copies provided*
18 *to the accused and to any victim of the offense.*

19 “(2) *If, under this section, the convening authority re-*
20 *duces, commutes, or suspends the sentence, the decision of*
21 *the convening authority shall include a written explanation*
22 *of the reasons for such action.*

23 “(3) *If, under subsection (d)(2), the convening author-*
24 *ity reduces, commutes, or suspends the sentence, the decision*
25 *of the convening authority shall be forwarded to the chief*

1 *trial judge for appropriate modification of the entry of*
2 *judgment, which shall be transmitted to the Judge Advocate*
3 *General for appropriate action.”.*

4 **SEC. 6803. POST-TRIAL ACTIONS IN SUMMARY COURTS-MAR-**
5 **TIAL AND CERTAIN GENERAL AND SPECIAL**
6 **COURTS-MARTIAL.**

7 *Subchapter IX of chapter 47 of title 10, United States*
8 *Code, is amended by inserting after section 860a (article*
9 *60a of the Uniform Code of Military Justice), as amended*
10 *by section 6802, the following new section (article):*

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 (article*
16 *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 included*
21 *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 sen-
3 tence;

4 “(E) disapprove, commute, or suspend the sen-
5 tence, in whole or in part; or

6 “(F) disapprove the sentence and order a rehear-
7 ing 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 title
18 (article 60a). Such action shall be forwarded to the chief
19 trial judge, who shall ensure appropriate modification to
20 the entry of judgment and shall transmit the entry of judg-
21 ment to the Judge Advocate General for appropriate action.

22 “(5) Under regulations prescribed by the Secretary
23 concerned, a commissioned officer commanding for the time
24 being, a successor in command, or any person exercising

1 *general court-martial jurisdiction may act under this sec-*
2 *tion 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 under*
12 *a specification laid under that charge, which suffi-*
13 *ciently alleges a violation of some article of this chap-*
14 *ter.*

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 au-*
18 *thority shall consider matters submitted in writing by the*
19 *accused or any victim of the offense. Such rules shall in-*
20 *clude the matter required by subsection (e) of section 860a*
21 *of this title (article 60a).*

22 “(d) *DECISION OF CONVENING AUTHORITY.*—(1) *In a*
23 *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 the*
5 *convening authority shall include a written explanation of*
6 *the reasons for such action.”.*

7 **SEC. 6804. ENTRY OF JUDGMENT.**

8 *Subchapter IX of chapter 47 of title 10, United States*
9 *Code, is amended by inserting after section 860b (article*
10 *60b of the Uniform Code of Military Justice), as added by*
11 *section 903, the following new section (article):*

12 **“§ 860c. Art. 60c. Entry of judgment**

13 “(a) *ENTRY OF JUDGMENT OF GENERAL OR SPECIAL*
14 *COURT-MARTIAL.—(1) In accordance with rules prescribed*
15 *by the President, in a general or special court-martial, the*
16 *military judge shall enter into the record of trial the judg-*
17 *ment of the court. The judgment of the court shall consist*
18 *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 *to such review under section 866 (article 66). Such a waiver*
2 *shall be—*

3 “(1) *signed by the accused and by defense coun-*
4 *sel; and*

5 “(2) *attached to the record of trial.*

6 “(b) *WITHDRAWAL OF APPEAL.—In a general or spe-*
7 *cial court-martial, the accused may withdraw an appeal*
8 *at any time.*

9 “(c) *DEATH PENALTY CASE EXCEPTION.—Notwith-*
10 *standing subsections (a) and (b), an accused may not waive*
11 *the right to appeal or withdraw an appeal with respect to*
12 *a judgment that includes a sentence of death.*

13 “(d) *WAIVER OR WITHDRAWAL AS BAR.—A waiver or*
14 *withdrawal under this section bars review under section*
15 *866 of this title (article 66).”.*

16 **SEC. 6806. APPEAL BY THE UNITED STATES.**

17 *Section 862 of title 10, United States Code (article 62*
18 *of the Uniform Code of Military Justice), is amended—*

19 (1) *in paragraph (1) of subsection (a)—*

20 (A) *in the matter before subparagraph (A),*
21 *by striking “court-martial” and all that follows*
22 *through the colon at the end and inserting “gen-*
23 *eral or special court-martial, the United States*
24 *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 con-
23 strued to effect its purposes.”.

1 **SEC. 6807. REHEARINGS.**

2 *Section 863 of title 10, United States Code (article 63*
3 *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-martial*
11 *was in accordance with a plea agreement under section*
12 *853a of this title (article 53a) and the accused at the rehear-*
13 *ing does not comply with the agreement, or if a plea of*
14 *guilty was entered for an offense at the first court-martial*
15 *and a plea of not guilty was entered at the rehearing, the*
16 *sentence as to those charges or specifications may include*
17 *any punishment not in excess of that which could have been*
18 *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 is*
21 *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 title
4 10, United States Code (article 64 of the Uniform Code of
5 Military Justice), is amended by striking the first two sen-
6 tences 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 the
12 same case as an accuser, preliminary hearing officer, mem-
13 ber of the court, military judge, or counsel or has otherwise
14 acted on behalf of the prosecution or defense.”.

15 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—(1)
16 The heading for such section (article) is amended to read
17 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 amend-
4 ed by striking “section 869(b) of this title (article 69(b)).”
5 and inserting “section 869 of this title (article 69).”.

6 **SEC. 6809. TRANSMITTAL AND REVIEW OF RECORDS.**

7 Section 865 of title 10, United States Code (article 65
8 of the Uniform Code of Military Justice), is amended to
9 read as follows:

10 **“§ 865. Art. 65. Transmittal and review of records**

11 “(a) *TRANSMITTAL OF RECORDS.—(1) If the judgment*
12 *of a general or special court-martial entered under section*
13 *860c of this title (article 60c) includes a finding of guilty,*
14 *the record shall be transmitted to the Judge Advocate Gen-*
15 *eral.*

16 “(2) *In all other cases, records of trial by court-martial*
17 *and related documents shall be transmitted and disposed*
18 *of as the Secretary concerned may prescribe by regulation.*

19 “(b) *REVIEW BY JUDGE ADVOCATE GENERAL.—*

20 “(1) *BY WHOM.—A review conducted under this*
21 *subsection may be conducted by an attorney within*
22 *the Office of the Judge Advocate General or another*
23 *attorney designated under regulations prescribed by*
24 *the Secretary concerned.*

1 “(2) *REVIEW OF CASES NOT ELIGIBLE FOR AP-*
2 *PELLATE REVIEW BY A COURT OF CRIMINAL AP-*
3 *PEALS.—*

4 “(A) *A review under subparagraph (B)*
5 *shall be completed in each general and special*
6 *court-martial that is not eligible for appellate re-*
7 *view under paragraph (1) or (2) of section*
8 *866(b) of this title (article 66(b)).*

9 “(B) *A review referred to in subparagraph*
10 *(A) shall include a written decision providing*
11 *each of the following:*

12 “(i) *A conclusion as to whether the*
13 *court had jurisdiction over the accused and*
14 *the offense.*

15 “(ii) *A conclusion as to whether the*
16 *charge and specification stated an offense.*

17 “(iii) *A conclusion as to whether the*
18 *sentence was within the limits prescribed as*
19 *a matter of law.*

20 “(iv) *A response to each allegation of*
21 *error made in writing by the accused.*

22 “(3) *REVIEW WHEN APPELLATE REVIEW BY A*
23 *COURT OF CRIMINAL APPEALS IS WAIVED OR WITH-*
24 *DRAWN.—*

1 “(A) A review under subparagraph (B)
2 shall be completed in each general and special
3 court-martial if the accused waives the right to
4 appellate review or withdraws appeal under sec-
5 tion 861 of this title (article 61).

6 “(B) A review referred to in subparagraph
7 (A) shall include a written decision limited to
8 providing conclusions on the matters specified in
9 clauses (i), (ii), and (iii) of paragraph (2)(B).

10 “(c) *REMEDY.*—(1) If after a review of a record under
11 subsection (b), the attorney conducting the review believes
12 corrective action may be required, the record shall be for-
13 warded to the Judge Advocate General, who may set aside
14 the findings or sentence, in whole or in part.

15 “(2) In setting aside findings or sentence, the Judge
16 Advocate General may order a rehearing, except that a re-
17 hearing may not be ordered in violation of section 844 of
18 this title (article 44).

19 “(3)(A) If the Judge Advocate General sets aside find-
20 ings and sentence and does not order a rehearing, the Judge
21 Advocate General shall dismiss the charges.

22 “(B) If the Judge Advocate General sets aside findings
23 and orders a rehearing and the convening authority deter-
24 mines that a rehearing would be impractical, the convening
25 authority shall dismiss the charges.”.

1 **SEC. 6810. COURTS OF CRIMINAL APPEALS.**

2 (a) *APPELLATE MILITARY JUDGES.*—Subsection (a) of
3 section 866 of chapter 47 of title 10, United States Code
4 (article 66 of the Uniform Code of Military Justice), is
5 amended—

6 (1) in the second sentence, by striking “sub-
7 section (f)” and inserting “subsection (g)”;

8 (2) in the fourth sentence, by inserting after
9 “highest court of a State” the following: “and must
10 be certified by the Judge Advocate General as quali-
11 fied, by reason of education, training, experience, and
12 judicial temperament, for duty as an appellate mili-
13 tary judge”; and

14 (3) by adding at the end the following new sen-
15 tence: “In accordance with regulations prescribed by
16 the President, assignments of appellate military
17 judges under this section (article) shall be for appro-
18 priate minimum periods, subject to such exceptions as
19 may be authorized in the regulations.”.

20 (b) *REVISION OF APPELLATE PROCEDURES.*—Such
21 section (article) is further amended—

22 (1) by redesignating subsections (e), (f), (g), and
23 (h) as subsections (f), (g), (h), and (i), respectively;
24 and

25 (2) by striking subsections (b), (c), and (d) and
26 inserting the following new subsections:

1 “(b) *REVIEW.*—(1) *The Judge Advocate General shall*
2 *refer to a Court of Criminal Appeals the record in any of*
3 *the following cases of trial by court-martial:*

4 “(A) *A case in which the judgment entered into*
5 *the record under section 860c of this title (article 60c)*
6 *includes a sentence of death, dismissal of a commis-*
7 *sioned officer, cadet, or midshipman, dishonorable or*
8 *bad-conduct discharge, or confinement for more than*
9 *six months.*

10 “(B) *A case in which the Government previously*
11 *filed an appeal under sections 856(d) or 862 of this*
12 *title (articles 56(d) or 62).*

13 “(C) *A case in which the right to appellate re-*
14 *view has not been waived or an appeal has not been*
15 *withdrawn under section 861 of this title (article 61),*
16 *except in the case of a sentence extending to death.*

17 “(2) *A Court of Criminal Appeals shall have jurisdic-*
18 *tion to review the judgment of a court-martial, entered into*
19 *the record under section 860c of this title (article 60c), in*
20 *a case in which the accused filed an application for review*
21 *with the Court under section 869(d)(1)(B) of this title (arti-*
22 *cle 69(d)(1)(B)) and the application has been granted by*
23 *the Court.*

24 “(c) *DUTIES.*—(1) *In a case referred to it, the Court*
25 *of Criminal Appeals may act only with respect to the find-*

1 *ings and sentence as entered into the record under section*
2 *860c of this title (article 60c). It may affirm only such find-*
3 *ings of guilty, and the sentence or such part or amount*
4 *of the sentence, as it finds correct in law and fact and deter-*
5 *mines, on the basis of the entire record, should be approved.*
6 *In considering the record, it may weigh the evidence, judge*
7 *the credibility of witnesses, and determine controverted*
8 *questions of fact, recognizing that the trial court saw and*
9 *heard the witnesses.*

10 “(2) *In any case before the Court of Criminal Appeals*
11 *under paragraph (1) or (2) of subsection (b), the Court may*
12 *provide appropriate relief if the accused demonstrates error*
13 *or excessive delay in the processing of the court-martial*
14 *after the judgment was entered into the record under section*
15 *860c of this title (article 60c).*

16 “(3) *In review of a sentence to death or to life in prison*
17 *without eligibility for parole determined by the members*
18 *in a capital case under section 853 of this title (article 53),*
19 *the Court of Criminal Appeals must consider whether the*
20 *sentence is otherwise appropriate, under rules prescribed by*
21 *the President.*

22 “(4) *If the Court of Criminal Appeals sets aside the*
23 *findings and sentence, it may, except where the setting aside*
24 *is based on lack of sufficient evidence in the record to sup-*
25 *port the findings, order a rehearing. If it sets aside the find-*

1 *ings and sentence and does not order a rehearing, it shall*
2 *order that the charges be dismissed.*

3 “(d) *CONSIDERATION OF APPEAL OF SENTENCE BY*
4 *THE UNITED STATES.—(1) In considering a sentence on*
5 *appeal, other than as provided in section 856(d) of this title*
6 *(article 56(d)), the Court of Criminal Appeals may con-*
7 *sider—*

8 “(A) *whether the sentence violates the law; and*

9 “(B) *whether the sentence is plainly unreason-*
10 *able.*

11 “(2) *In an appeal under section 856(d) of this title*
12 *(article 56(d)), the record on appeal shall consist of—*

13 “(A) *any portion of the record in the case that*
14 *is designated as pertinent by either of the parties;*

15 “(B) *the information submitted during the sen-*
16 *tencing proceeding; and*

17 “(C) *any information required by rule or order*
18 *of the Court of Criminal Appeals.*

19 “(e) *LIMITS OF AUTHORITY.—(1)(A) If the Court of*
20 *Criminal Appeals sets aside the findings, the Court—*

21 “(i) *may affirm any lesser included offense;*

22 *and*

23 “(ii) *may, except when prohibited by sec-*
24 *tion 844 of this title (article 44), order a rehear-*
25 *ing.*

1 “(B) If the Court of Criminal Appeals orders a rehear-
2 ing on a charge and the convening authority finds a rehear-
3 ing impracticable, the convening authority may dismiss the
4 charge.

5 “(C) If the Court of Criminal Appeals sets aside the
6 findings and does not order a rehearing, the Court shall
7 order that the charges be dismissed.

8 “(2) If the Court of Criminal Appeals sets aside the
9 sentence, the Court may—

10 “(A) modify the sentence to a lesser sentence; or

11 “(B) order a rehearing.

12 “(3) If the Court determines that additional pro-
13 ceedings are warranted, the Court may order a hearing as
14 may be necessary to address a substantial issue, subject to
15 such limitations as the Court may direct and under such
16 regulations as the President may prescribe.”.

17 (c) ACTION WHEN REHEARING IMPRACTICABLE AFTER
18 REHEARING ORDER.—Subsection (f) of such section (arti-
19 cle), as redesignated by subsection (b)(1), is amended—

20 (1) in the first sentence, by striking “convening
21 authority” and inserting “appropriate authority”;
22 and

23 (2) by striking the last sentence.

24 (d) ELIGIBILITY TO REVIEW THE RECORD.—Sub-
25 section (i) of such section (article), as redesignated by sub-

1 *section (b)(1), is amended by striking “an investigating of-*
2 *ficer” and inserting “an investigating or a preliminary*
3 *hearing officer”.*

4 *(e) SECTION HEADING.—The heading for such section*
5 *(article) is amended to read as follows:*

6 **“§ 866. Art. 66. Courts of Criminal Appeals”.**

7 **SEC. 6811. REVIEW BY COURT OF APPEALS FOR THE ARMED**
8 **FORCES.**

9 *(a) JAG NOTIFICATION.—Subsection (a)(2) of section*
10 *867 of title 10, United States Code (article 67 of the Uni-*
11 *form Code of Military Justice), is amended by inserting*
12 *after “the Judge Advocate General” the following: “, after*
13 *appropriate notification to the other Judge Advocates Gen-*
14 *eral and to the Staff Judge Advocate to the Commandant*
15 *of the Marine Corps,”.*

16 *(b) BASIS FOR REVIEW.—Subsection (c) of such section*
17 *(article) is amended—*

18 *(1) by inserting “(1)” after “(c)”;*

19 *(2) by designating the second sentence as para-*
20 *graph (2);*

21 *(3) by designating the third sentence as para-*
22 *graph (3);*

23 *(4) by designating the fourth sentence as para-*
24 *graph (4); and*

1 (5) *in paragraph (1), as designated by para-*
2 *graph (1) of this subsection, by striking “only with*
3 *respect to” and all that follows through the end of the*
4 *sentence and inserting the following:*

5 “(1) *“only with respect to—*

6 *“(A) the findings and sentence set forth in*
7 *the entry of judgment, as affirmed or set aside*
8 *as incorrect in law by the Court of Criminal Ap-*
9 *peals; or*

10 *“(B) a decision, judgment, or order by a*
11 *military judge, as affirmed or set aside as incor-*
12 *rect in law by the Court of Criminal Appeals.”.*

13 **SEC. 6812. SUPREME COURT REVIEW.**

14 *The second sentence of subsection (a) of section 867a*
15 *of title 10, United States Code (article 67a of the Uniform*
16 *Code of Military Justice), is amended by inserting before*
17 *“Court of Appeals” the following: “United States”.*

18 **SEC. 6813. REVIEW BY JUDGE ADVOCATE GENERAL.**

19 *Section 869 of title 10, United States Code (article 69*
20 *of the Uniform Code of Military Justice), is amended to*
21 *read as follows:*

22 **“§ 869. Art. 69. Review by Judge Advocate General**

23 *“(a) IN GENERAL.—Upon application by the accused*
24 *and subject to subsections (b), (c), and (d), the Judge Advo-*
25 *cate General may modify or set aside, in whole or in part,*

1 *the findings and sentence in a court-martial that is not*
2 *reviewed under section 866 of this title (article 66).*

3 “(b) *TIMING.*—*To qualify for consideration, an appli-*
4 *cation under subsection (a) must be submitted to the Judge*
5 *Advocate General not later than one year after the date of*
6 *completion of review under section 864 or 865 of this title*
7 *(article 64 or 65), as the case may be. The Judge Advocate*
8 *General may, for good cause shown, extend the period for*
9 *submission of an application, but may not consider an ap-*
10 *plication submitted more than three years after such com-*
11 *pletion date.*

12 “(c) *SCOPE.*—(1)(A) *In a case reviewed under section*
13 *864 or section 865(b) of this title (article 64 or 65(b)), the*
14 *Judge Advocate General may set aside the findings or sen-*
15 *tence, in whole or in part on the grounds of newly discov-*
16 *ered evidence, fraud on the court, lack of jurisdiction over*
17 *the accused or the offense, error prejudicial to the substan-*
18 *tial rights of the accused, or the appropriateness of the sen-*
19 *tence.*

20 “(B) *In setting aside findings or sentence, the Judge*
21 *Advocate General may order a rehearing, except that a re-*
22 *hearing may not be ordered in violation of section 844 of*
23 *this title (Article 44).*

1 “(C) *If the Judge Advocate General sets aside findings*
2 *and sentence and does not order a rehearing, the Judge Ad-*
3 *vocate General shall dismiss the charges.*

4 “(D) *If the Judge Advocate General sets aside findings*
5 *and orders a rehearing and the convening authority deter-*
6 *mines that a rehearing would be impractical, the convening*
7 *authority shall dismiss the charges.*

8 “(2) *In a case reviewed under section 865(b) of this*
9 *title (article 65(b)), review under this section is limited to*
10 *the issue of whether the waiver or withdrawal of an appeal*
11 *was invalid under the law. If the Judge Advocate General*
12 *determines that the waiver or withdrawal of an appeal was*
13 *invalid, the Judge Advocate General shall order appropriate*
14 *corrective action under rules prescribed by the President.*

15 “(d) *COURT OF CRIMINAL APPEALS.—(1) A Court of*
16 *Criminal Appeals may review the action taken by the Judge*
17 *Advocate General under subsection (c)—*

18 “(A) *in a case sent to the Court of Criminal Ap-*
19 *peals by order of the Judge Advocate General; or*

20 “(B) *in a case submitted to the Court of Crimi-*
21 *nal Appeals by the accused in an application for re-*
22 *view.*

23 “(2) *The Court of Criminal Appeals may grant an ap-*
24 *plication under paragraph (1)(B) only if—*

1 “(A) *the application demonstrates a substantial*
2 *basis for concluding that the action on review under*
3 *subsection (c) constituted prejudicial error; and*

4 “(B) *the application is filed not later than the*
5 *earlier of—*

6 “(i) *60 days after the date on which the ac-*
7 *cused is notified of the decision of the Judge Ad-*
8 *vocate General; or*

9 “(ii) *60 days after the date on which a copy*
10 *of the decision of the Judge Advocate General is*
11 *deposited in the United States mails for delivery*
12 *by first-class certified mail to the accused at an*
13 *address provided by the accused or, if no such*
14 *address has been provided by the accused, at the*
15 *latest address listed for the accused in his official*
16 *service record.*

17 “(3) *The submission of an application for review*
18 *under this subsection does not constitute a proceeding before*
19 *the Court of Criminal Appeals for purposes of section*
20 *870(c)(1) of this title (article 70(c)(1)).*

21 “(e) *Notwithstanding section 866 of this title (article*
22 *66), in any case reviewed by a Court of Criminal Appeals*
23 *under subsection (d), the Court may take action only with*
24 *respect to matters of law.”.*

1 **SEC. 6814. APPELLATE DEFENSE COUNSEL IN DEATH PEN-**
2 **ALTY CASES.**

3 *Section 870 of title 10, United States Code (article 70*
4 *of the Uniform Code of Military Justice), is amended by*
5 *adding at the end the following new subsection:*

6 *“(f) To the greatest extent practicable, in any capital*
7 *case, at least one defense counsel under subsection (c) shall,*
8 *as determined by the Judge Advocate General, be learned*
9 *in the law applicable to such cases. If necessary, this counsel*
10 *may be a civilian and, if so, may be compensated in accord-*
11 *ance with regulations prescribed by the Secretary of De-*
12 *fense.”.*

13 **SEC. 6815. AUTHORITY FOR HEARING ON VACATION OF SUS-**
14 **PENSION OF SENTENCE TO BE CONDUCTED**
15 **BY QUALIFIED JUDGE ADVOCATE.**

16 *(a) IN GENERAL.—Subsection (a) of section 872 of title*
17 *10, United States Code (article 72) of the Uniform Code*
18 *of Military Justice), is amended by inserting after the first*
19 *sentence the following new sentence: “The special court-mar-*
20 *tial convening authority may detail a judge advocate, who*
21 *is certified under section 827(b) of this title (article 27(b)),*
22 *to conduct the hearing.”.*

23 *(b) TECHNICAL AMENDMENTS.—Such section (article)*
24 *is further amended—*

1 *after the date on which an executed part of a court-martial*
 2 *sentence is set aside.”.*

3 **SEC. 6818. LEAVE REQUIREMENTS PENDING REVIEW OF**
 4 **CERTAIN COURT-MARTIAL CONVICTIONS.**

5 *Section 876a of title 10, United States Code (article*
 6 *76a of the Uniform Code of Military Justice), is amended—*

7 *(1) in the first sentence, by striking “, as ap-*
 8 *proved under section 860 of this title (article 60),”;*
 9 *and*

10 *(2) in the second sentence, by striking “on which*
 11 *the sentence is approved under section 860 of this title*
 12 *(article 60)” and inserting “of the entry of judgment*
 13 *under section 860c of this title (article 60c)”.*

14 **TITLE LXIX—PUNITIVE**
 15 **ARTICLES**

16 **SEC. 6901. REORGANIZATION OF PUNITIVE ARTICLES.**

17 *Sections of subchapter X of chapter 47 of title 10,*
 18 *United States Code (articles of the Uniform Code of Mili-*
 19 *tary Justice), are transferred within subchapter X and re-*
 20 *designated as follows:*

21 *(1) ENLISTMENT AND SEPARATION.—Sections*
 22 *883 and 884 (articles 83 and 84) are transferred so*
 23 *as to appear (in that order) after section 904 (article*
 24 *104) and are redesignated as sections 904a and 904b*
 25 *(articles 104a and 104b), respectively.*

1 (2) *RESISTANCE, FLIGHT, BREACH OF ARREST,*
2 *AND ESCAPE.*—Section 895 (article 95) is transferred
3 so as to appear after section 887 (article 87) and is
4 redesignated as section 887a (article 87a).

5 (3) *NONCOMPLIANCE WITH PROCEDURAL*
6 *RULES.*—Section 898 (article 98) is transferred so as
7 to appear after section 931 (article 131) and is redesi-
8 gnated as section 931f (article 131f).

9 (4) *CAPTURED OR ABANDONED PROPERTY.*—Sec-
10 *tion 903 (article 103) is transferred so as to appear*
11 *after section 908 (article 108) and is redesignated as*
12 *section 908a (article 108a).*

13 (5) *AIDING THE ENEMY.*—Section 904 (article
14 104) is redesignated as section 903b (article 103b).

15 (6) *MISCONDUCT AS PRISONER.*—Section 905
16 (article 105) is transferred so as to appear after sec-
17 tion 897 (article 97) and is redesignated as section
18 898 (article 98).

19 (7) *SPIES; ESPIONAGE.*—Sections 906 and 906a
20 (articles 106 and 106a) are transferred so as to ap-
21 pear (in that order) after section 902 (article 102)
22 and are redesignated as sections 903 and 903a (arti-
23 cles 103 and 103a), respectively.

24 (8) *MISBEHAVIOR OF SENTINEL.*—Section 913
25 (article 113) is transferred so as to appear after sec-

1 *tion 894 (article 94) and is redesignated as section*
2 *895 (article 95).*

3 (9) *DRUNKEN OR RECKLESS OPERATION OF A*
4 *VEHICLE, AIRCRAFT, OR VESSEL.—Section 911 (arti-*
5 *cle 111) is transferred so as to appear after section*
6 *912a (article 912a) and is redesignated as section 913*
7 *(article 113).*

8 (10) *HOUSEBREAKING.—Section 930 (article*
9 *130) is redesignated as section 929a (article 129a).*

10 (11) *STALKING.—Section 920a (article 120a) is*
11 *transferred so as to appear after section 929a (article*
12 *129a), as redesignated by paragraph (10), and is re-*
13 *designated as section 930 (article 130).*

14 (12) *FORGERY.—Section 923 (article 123) is*
15 *transferred so as to appear after section 904b (article*
16 *104b), as transferred and redesignated by paragraph*
17 *(1), and is redesignated as section 905 (article 105).*

18 (13) *MAIMING.—Section 924 (article 124) is*
19 *transferred so as to appear after section 928 (article*
20 *128) and is redesignated as section 928a (article*
21 *128a).*

22 (14) *FRAUDS AGAINST THE UNITED STATES.—*
23 *Section 932 of (article 132) is transferred so as to ap-*
24 *pear after section 923a (article 123a) and is redesi-*
25 *gnated as section 924 (article 124).*

1 **SEC. 6902. CONVICTION OF OFFENSE CHARGED, LESSER IN-**
2 **CLUDED OFFENSES, AND ATTEMPTS.**

3 *Section 879 of title 10, United States Code (article 79*
4 *of the Uniform Code of Military Justice), is amended to*
5 *read as follows:*

6 **“§879. Art. 79. Conviction of offense charged, lesser**
7 ***included offenses, and attempts***

8 *“(a) IN GENERAL.—An accused may be found guilty*
9 *of any of the following:*

10 *“(1) The offense charged.*

11 *“(2) A lesser included offense.*

12 *“(3) An attempt to commit the offense charged.*

13 *“(4) An attempt to commit a lesser included of-*
14 *fense, if the attempt is an offense in its own right.*

15 *“(b) DEFINITION.—In this section (article), the term*
16 *‘lesser included offense’ means—*

17 *“(1) an offense that is necessarily included in the*
18 *offense charged; and*

19 *“(2) any lesser included offense so designated by*
20 *regulation prescribed by the President.*

21 *“(c) REGULATORY AUTHORITY.—Any designation of a*
22 *lesser included offense in a regulation referred to in sub-*
23 *section (b) shall be reasonably included in the greater of-*
24 *fense.”.*

1 **SEC. 6903. SOLICITING COMMISSION OF OFFENSES.**

2 *Section 882 of title 10, United States Code (article 82*
3 *of the Uniform Code of Military Justice), is amended to*
4 *read as follows:*

5 **“§ 882. Art. 82. Soliciting commission of offenses**

6 *“(a) SOLICITING COMMISSION OF OFFENSES GEN-*
7 *ERALLY.—Any person subject to this chapter who solicits*
8 *or advises another to commit an offense under this chapter*
9 *(other than an offense specified in subsection (b)) shall be*
10 *punished as a court-martial may direct.*

11 *“(b) SOLICITING DESERTION, MUTINY, SEDITION, OR*
12 *MISBEHAVIOR BEFORE THE ENEMY.—Any person subject*
13 *to this chapter who solicits or advises another to violate sec-*
14 *tion 885 of this title (article 85), section 894 of this title*
15 *(article 94), or section 899 of this title (article 99)—*

16 *“(1) if the offense solicited or advised is at-*
17 *tempted or is committed, shall be punished with the*
18 *punishment provided for the commission of the of-*
19 *fense; and*

20 *“(2) if the offense solicited or advised is not at-*
21 *tempted or committed, shall be punished as a court-*
22 *martial may direct.”.*

23 **SEC. 6904. MALINGERING.**

24 *Subchapter X of chapter 47 of title 10, United States*
25 *Code, is amended by inserting after section 882 (article 82*

1 *of the Uniform Code of Military Justice), as amended by*
2 *section 6903, the following new section (article):*

3 **“§ 883. Art. 83. Malingering**

4 *“Any person subject to this chapter who, with the in-*
5 *tent to avoid work, duty, or service—*

6 *“(1) feigns illness, physical disablement, mental*
7 *lapse, or mental derangement; or*

8 *“(2) intentionally inflicts self-injury;*
9 *shall be punished as a court-martial may direct.”.*

10 **SEC. 6905. BREACH OF MEDICAL QUARANTINE.**

11 *Subchapter X of chapter 47 of title 10, United States*
12 *Code, is amended by inserting after section 883 (article 83*
13 *of the Uniform Code of Military Justice), as added by sec-*
14 *tion 6904, the following new section (article):*

15 **“§ 884. Art. 84. Breach of medical quarantine**

16 *“Any person subject to this chapter—*

17 *“(1) who is ordered into medical quarantine by*
18 *a person authorized to issue such order; and*

19 *“(2) who, with knowledge of the quarantine and*
20 *the limits of the quarantine, goes beyond those limits*

21 *before being released from the quarantine by proper*
22 *authority;*

23 *shall be punished as a court-martial may direct.”.*

1 **SEC. 6906. MISSING MOVEMENT; JUMPING FROM VESSEL.**

2 *Section 887 of title 10, United States Code (article 87*
3 *of the Uniform Code of Military Justice), is amended to*
4 *read as follows:*

5 **“§ 887. Art. 87. Missing movement; jumping from ves-**
6 **sel**

7 “(a) *MISSING MOVEMENT.—Any person subject to this*
8 *chapter who, through neglect or design, misses the movement*
9 *of a ship, aircraft, or unit with which the person is required*
10 *in the course of duty to move shall be punished as a court-*
11 *martial may direct.*

12 “(b) *JUMPING FROM VESSEL INTO THE WATER.—Any*
13 *person subject to this chapter who wrongfully and inten-*
14 *tionally jumps into the water from a vessel in use by the*
15 *armed forces shall be punished as a court-martial may di-*
16 *rect.”.*

17 **SEC. 6907. OFFENSES AGAINST CORRECTIONAL CUSTODY**
18 **AND RESTRICTION.**

19 *Subchapter X of chapter 47 of title 10, United States*
20 *Code, is amended by inserting after section 887a (article*
21 *87a of the Uniform Code of Military Justice), as transferred*
22 *and redesignated by section 6901(2), the following new sec-*
23 *tion (article):*

1 **“§887b. Art. 87b. Offenses against correctional cus-**
2 **tody and restriction**

3 “(a) *ESCAPE FROM CORRECTIONAL CUSTODY.—Any*
4 *person subject to this chapter—*

5 “(1) *who is placed in correctional custody by a*
6 *person authorized to do so;*

7 “(2) *who, while in correctional custody, is under*
8 *physical restraint; and*

9 “(3) *who escapes from the physical restraint be-*
10 *fore being released from the physical restraint by*
11 *proper authority;*

12 *shall be punished as a court-martial may direct.*

13 “(b) *BREACH OF CORRECTIONAL CUSTODY.—Any per-*
14 *son subject to this chapter—*

15 “(1) *who is placed in correctional custody by a*
16 *person authorized to do so;*

17 “(2) *who, while in correctional custody, is under*
18 *restraint other than physical restraint; and*

19 “(3) *who goes beyond the limits of the restraint*
20 *before being released from the correctional custody or*
21 *relieved of the restraint by proper authority;*

22 *shall be punished as a court-martial may direct.*

23 “(c) *BREACH OF RESTRICTION.—Any person subject*
24 *to this chapter—*

25 “(1) *who is ordered to be restricted to certain*
26 *limits by a person authorized to do so; and*

1 “(2) *who, with knowledge of the limits of the re-*
2 *striction, goes beyond those limits before being re-*
3 *leased by proper authority;*
4 *shall be punished as a court-martial may direct.”.*

5 **SEC. 6908. DISRESPECT TOWARD SUPERIOR COMMISSIONED**
6 **OFFICER; ASSAULT OF SUPERIOR COMMIS-**
7 **SIONED OFFICER.**

8 *Section 889 of title 10, United States Code (article 89*
9 *of the Uniform Code of Military Justice), is amended to*
10 *read as follows:*

11 **“§ 889. Art. 89. Disrespect toward superior commis-**
12 **sioned officer; assault of superior commis-**
13 **sioned officer**

14 “(a) *DISRESPECT.—Any person subject to this chapter*
15 *who behaves with disrespect toward that person’s superior*
16 *commissioned officer shall be punished as a court-martial*
17 *may direct.*

18 “(b) *ASSAULT.—Any person subject to this chapter*
19 *who strikes that person’s superior commissioned officer or*
20 *draws or lifts up any weapon or offers any violence against*
21 *that officer while the officer is in the execution of the offi-*
22 *cer’s office shall be punished—*

23 “(1) *if the offense is committed in time of war,*
24 *by death or such other punishment as a court-martial*
25 *may direct; and*

1 “(2) if the offense is committed at any other
2 time, by such punishment, other than death, as a
3 court-martial may direct.”.

4 **SEC. 6909. WILLFULLY DISOBEYING SUPERIOR COMMIS-**
5 **SIONED OFFICER.**

6 Section 890 of title 10, United States Code (article 90
7 of the Uniform Code of Military Justice), is amended to
8 read as follows:

9 **“§ 890. Art. 90. Willfully disobeying superior commis-**
10 **sioned officer**

11 “Any person subject to this chapter who willfully dis-
12 obeys a lawful command of that person’s superior commis-
13 sioned officer shall be punished—

14 “(1) if the offense is committed in time of war,
15 by death or such other punishment as a court-martial
16 may direct; and

17 “(2) if the offense is committed at any other
18 time, by such punishment, other than death, as a
19 court-martial may direct.”.

20 **SEC. 6910. PROHIBITED ACTIVITIES WITH MILITARY RE-**
21 **CRUIT OR TRAINEE BY PERSON IN POSITION**
22 **OF SPECIAL TRUST.**

23 Subchapter X of chapter 47 of title 10, United States
24 Code, is amended by inserting after section 893 (article 93

1 *of the Uniform Code of Military Justice), the following new*
2 *section (article):*

3 **“§893a. Art. 93a. Prohibited activities with military**
4 ***recruit or trainee by person in position of***
5 ***special trust***

6 *“(a) ABUSE OF TRAINING LEADERSHIP POSITION.—*

7 *Any person subject to this chapter—*

8 *“(1) who is an officer, a noncommissioned offi-*
9 *cer, or a petty officer;*

10 *“(2) who is in a training leadership position*
11 *with respect to a specially protected junior member of*
12 *the armed forces; and*

13 *“(3) who engages in prohibited sexual activity*
14 *with such specially protected junior member of the*
15 *armed forces;*

16 *shall be punished as a court-martial may direct.*

17 *“(b) ABUSE OF POSITION AS MILITARY RECRUITER.—*

18 *Any person subject to this chapter—*

19 *“(1) who is a military recruiter and engages in*
20 *prohibited sexual activity with an applicant for mili-*
21 *tary service; or*

22 *“(2) who is a military recruiter and engages in*
23 *prohibited sexual activity with a specially protected*
24 *junior member of the armed forces who is enlisted*
25 *under a delayed entry program;*

1 *shall be punished as a court-martial may direct.*

2 “(c) *CONSENT.*—*Consent is not a defense for any con-*
3 *duct at issue in a prosecution under this section (article).*

4 “(d) *DEFINITIONS.*—*In this section (article):*

5 “(1) *SPECIALLY PROTECTED JUNIOR MEMBER OF*
6 *THE ARMED FORCES.*—*The term ‘specially protected*
7 *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 States*
10 *Military Academy, the United States Naval*
11 *Academy, the United States Air Force Academy,*
12 *and the United States Coast Guard Academy.*

13 “(3) *APPLICANT FOR MILITARY SERVICE.—The*
14 *term ‘applicant for military service’ means a person*
15 *who, under regulations prescribed by the Secretary*
16 *concerned, is an applicant for original enlistment or*
17 *appointment in the armed forces.*

18 “(4) *MILITARY RECRUITER.—The term ‘military*
19 *recruiter’ means a person who, under regulations pre-*
20 *scribed by the Secretary concerned, has the primary*
21 *duty to recruit persons for military service.*

22 “(5) *PROHIBITED SEXUAL ACTIVITY.—The term*
23 *‘prohibited sexual activity’ means, as specified in reg-*
24 *ulations prescribed by the Secretary concerned, inap-*

1 *appropriate physical intimacy under circumstances de-*
2 *scribed in such regulations.”.*

3 **SEC. 6911. OFFENSES BY SENTINEL OR LOOKOUT.**

4 *Section 895 of title 10, United States Code (article 95*
5 *of the Uniform Code of Military Justice), as transferred and*
6 *redesignated by section 6901(8), is amended to read as fol-*
7 *lows:*

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 lookout*
11 *who is drunk on post, who sleeps on post, or who leaves*
12 *post before being regularly relieved, shall be punished—*

13 *“(1) if the offense is committed in time of war,*
14 *by death or such other punishment as a court-martial*
15 *may direct; and*

16 *“(2) if the offense is committed other than in*
17 *time of war, by such punishment, other than death,*
18 *as a court-martial may direct.*

19 *“(b) LOITERING OR WRONGFULLY SITTING ON*
20 *POST.—Any sentinel or lookout who loiters or wrongfully*
21 *sits down on post shall be punished as a court-martial may*
22 *direct.”.*

23 **SEC. 6912. DISRESPECT TOWARD SENTINEL OR LOOKOUT.**

24 *Subchapter X of chapter 47 of title 10, United States*
25 *Code, is amended by inserting after section 895 (article 95*

1 of the Uniform Code of Military Justice), as amended by
2 section 6911, the following new section (article):

3 **“§895a. Art. 95a. Disrespect toward sentinel or look-**
4 **out**

5 “(a) *DISRESPECTFUL LANGUAGE TOWARD SENTINEL*
6 *OR LOOKOUT.*—Any person subject to this chapter who,
7 knowing that another person is a sentinel or lookout, uses
8 wrongful and disrespectful language that is directed toward
9 and within the hearing of the sentinel or lookout, who is
10 in the execution of duties as a sentinel or lookout, shall be
11 punished as a court-martial may direct.

12 “(b) *DISRESPECTFUL BEHAVIOR TOWARD SENTINEL*
13 *OR LOOKOUT.*—Any person subject to this chapter who,
14 knowing that another person is a sentinel or lookout, be-
15 haves in a wrongful and disrespectful manner that is di-
16 rected toward and within the sight of the sentinel or lookout,
17 who is in the execution of duties as a sentinel or lookout,
18 shall be punished as a court-martial may direct.”.

19 **SEC. 6913. RELEASE OF PRISONER WITHOUT AUTHORITY;**
20 **DRINKING WITH PRISONER.**

21 Section 896 of title 10, United States Code (article 96
22 of the Uniform Code of Military Justice), is amended to
23 read as follows:

1 **“§ 896. Art. 96. Release of prisoner without authority;**
2 ***drinking with prisoner***

3 “(a) *RELEASE OF PRISONER WITHOUT AUTHORITY.—*

4 *Any person subject to this chapter—*

5 “(1) *who, without authority to do so, releases a*
6 *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 with*
11 *the law.*

12 “(b) *DRINKING WITH PRISONER.—Any person subject*
13 *to this chapter who unlawfully drinks any alcoholic bev-*
14 *erage with a prisoner shall be punished as a court-martial*
15 *may direct.”.*

16 **SEC. 6914. PENALTY FOR ACTING AS A SPY.**

17 *Section 903 of title 10, United States Code (article 103*
18 *of the Uniform Code of Military Justice), as transferred and*
19 *redesignated by section 6901(7), is amended by inserting*
20 *before the period at the end of the first sentence the fol-*
21 *lowing: “or such other punishment as a court-martial or*
22 *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*

1 103b of the Uniform Code of Military Justice), as redesignig-
2 nated by section 6901(5), the following new section (article):

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, obliterated,
7 or destroys a public record; or

8 “(2) takes a public record with the intent to
9 alter, conceal, remove, mutilate, obliterate, or destroy
10 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 105
15 of the Uniform Code of Military Justice), as transferred and
16 redesignated by section 6901(12), the following new section
17 (article):

18 **“§ 905a. Art. 105a. False or unauthorized pass offenses**

19 “(a) *WRONGFUL MAKING, ALTERING, ETC.*—Any per-
20 son subject to this chapter who, wrongfully and falsely,
21 makes, alters, counterfeits, or tampers with a military or
22 official pass, permit, discharge certificate, or identification
23 card shall be punished as a court-martial may direct.

24 “(b) *WRONGFUL SALE, ETC.*—Any person subject to
25 this chapter who wrongfully sells, gives, lends, or disposes

1 of a false or unauthorized military or official pass, permit,
 2 discharge certificate, or identification card, knowing that
 3 the pass, permit, discharge certificate, or identification card
 4 is false or unauthorized, shall be punished as a court-mar-
 5 tial may direct.

6 “(c) *WRONGFUL USE OR POSSESSION.*—Any person
 7 subject to this chapter who wrongfully uses or possesses a
 8 false or unauthorized military or official pass, permit, dis-
 9 charge certificate, or identification card, knowing that the
 10 pass, permit, discharge certificate, or identification card is
 11 false or unauthorized, shall be punished as a court-martial
 12 may direct.”.

13 **SEC. 6917. IMPERSONATION OFFENSES.**

14 Subchapter X of chapter 47 of title 10, United States
 15 Code, is amended by inserting after section 905a (article
 16 105a of the Uniform Code of Military Justice), as added
 17 by section 6916, the following new section (article):

18 **“§ 906. Art. 106. Impersonation of officer, noncommis-
 19 sioned or petty officer, or agent or official**

20 “(a) *IN GENERAL.*—Any person subject to this chapter
 21 who, wrongfully and willfully, impersonates—

22 “(1) an officer, a noncommissioned officer, or a
 23 petty officer;

24 “(2) an agent of superior authority of one of the
 25 armed forces; or

1 “(3) an official of a government;
2 shall be punished as a court-martial may direct.

3 “(b) *IMPERSONATION WITH INTENT TO DEFRAUD.*—
4 Any person subject to this chapter who, wrongfully, will-
5 fully, and with intent to defraud, impersonates any person
6 referred to in paragraph (1), (2), or (3) of subsection (a)
7 shall be punished as a court-martial may direct.

8 “(c) *IMPERSONATION OF GOVERNMENT OFFICIAL*
9 *WITHOUT INTENT TO DEFRAUD.*—Any person subject to
10 this chapter who, wrongfully, willfully, and without intent
11 to defraud, impersonates an official of a government by
12 committing an act that exercises or asserts the authority
13 of the office that the person claims to have shall be punished
14 as a court-martial may direct.”.

15 **SEC. 6918. INSIGNIA OFFENSES.**

16 Subchapter X of chapter 47 of title 10, United States
17 Code, is amended by inserting after section 906 (article 106
18 of the Uniform Code of Military Justice), as added by sec-
19 tion 6917, the following new section (article):

20 **“§906a. Art. 106a. Wearing unauthorized insignia,**
21 **decoration, badge, ribbon, device, or lapel**
22 **button**

23 “Any person subject to this chapter—

24 “(1) who is not authorized to wear an insignia,
25 decoration, badge, ribbon, device, or lapel button; and

1 “(2) *who wrongfully wears such insignia, decora-*
2 *tion, badge, ribbon, device, or lapel button upon the*
3 *person’s uniform or civilian clothing;*
4 *shall be punished as a court-martial may direct.”.*

5 **SEC. 6919. FALSE OFFICIAL STATEMENTS; FALSE SWEAR-**
6 **ING.**

7 *Section 907 of title 10, United States Code (article 107*
8 *of the Uniform Code of Military Justice), is amended to*
9 *read as follows:*

10 **“§907. Art. 107. False official statements; false swear-**
11 **ing**

12 “(a) *FALSE OFFICIAL STATEMENTS.—Any person sub-*
13 *ject to this chapter who, with intent to deceive—*

14 “(1) *signs any false record, return, regulation,*
15 *order, or other official document, knowing it to be*
16 *false; or*

17 “(2) *makes any other false official statement*
18 *knowing it to be false;*

19 *shall be punished as a court-martial may direct.*

20 “(b) *FALSE SWEARING.—Any person subject to this*
21 *chapter—*

22 “(1) *who takes an oath that—*

23 “(A) *is administered in a matter in which*
24 *such oath is required or authorized by law; and*

1 “(B) is administered by a person with au-
2 thority to do so; and
3 “(2) who, upon such oath, makes or subscribes to
4 a statement;
5 if the statement is false and at the time of taking the oath,
6 the person does not believe the statement to be true, shall
7 be punished as a court-martial may direct.”.

8 **SEC. 6920. PAROLE VIOLATION.**

9 Subchapter X of chapter 47 of title 10, United States
10 Code, is amended by inserting after section 907 (article 107
11 of the Uniform Code of Military Justice), as amended by
12 section 6919, the following new section (article):

13 **“§907a. Art. 107a. Parole violation**

14 “Any person subject to this chapter—

15 “(1) who, having been a prisoner as the result of
16 a court-martial conviction or other criminal pro-
17 ceeding, is on parole with conditions; and

18 “(2) who violates the conditions of parole;
19 shall be punished as a court-martial may direct.”.

20 **SEC. 6921. WRONGFUL TAKING, OPENING, ETC. OF MAIL**
21 **MATTER.**

22 Subchapter X of chapter 47 of title 10, United States
23 Code, is amended by inserting after section 909 (article 109
24 of the Uniform Code of Military Justice), the following new
25 section (article):

1 **“§909a. Art. 109a. Mail matter: wrongful taking,**
2 **opening, etc.**

3 “(a) *TAKING.*—Any person subject to this chapter who,
4 with the intent to obstruct the correspondence of, or to pry
5 into the business or secrets of, any person or organization,
6 wrongfully takes mail matter before the mail matter is de-
7 livered to or received by the addressee shall be punished as
8 a court-martial may direct.

9 “(b) *OPENING, SECRETING, DESTROYING, STEAL-*
10 *ING.*—Any person subject to this chapter who wrongfully
11 opens, secretes, destroys, or steals mail matter before the
12 mail matter is delivered to or received by the addressee shall
13 be punished as a court-martial may direct.”.

14 **SEC. 6922. IMPROPER HAZARDING OF VESSEL OR AIR-**
15 **CRAFT.**

16 Section 910 of title 10, United States Code (article 110
17 of the Uniform Code of Military Justice), is amended to
18 read as follows:

19 **“§910. Art. 110. Improper hazarding of vessel or air-**
20 **craft**

21 “(a) *WILLFUL AND WRONGFUL HAZARDING.*—Any
22 person subject to this chapter who, willfully and wrongfully,
23 hazards or suffers to be hazarded any vessel or aircraft of
24 the armed forces shall be punished by death or such other
25 punishment as a court-martial may direct.

1 “(b) *NEGLIGENT HAZARDING*.—Any person subject to
 2 *this chapter who negligently hazards or suffers to be haz-*
 3 *arded any vessel or aircraft of the armed forces shall be*
 4 *punished as a court-martial may direct.*”

5 **SEC. 6923. LEAVING SCENE OF VEHICLE ACCIDENT.**

6 *Subchapter X of chapter 47 of title 10, United States*
 7 *Code, is amended by inserting after section 910 (article 110*
 8 *of the Uniform Code of Military Justice), as amended by*
 9 *section 6922, the following new section (article):*

10 **“§911. Art. 111. Leaving scene of vehicle accident**

11 “(a) *DRIVER*.—Any person subject to this chapter—

12 “(1) *who is the driver of a vehicle that is in-*
 13 *olved in an accident that results in personal injury*
 14 *or property damage; and*

15 “(2) *who wrongfully leaves the scene of the acci-*
 16 *dent—*

17 “(A) *without providing assistance to an in-*
 18 *jured person; or*

19 “(B) *without providing personal identifica-*
 20 *tion to others involved in the accident or to ap-*
 21 *propriate authorities;*

22 *shall be punished as a court-martial may direct.*

23 “(b) *SENIOR PASSENGER*.—Any person subject to this
 24 *chapter—*

1 “(1) *who is a passenger in a vehicle that is in-*
 2 *involved in an accident that results in personal injury*
 3 *or property damage;*

4 “(2) *who is the superior commissioned or non-*
 5 *commissioned officer of the driver of the vehicle or is*
 6 *the commander of the vehicle; and*

7 “(3) *who wrongfully and unlawfully orders,*
 8 *causes, or permits the driver to leave the scene of the*
 9 *accident—*

10 “(A) *without providing assistance to an in-*
 11 *jured person; or*

12 “(B) *without providing personal identifica-*
 13 *tion to others involved in the accident or to ap-*
 14 *propriate authorities;*

15 *shall be punished as a court-martial may direct.”.*

16 **SEC. 6924. DRUNKENNESS AND OTHER INCAPACITATION**
 17 **OFFENSES.**

18 *Section 912 of title 10, United States Code (article 112*
 19 *of the Uniform Code of Military Justice), is amended to*
 20 *read as follows:*

21 **“§912. Art. 112. Drunkenness and other incapacita-**
 22 **tion offenses**

23 “(a) *DRUNK ON DUTY.—Any person subject to this*
 24 *chapter who is drunk on duty shall be punished as a court-*
 25 *martial may direct.*

1 “(b) *INCAPACITATION FOR DUTY FROM DRUNKENNESS*
2 *OR DRUG USE.*—Any person subject to this chapter who,
3 as a result of indulgence in any alcoholic beverage or any
4 drug, is incapacitated for the proper performance of duty
5 shall be punished as a court-martial may direct.

6 “(c) *DRUNK PRISONER.*—Any person subject to this
7 chapter who is a prisoner and, while in such status, is
8 drunk shall be punished as a court-martial may direct.”.

9 **SEC. 6925. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR**
10 **CONVICTION OF DRUNKEN OR RECKLESS OP-**
11 **ERATION OF VEHICLE, AIRCRAFT, OR VESSEL.**

12 Subsection (b)(3) of section 913 of title 10, United
13 States Code (article 113 of the Uniform Code of Military
14 Justice), as transferred and redesignated by section
15 6901(9), is amended—

16 (1) by striking “0.10 grams” both places it ap-
17 pears and inserting “0.08 grams”; and

18 (2) by adding at the end the following new sen-
19 tence: “The Secretary may by regulation prescribe
20 limits that are lower than the limits specified in the
21 preceding sentence, if such lower limits are based on
22 scientific developments, as reflected in Federal law of
23 general applicability.”.

1 **SEC. 6926. ENDANGERMENT OFFENSES.**

2 *Section 914 of title 10, United States Code (article 114*
3 *of the Uniform Code of Military Justice), is amended to*
4 *read as follows:*

5 **“§914. Art. 114. Endangerment offenses**

6 “(a) *RECKLESS ENDANGERMENT.*—*Any person subject*
7 *to this chapter who engages in conduct that—*

8 “(1) *is wrongful and reckless or is wanton; and*

9 “(2) *is likely to produce death or grievous bodily*
10 *harm to another person;*

11 *shall be punished as a court-martial may direct.*

12 “(b) *DUELING.*—*Any person subject to this chapter—*

13 “(1) *who fights or promotes, or is concerned in*
14 *or connives at fighting a duel; or*

15 “(2) *who, having knowledge of a challenge sent*
16 *or about to be sent, fails to report the facts promptly*
17 *to the proper authority;*

18 *shall be punished as a court-martial may direct.*

19 “(c) *FIREARM DISCHARGE, ENDANGERING HUMAN*
20 *LIFE.*—*Any person subject to this chapter who, willfully*
21 *and wrongly, discharges a firearm, under circumstances*
22 *such as to endanger human life shall be punished as a court-*
23 *martial may direct.*

24 “(d) *CARRYING CONCEALED WEAPON.*—*Any person*
25 *subject to this chapter who unlawfully carries a dangerous*

1 *weapon concealed on or about his person shall be punished*
2 *as a court-martial may direct.”.*

3 **SEC. 6927. COMMUNICATING THREATS.**

4 *Section 915 of title 10, United States Code (article 115*
5 *of the Uniform Code of Military Justice), is amended to*
6 *read as follows:*

7 **“§915. Art. 115. Communicating threats**

8 *“(a) COMMUNICATING THREATS GENERALLY.—Any*
9 *person subject to this chapter who wrongfully communicates*
10 *a threat to injure the person, property, or reputation of an-*
11 *other shall be punished as a court-martial may direct.*

12 *“(b) COMMUNICATING THREAT TO USE EXPLOSIVE,*
13 *ETC.—Any person subject to this chapter who wrongfully*
14 *communicates a threat to injure the person or property of*
15 *another by use of (1) an explosive, (2) a weapon of mass*
16 *destruction, (3) a biological or chemical agent, substance,*
17 *or weapon, or (4) a hazardous material, shall be punished*
18 *as a court-martial may direct.*

19 *“(c) COMMUNICATING FALSE THREAT CONCERNING*
20 *USE OF EXPLOSIVE, ETC.—Any person subject to this chap-*
21 *ter who maliciously communicates a false threat concerning*
22 *injury to the person or property of another by use of (1)*
23 *an explosive, (2) a weapon of mass destruction, (3) a bio-*
24 *logical or chemical agent, substance, or weapon, or (4) a*
25 *hazardous material, shall be punished as a court-martial*

1 *may direct. As used in the preceding sentence, the term*
2 *‘false threat’ means a threat that, at the time the threat*
3 *is communicated, is known to be false by the person commu-*
4 *nicating the threat.”.*

5 **SEC. 6928. TECHNICAL AMENDMENT RELATING TO MURDER.**

6 *Section 918(4) of title 10, United States Code (article*
7 *118(4) of the Uniform Code of Military Justice), is amend-*
8 *ed by striking “forcible sodomy,”.*

9 **SEC. 6929. CHILD ENDANGERMENT.**

10 *Subchapter X of chapter 47 of title 10, United States*
11 *Code, is amended by inserting after section 919a (article*
12 *119a of the Uniform Code of Military Justice), the following*
13 *new section (article):*

14 **“§919b. Art. 119b. Child endangerment**

15 *“Any person subject to this chapter—*

16 *“(1) who has a duty for the care of a child under*
17 *the age of 16 years; and*

18 *“(2) who, through design or culpable negligence,*
19 *endangers the child’s mental or physical health, safe-*
20 *ty, or welfare;*

21 *shall be punished as a court-martial may direct.”.*

22 **SEC. 6930. DEPOSIT OF OBSCENE MATTER IN THE MAIL.**

23 *Subchapter X of chapter 47 of title 10, United States*
24 *Code, is amended by inserting after section 920 (article 120*

1 *of the Uniform Code of Military Justice), the following new*
2 *section (article):*

3 **“§920a. Art. 120a. Mails: deposit of obscene matter**

4 *“Any person subject to this chapter who, wrongfully*
5 *and knowingly, deposits obscene matter for mailing and de-*
6 *livery shall be punished as a court-martial may direct.”.*

7 **SEC. 6931. FRAUDULENT USE OF CREDIT CARDS, DEBIT**
8 **CARDS, AND OTHER ACCESS DEVICES.**

9 *Subchapter X of chapter 47 of title 10, United States*
10 *Code, is amended by inserting after section 921 (article 121*
11 *of the Uniform Code of Military Justice), the following new*
12 *section (article):*

13 **“§921a. Art. 121a. Fraudulent use of credit cards,**
14 **debit cards, and other access devices**

15 *“(a) IN GENERAL.—Any person subject to this chapter*
16 *who, with intent to defraud, uses—*

17 *“(1) a stolen credit card, debit card, or other ac-*
18 *cess device;*

19 *“(2) a revoked, cancelled, or otherwise invalid*
20 *credit card, debit card, or other access device; or*

21 *“(3) a credit card, debit card, or other access de-*
22 *vice without the authorization of a person whose au-*
23 *thorization is required for such use;*

24 *to obtain money, property, services, or anything else of*
25 *value shall be punished as a court-martial may direct.*

1 “(b) *DEFINITION.*—*In this section (article), the term*
2 *‘access device’ has the meaning given that term in section*
3 *1029 of title 18.*”.

4 **SEC. 6932. FALSE PRETENSES TO OBTAIN SERVICES.**

5 *Subchapter X of chapter 47 of title 10, United States*
6 *Code, is amended by inserting after section 921a (article*
7 *121a of the Uniform Code of Military Justice), as added*
8 *by section 6931, the following new section (article):*

9 **“§921b. Art. 121b. False pretenses to obtain services**

10 *“Any person subject to this chapter who, with intent*
11 *to defraud, knowingly uses false pretenses to obtain services*
12 *shall be punished as a court-martial may direct.”.*

13 **SEC. 6933. ROBBERY.**

14 *Section 922 of title 10, United States Code (article 122*
15 *of the Uniform Code of Military Justice), is amended to*
16 *read as follows:*

17 **“§922. Art. 122. Robbery**

18 *“Any person subject to this chapter who takes anything*
19 *of value from the person or in the presence of another,*
20 *against his will, by means of force or violence or fear of*
21 *immediate or future injury to his person or property or*
22 *to the person or property of a relative or member of his*
23 *family or of anyone in his company at the time of the rob-*
24 *bery, is guilty of robbery and shall be punished as a court-*
25 *martial may direct.”.*

1 **SEC. 6934. RECEIVING STOLEN PROPERTY.**

2 *Subchapter X of chapter 47 of title 10, United States*
3 *Code, is amended by inserting after section 922 (article 122*
4 *of the Uniform Code of Military Justice), as amended by*
5 *section 6933, the following new section (article):*

6 **“§922a. Art. 122a. Receiving stolen property**

7 *“Any person subject to this chapter who wrongfully re-*
8 *ceives, buys, or conceals stolen property, knowing the prop-*
9 *erty to be stolen property, shall be punished as a court-*
10 *martial may direct.”.*

11 **SEC. 6935. OFFENSES CONCERNING GOVERNMENT COM-**
12 **PUTERS.**

13 *Subchapter X of chapter 47 of title 10, United States*
14 *Code, is amended by inserting after section 922a (article*
15 *122a of the Uniform Code of Military Justice), as added*
16 *by section 6934, the following new section (article):*

17 **“§923. Art. 123. Offenses concerning government com-**
18 **puters**

19 *“(a) IN GENERAL.—Any person subject to this chapter*
20 *who—*

21 *“(1) knowingly accesses a Government computer,*
22 *with an unauthorized purpose, and by doing so ob-*
23 *tains classified information, with reason to believe*
24 *such information could be used to the injury of the*
25 *United States, or to the advantage of any foreign na-*
26 *tion, and intentionally communicates, delivers, trans-*

1 mits, or causes to be communicated, delivered, or
2 transmitted such information to any person not enti-
3 tled to receive it;

4 “(2) intentionally accesses a Government com-
5 puter, with an unauthorized purpose, and thereby ob-
6 tains classified or other protected information from
7 any such Government computer; or

8 “(3) knowingly causes the transmission of a pro-
9 gram, information, code, or command, and as a result
10 of such conduct, intentionally causes damage without
11 authorization, to a Government computer;
12 shall be punished as a court-martial may direct.

13 “(b) *DEFINITIONS.*—*In this section:*

14 “(1) The term ‘computer’ has the meaning given
15 that term in section 1030 of title 18.

16 “(2) The term ‘Government computer’ means a
17 computer owned or operated by or on behalf of the
18 United States Government.

19 “(3) The term ‘damage’ has the meaning given
20 that term in section 1030 of title 18.”.

21 **SEC. 6936. BRIBERY.**

22 Subchapter X of chapter 47 of title 10, United States
23 Code, is amended by inserting after section 924 (article 124
24 of the Uniform Code of Military Justice), as transferred and

1 *redesignated by section 6901(14), the following new section*
2 *(article):*

3 **“§ 924a. Art. 124a. Bribery**

4 *“(a) ASKING, ACCEPTING, OR RECEIVING THING OF*
5 *VALUE.—Any person subject to this chapter—*

6 *“(1) who occupies an official position or who has*
7 *official duties; and*

8 *“(2) who wrongfully asks, accepts, or receives a*
9 *thing of value with the intent to have the person’s de-*
10 *cision or action influenced with respect to an official*
11 *matter in which the United States is interested;*

12 *shall be punished as a court-martial may direct.*

13 *“(b) PROMISING, OFFERING, OR GIVING THING OF*
14 *VALUE.—Any person subject to this chapter who wrongfully*
15 *promises, offers, or gives a thing of value to another person,*
16 *who occupies an official position or who has official duties,*
17 *with the intent to influence the decision or action of the*
18 *other person with respect to an official matter in which the*
19 *United States is interested, shall be punished as a court-*
20 *martial may direct.”.*

21 **SEC. 6937. GRAFT.**

22 *Subchapter X of chapter 47 of title 10, United States*
23 *Code, is amended by inserting after section 924a (article*
24 *124a of the Uniform Code of Military Justice), as added*
25 *by section 6936, the following new section (article):*

1 **“§ 924b. Art. 124b. Graft**

2 “(a) *ASKING, ACCEPTING, OR RECEIVING THING OF*
3 *VALUE.—Any person subject to this chapter—*

4 “(1) *who occupies an official position or who has*
5 *official duties; and*

6 “(2) *who wrongfully asks, accepts, or receives a*
7 *thing of value as compensation for or in recognition*
8 *of services rendered or to be rendered by the person*
9 *with respect to an official matter in which the United*
10 *States is interested;*

11 *shall be punished as a court-martial may direct.*

12 “(b) *PROMISING, OFFERING, OR GIVING THING OF*
13 *VALUE.—Any person subject to this chapter who wrongfully*
14 *promises, offers, or gives a thing of value to another person,*
15 *who occupies an official position or who has official duties,*
16 *as compensation for or in recognition of services rendered*
17 *or to be rendered by the other person with respect to an*
18 *official matter in which the United States is interested,*
19 *shall be punished as a court-martial may direct.”.*

20 **SEC. 6938. KIDNAPPING.**

21 *Section 925 of title 10, United States Code (article 125*
22 *of the Uniform Code of Military Justice), is amended to*
23 *read as follows:*

24 **“§ 925. Art. 125. Kidnapping**

25 “*Any person subject to this chapter who wrongfully—*

1 “(1) seizes, confines, inveigles, decoys, or carries
2 away another person; and

3 “(2) holds the other person against that person’s
4 will;
5 shall be punished as a court-martial may direct.”.

6 **SEC. 6939. ARSON; BURNING PROPERTY WITH INTENT TO**
7 **DEFRAUD.**

8 Section 926 of title 10, United States Code (article 126
9 of the Uniform Code of Military Justice), is amended to
10 read as follows:

11 **“§926. Art. 126. Arson; burning property with intent**
12 **to defraud**

13 “(a) *AGGRAVATED ARSON.*—Any person subject to this
14 chapter who, willfully and maliciously, burns or sets on fire
15 an inhabited dwelling, or any other structure, movable or
16 immovable, wherein, to the knowledge of that person, there
17 is at the time a human being, is guilty of aggravated arson
18 and shall be punished as a court-martial may direct.

19 “(b) *SIMPLE ARSON.*—Any person subject to this chap-
20 ter who, willfully and maliciously, burns or sets fire to the
21 property of another is guilty of simple arson and shall be
22 punished as a court-martial may direct.

23 “(c) *BURNING PROPERTY WITH INTENT TO DE-*
24 *FRAUD.*—Any person subject to this chapter who, willfully,
25 maliciously, and with intent to defraud, burns or sets fire

1 *to any property shall be punished as a court-martial may*
2 *direct.”.*

3 **SEC. 6940. ASSAULT.**

4 *Section 928 of title 10, United States Code (article 128*
5 *of the Uniform Code of Military Justice), is amended to*
6 *read as follows:*

7 **“§928. Art. 128. Assault**

8 *“(a) ASSAULT.—Any person subject to this chapter*
9 *who, unlawfully and with force or violence—*

10 *“(1) attempts to do bodily harm to another per-*
11 *son;*

12 *“(2) offers to do bodily harm to another person;*
13 *or*

14 *“(3) does bodily harm to another person;*
15 *is guilty of assault and shall be punished as a court-martial*
16 *may direct.*

17 *“(b) AGGRAVATED ASSAULT.—Any person subject to*
18 *this chapter—*

19 *“(1) who, with the intent to do bodily harm, of-*
20 *fers to do bodily harm with a dangerous weapon; or*

21 *“(2) who, in committing an assault, inflicts sub-*
22 *stantial bodily harm, or grievous bodily harm on an-*
23 *other person;*

24 *is guilty of aggravated assault and shall be punished as*
25 *a court-martial may direct.*

1 “(c) *ASSAULT WITH INTENT TO COMMIT SPECIFIED*
2 *OFFENSES.*—

3 “(1) *IN GENERAL.*—*Any person subject to this*
4 *chapter who commits assault with intent to commit*
5 *an offense specified in paragraph (2) shall be pun-*
6 *ished as a court-martial may direct.*

7 “(2) *OFFENSES SPECIFIED.*—*The offenses re-*
8 *ferred to in paragraph (1) are murder, voluntary*
9 *manslaughter, rape, sexual assault, rape of a child,*
10 *sexual assault of a child, robbery, arson, burglary,*
11 *and kidnapping.”.*

12 **SEC. 6941. BURGLARY AND UNLAWFUL ENTRY.**

13 *Section 929 of title 10, United States Code (article 129*
14 *of the Uniform Code of Military Justice), and section 929a*
15 *of such title (article 129a), as redesignated by section*
16 *6901(10), are amended to read as follows:*

17 **“§ 929. Art. 129. Burglary; unlawful entry**

18 “(a) *BURGLARY.*—*Any person subject to this chapter*
19 *who, with intent to commit an offense under this chapter,*
20 *breaks and enters the building or structure of another shall*
21 *be punished as a court-martial may direct.*

22 “(b) *UNLAWFUL ENTRY.*—*Any person subject to this*
23 *chapter who unlawfully enters—*

24 “(1) *the real property of another; or*

1 “(2) *the personal property of another which*
2 *amounts to a structure usually used for habitation or*
3 *storage;*
4 *shall be punished as a court-martial may direct.”.*

5 **SEC. 6942. STALKING.**

6 *Section 930 of title 10, United States Code (article 130*
7 *of the Uniform Code of Military Justice), as transferred and*
8 *redesignated by section 6901(11), is amended to read as fol-*
9 *lows:*

10 **“§930. Art. 130. Stalking**

11 “(a) *IN GENERAL.—Any person subject to this chap-*
12 *ter—*

13 “(1) *who wrongfully engages in a course of con-*
14 *duct directed at a specific person that would cause a*
15 *reasonable person to fear death or bodily harm, in-*
16 *cluding sexual assault, to himself or herself, to a*
17 *member of his or her immediate family, or to his or*
18 *her intimate partner;*

19 “(2) *who has knowledge, or should have knowl-*
20 *edge, that the specific person will be placed in reason-*
21 *able fear of death or bodily harm, including sexual*
22 *assault, to himself or herself, to a member of his or*
23 *her immediate family, or to his or her intimate part-*
24 *ner; and*

1 “(3) *whose conduct induces reasonable fear in*
2 *the specific person of death or bodily harm, including*
3 *sexual assault, to himself or herself, to a member of*
4 *his or her immediate family, or to his or her intimate*
5 *partner;*
6 *is guilty of stalking and shall be punished as a court-mar-*
7 *tial may direct.*

8 “(b) *DEFINITIONS.—In this section:*

9 “(1) *The term ‘conduct’ means conduct of any*
10 *kind, including use of surveillance, the mails, an*
11 *interactive computer service, an electronic commu-*
12 *nication service, or an electronic communication sys-*
13 *tem.*

14 “(2) *The term ‘course of conduct’ means—*

15 “(A) *a repeated maintenance of visual or*
16 *physical proximity to a specific person;*

17 “(B) *a repeated conveyance of verbal threat,*
18 *written threats, or threats implied by conduct, or*
19 *a combination of such threats, directed at or to-*
20 *ward a specific person; or*

21 “(C) *a pattern of conduct composed of re-*
22 *peated acts evidencing a continuity of purpose.*

23 “(3) *The term ‘repeated’, with respect to conduct,*
24 *means two or more occasions of such conduct.*

1 “(4) The term ‘immediate family’, in the case of
2 a specific person, means—

3 “(A) that person’s spouse, parent, brother or
4 sister, child, or other person to whom he or she
5 stands in loco parentis; or

6 “(B) any other person living in his or her
7 household and related to him or her by blood or
8 marriage.

9 “(5) The term ‘intimate partner’ in the case of
10 a specific person, means—

11 “(A) a former spouse of the specific person,
12 a person who shares a child in common with the
13 specific person, or a person who cohabits with or
14 has cohabited as a spouse with the specific per-
15 son; or

16 “(B) a person who has been in a social rela-
17 tionship of a romantic or intimate nature with
18 the specific person, as determined by the length
19 of the relationship, the type of relationship, and
20 the frequency of interaction between the persons
21 involved in the relationship.”.

22 **SEC. 6943. SUBORNATION OF PERJURY.**

23 Subchapter X of chapter 47 of title 10, United States
24 Code, is amended by inserting after section 931 (article 131

1 *of the Uniform Code of Military Justice), the following new*
2 *section (article):*

3 **“§931a. Art. 131a. Subornation of perjury**

4 *“(a) IN GENERAL.—Any person subject to this chapter*
5 *who induces and procures another person—*

6 *“(1) to take an oath; and*

7 *“(2) to falsely testify, depose, or state upon such*
8 *oath;*

9 *shall, if the conditions specified in subsection (b) are satis-*
10 *fied, be punished as a court-martial may direct.*

11 *“(b) CONDITIONS.—The conditions referred to in sub-*
12 *section (a) are the following:*

13 *“(1) The oath is administered with respect to a*
14 *matter for which such oath is required or authorized*
15 *by law.*

16 *“(2) The oath is administered by a person hav-*
17 *ing authority to do so.*

18 *“(3) Upon the oath, the other person willfully*
19 *makes or subscribes a statement.*

20 *“(4) The statement is material.*

21 *“(5) The statement is false.*

22 *“(6) When the statement is made or subscribed,*
23 *the person subject to this chapter and the other person*
24 *do not believe that the statement is true.”.*

1 **SEC. 6944. OBSTRUCTING JUSTICE.**

2 *Subchapter X of chapter 47 of title 10, United States*
3 *Code, is amended by inserting after section 931a (article*
4 *131a of the Uniform Code of Military Justice), as added*
5 *by section 6943, the following new section (article):*

6 **“§931b. Art. 131b. Obstructing justice**

7 *“Any person subject to this chapter who engages in*
8 *conduct in the case of a certain person against whom the*
9 *accused had reason to believe there were or would be crimi-*
10 *nal or disciplinary proceedings pending, with intent to in-*
11 *fluence, impede, or otherwise obstruct the due administra-*
12 *tion of justice shall be punished as a court-martial may*
13 *direct.”.*

14 **SEC. 6945. MISPRISION OF SERIOUS OFFENSE.**

15 *Subchapter X of chapter 47 of title 10, United States*
16 *Code, is amended by inserting after section 931b (article*
17 *131b of the Uniform Code of Military Justice), as added*
18 *by section 6944, the following new section (article):*

19 **“§931c. Art. 131c. Misprision of serious offense**

20 *“Any person subject to this chapter—*

21 *“(1) who knows that another person has com-*
22 *mitted a serious offense; and*

23 *“(2) wrongfully conceals the commission of the*
24 *offense and fails to make the commission of the offense*
25 *known to civilian or military authorities as soon as*
26 *possible;*

1 *shall be punished as a court-martial may direct.”.*

2 **SEC. 6946. WRONGFUL REFUSAL TO TESTIFY.**

3 *Subchapter X of chapter 47 of title 10, United States*
4 *Code, is amended by inserting after section 931c (article*
5 *131c of the Uniform Code of Military Justice), as added*
6 *by section 6945, the following new section (article):*

7 **“§931d. Art. 131d. Wrongful refusal to testify**

8 *“Any person subject to this chapter who, in the pres-*
9 *ence of a court-martial, a board of officers, a military com-*
10 *mission, a court of inquiry, preliminary hearing, or an offi-*
11 *cer taking a deposition, of or for the United States, wrong-*
12 *fully refuses to qualify as a witness or to answer a question*
13 *after having been directed to do so by the person presiding*
14 *shall be punished as a court-martial may direct.”.*

15 **SEC. 6947. PREVENTION OF AUTHORIZED SEIZURE OF**
16 **PROPERTY.**

17 *Subchapter X of chapter 47 of title 10, United States*
18 *Code, is amended by inserting after section 931d (article*
19 *131d of the Uniform Code of Military Justice), as added*
20 *by section 6946, the following new section (article):*

21 **“§931e. Art. 131e. Prevention of authorized seizure of**
22 **property**

23 *“Any person subject to this chapter who, knowing that*
24 *one or more persons authorized to make searches and sei-*
25 *zures are seizing, are about to seize, or are endeavoring to*

1 *seize property, destroys, removes, or otherwise disposes of*
2 *the property with intent to prevent the seizure thereof shall*
3 *be punished as a court-martial may direct.”.*

4 **SEC. 6948. WRONGFUL INTERFERENCE WITH ADVERSE AD-**
5 **MINISTRATIVE PROCEEDING.**

6 *Subchapter X of chapter 47 of title 10, United States*
7 *Code, is amended by inserting after section 931f (article*
8 *131f of the Uniform Code of Military Justice), as trans-*
9 *ferred and redesignated by section 6901(3), the following*
10 *new section (article):*

11 **“§931g. Art. 131g. Wrongful interference with adverse**
12 **administrative proceeding**

13 *“Any person subject to this chapter who, having reason*
14 *to believe that an adverse administrative proceeding is*
15 *pending against any person subject to this chapter, wrong-*
16 *fully acts with the intent—*

17 *“(1) to influence, impede, or obstruct the conduct*
18 *of the proceeding; or*

19 *“(2) otherwise to obstruct the due administration*
20 *of justice;*

21 *shall be punished as a court-martial may direct.”.*

22 **SEC. 6949. RETALIATION.**

23 *Subchapter X of chapter 47 of title 10, United States*
24 *Code, is amended by inserting after section 931g (article*

1 131g of the Uniform Code of Military Justice), as added
2 by section 6948, the following new section (article):

3 **“§932. Art. 132. Retaliation**

4 “Any person subject to this chapter who, with the in-
5 tent to retaliate against any person for reporting or plan-
6 ning to report a criminal offense, or with the intent to dis-
7 courage any person from reporting a criminal offense—

8 “(1) wrongfully takes or threatens to take an ad-
9 verse personnel action against any person; or

10 “(2) wrongfully withholds or threatens to with-
11 hold a favorable personnel action with respect to any
12 person;

13 shall be punished as a court-martial may direct.”.

14 **SEC. 6950. EXTRATERRITORIAL APPLICATION OF CERTAIN**
15 **OFFENSES.**

16 Section 934 of title 10, United States Code (article 134
17 of the Uniform Code of Military Justice), is amended by
18 adding at the end the following new sentence: “As used in
19 the preceding sentence, the term ‘crimes and offenses not
20 capital’ includes any conduct engaged in outside the United
21 States, as defined in section 5 of title 18, that would con-
22 stitute a crime or offense not capital if the conduct had
23 been engaged in within the special maritime and territorial
24 jurisdiction of the United States, as defined in section 7
25 of title 18.”.

1 **SEC. 6951. TABLE OF SECTIONS.**

2 *The table of sections at the beginning of subchapter X*
 3 *of chapter 47 of title 10, United States Code, is amended*
 4 *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 officer,
 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 po-
 sition 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 sentences*
11 *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 Department*
16 *of Defense, or (C) with respect to the Coast Guard,*
17 *employed by the department in which the Coast*
18 *Guard is operating when it is not operating as a*
19 *service in the Navy, and”.*

20 **SEC. 7002. TECHNICAL AMENDMENT TO ARTICLE 136.**

21 *Section 936 of title 10, United States Code (article 136*
22 *of the Uniform Code of Military Justice), is amended by*
23 *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 137*
5 *of the Uniform Code of Military Justice), is amended—*

6 *(1) in subsection (a), by striking “(a)(1) The sec-*
7 *tions of this title (articles of the Uniform Code of*
8 *Military Justice)” and inserting “(a) ENLISTED*
9 *MEMBERS.—(1) The sections (articles) of this chapter*
10 *(the Uniform Code of Military Justice)”;*

11 *(2) by striking subsection (b); and*

12 *(3) by inserting after subsection (a) the following*
13 *new subsections:*

14 *“(b) OFFICERS.—(1) The sections (articles) of this*
15 *chapter (the Uniform Code of Military Justice) specified in*
16 *paragraph (2) shall be carefully explained to each officer*
17 *at the time of (or within six months after)—*

18 *“(A) the initial entrance of the officer on active*
19 *duty as an officer; or*

20 *“(B) the initial commissioning of the officer in*
21 *a reserve component.*

22 *“(2) This subsection applies with respect to the sections*
23 *(articles) specified in subsection (a)(3) and such other sec-*
24 *tions (articles) as the Secretary concerned may prescribe*
25 *by regulation.*

1 “(c) *TRAINING FOR CERTAIN OFFICERS.*—Under regu-
2 *lations prescribed by the Secretary concerned, officers with*
3 *the authority to convene courts-martial or to impose non-*
4 *judicial punishment shall receive periodic training regard-*
5 *ing the purposes and administration of this chapter. Under*
6 *regulations prescribed by the Secretary of Defense, officers*
7 *assigned to duty in a combatant command, who have such*
8 *authority, shall receive additional specialized training re-*
9 *garding the purposes and administration of this chapter.*

10 “(d) *AVAILABILITY AND MAINTENANCE OF TEXT.*—The
11 *text of this chapter (the Uniform Code of Military Justice)*
12 *and the text of the regulations prescribed by the President*
13 *under this chapter shall be—*

14 “(1) *made available to a member on active duty*
15 *or to a member of a reserve component, upon request*
16 *by the member, for the member’s personal examina-*
17 *tion; and*

18 “(2) *maintained by the Secretary of Defense in*
19 *electronic formats that are updated periodically and*
20 *made available on the Internet.”.*

21 **SEC. 7004. MILITARY JUSTICE CASE MANAGEMENT; DATA**
22 **COLLECTION AND ACCESSIBILITY.**

23 “(a) *IN GENERAL.*—Subchapter XI of chapter 47 of title
24 10, United States Code (the Uniform Code of Military Jus-

1 *tice), is amended by adding at the end the following new*
2 *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, includ-*
8 *ing pretrial, trial, post-trial, and appellate processes, using,*
9 *insofar as practicable, the best practices of Federal and*
10 *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 information,*
22 *filings, and records, taking into consideration restric-*
23 *tions appropriate to judicial proceedings and mili-*
24 *tary 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 ***TITLE LXXI—MILITARY JUSTICE***
12 ***REVIEW PANEL AND ANNUAL***
13 ***REPORTS***

14 ***SEC. 7101. MILITARY JUSTICE REVIEW PANEL.***

15 *Section 946 of title 10, United States Code (article 146*
16 *of the Uniform Code of Military Justice), is amended to*
17 *read as follows:*

18 ***“§ 946. Art. 146. Military Justice Review Panel***

19 *“(a) ESTABLISHMENT.—The Secretary of Defense shall*
20 *establish a panel to conduct independent periodic reviews*
21 *and assessments of the operation of this chapter. The panel*
22 *shall be known as the ‘Military Justice Review Panel’, in*
23 *this section referred to as the ‘Panel’.*

24 *“(b) MEMBERS.—(1) The Panel shall be composed of*
25 *thirteen members.*

1 “(2) *Each of the following shall select one member of*
2 *the Panel:*

3 “(A) *The Secretary of Defense (in consultation*
4 *with the Secretary of the department in which the*
5 *Coast Guard is operating when it is not operating as*
6 *a service in the Navy).*

7 “(B) *The Attorney General.*

8 “(C) *The Judge Advocates General of the Army,*
9 *Navy, Air Force, and Coast Guard, and the Staff*
10 *Judge Advocate to the Commandant of the Marine*
11 *Corps.*

12 “(3) *The Secretary of Defense shall select the remain-*
13 *ing members of the Panel, taking into consideration rec-*
14 *ommendations made by each of the following:*

15 “(A) *The chairman and ranking minority mem-*
16 *ber of the Committee on Armed Services of the Senate*
17 *and the Committee on Armed Services of the House*
18 *of Representatives.*

19 “(B) *The Chief Justice of the United States.*

20 “(C) *The Chief Judge of the United States Court*
21 *of Appeals for the Armed Forces.*

22 “(c) *QUALIFICATIONS OF MEMBERS.—The members of*
23 *the Panel shall be appointed from among private United*
24 *States citizens with expertise in criminal law, as well as*
25 *appropriate and diverse experience in investigation, pros-*

1 *ecution, defense, victim representation, or adjudication with*
2 *respect to courts-martial, Federal civilian courts, or State*
3 *courts.*

4 “(d) *CHAIR.*—*The Secretary of Defense shall select the*
5 *chair of the Panel from among the members.*

6 “(e) *TERM; VACANCIES.*—*Each member shall be ap-*
7 *pointed for a term of eight years, and no member may serve*
8 *more than one term. Any vacancy shall be filled in the same*
9 *manner as the original appointment.*

10 “(f) *REVIEWS AND REPORTS.*—

11 “(1) *INITIAL REVIEW OF RECENT AMENDMENTS*
12 *TO UCMJ.*—*During fiscal year 2020, the Panel shall*
13 *conduct an initial review and assessment of the im-*
14 *plementation of the amendments made to this chapter*
15 *during the preceding five years. In conducting the*
16 *initial review and assessment, the Panel may review*
17 *such other aspects of the operation of this chapter as*
18 *the Panel considers appropriate.*

19 “(2) *PERIODIC COMPREHENSIVE REVIEWS.*—
20 *During fiscal year 2024 and every eight years there-*
21 *after, the Panel shall conduct a comprehensive review*
22 *and assessment of the operation of this chapter.*

23 “(3) *PERIODIC INTERIM REVIEWS.*—*During fis-*
24 *cal year 2028 and every eight years thereafter, the*
25 *Panel shall conduct an interim review and assessment*

1 *of such other aspects of the operation of this chapter*
2 *as the Panel considers appropriate. In addition, at*
3 *the request of the Secretary of Defense, the Panel may,*
4 *at any time, review and assess other specific matters*
5 *relating to the operation of this chapter.*

6 “(4) *REPORTS.*—*Not later than December 31 of*
7 *each year during which the Panel conducts a review*
8 *and assessment under this subsection, the Panel shall*
9 *submit a report on the results, including the Panel’s*
10 *findings and recommendations, through the Secretary*
11 *of Defense to the Committees on Armed Services of the*
12 *Senate and the House of Representatives.*

13 “(g) *HEARINGS.*—*The Panel may hold such hearings,*
14 *sit and act at such times and places, take such testimony,*
15 *and receive such evidence as the Panel considers appro-*
16 *priate to carry out its duties under this section.*

17 “(h) *INFORMATION FROM FEDERAL AGENCIES.*—*Upon*
18 *request of the chair of the Panel, a department or agency*
19 *of the Federal Government shall provide information that*
20 *the Panel considers necessary to carry out its duties under*
21 *this section.*

22 “(i) *ADMINISTRATIVE MATTERS.*—

23 “(1) *MEMBERS TO SERVE WITHOUT PAY.*—*Mem-*
24 *bers of the Panel shall serve without pay, but shall be*
25 *allowed travel expenses, including per diem in lieu of*

1 *subsistence, at rates authorized for employees of agen-*
2 *cies under subchapter I of chapter 57 of title 5, while*
3 *away from their homes or regular places of business*
4 *in the performance of services for the Panel.*

5 “(2) *STAFFING AND RESOURCES.*—*The Secretary*
6 *of Defense shall provide staffing and resources to sup-*
7 *port the Panel.*

8 “(j) *NO TERMINATION.*—*The authority of the Panel*
9 *under this section does not terminate.”.*

10 **SEC. 7102. ANNUAL REPORTS.**

11 *Subchapter XII of chapter 47 of title 10, United States*
12 *Code (the Uniform Code of Military Justice), is amended*
13 *by adding at the end the following new section (article):*

14 **“§946a. Art. 146a. Annual reports**

15 “(a) *COURT OF APPEALS FOR THE ARMED FORCES.*—
16 *Not later than December 31 of each year, the Court of Ap-*
17 *peals for the Armed Forces shall submit a report that, with*
18 *respect to the previous fiscal year, provides information on*
19 *the number and status of pending cases and such other mat-*
20 *ters as the Court considers appropriate regarding the oper-*
21 *ation of this chapter.*

22 “(b) *SERVICE REPORTS.*—*Not later than December 31*
23 *of each year, the Judge Advocates General and the Staff*
24 *Judge Advocate to the Commandant of the Marine Corps*

1 *shall each submit a report, with respect to the preceding*
2 *fiscal year, containing the following:*

3 “(1) *Data on the number and status of pending*
4 *cases.*

5 “(2) *Information on the appellate review process,*
6 *including—*

7 “(A) *information on compliance with proc-*
8 *essing time goals;*

9 “(B) *descriptions of the circumstances sur-*
10 *rounding cases in which general or special court-*
11 *martial convictions were (i) reversed because of*
12 *command influence or denial of the right to*
13 *speedy review or (ii) otherwise remitted because*
14 *of loss of records of trial or other administrative*
15 *deficiencies; and*

16 “(C) *an analysis of each case in which a*
17 *provision of this chapter was held unconstitu-*
18 *tional.*

19 “(3)(A) *An explanation of measures implemented*
20 *by the armed force involved to ensure the ability of*
21 *judge advocates—*

22 “(i) *to participate competently as trial*
23 *counsel and defense counsel in cases under*
24 *this chapter;*

1 “(ii) to preside as military judges in
2 cases under this chapter; and

3 “(iii) to perform the duties of Special
4 Victims’ Counsel, when so designated under
5 section 1044e of this title.

6 “(B) The explanation under subparagraph
7 (A) shall specifically identify the measures that
8 focus on capital cases, national security cases,
9 sexual assault cases, and proceedings of military
10 commissions.

11 “(4) The independent views of each Judge Advo-
12 cate General and of the Staff Judge Advocate to the
13 Commandant of the Marine Corps as to the suffi-
14 ciency of resources available within the respective
15 armed forces, including total workforce, funding,
16 training, and officer and enlisted grade structure, to
17 capably perform military justice functions.

18 “(5) Such other matters regarding the operation
19 of this chapter as may be appropriate.

20 “(c) SUBMISSION.—Each report under this section
21 shall be submitted—

22 “(1) to the Committee on Armed Services of the
23 Senate and the Committee on Armed Services of the
24 House of Representatives; and

1 “(2) to the Secretary of Defense, the Secretaries
2 of the military departments, and the Secretary of the
3 department in which the Coast Guard is operating
4 when it is not operating as a service in the Navy.”.

5 **TITLE LXXII—CONFORMING**
6 **AMENDMENTS AND EFFEC-**
7 **TIVE DATES**

8 **SEC. 7201. AMENDMENTS TO UCMJ SUBCHAPTER TABLES**
9 **OF SECTIONS.**

10 *The tables of sections for the specified subchapters of*
11 *chapter 47 of title 10, United States Code (the Uniform*
12 *Code of Military Justice), are amended as follows:*

13 (1) *The table of sections at the beginning of sub-*
14 *chapter II is amended by striking the item relating*
15 *to section 810 and inserting the following new item:*

 “810. 10. Restraint of persons charged.”.

16 (2) *The table of sections at the beginning of sub-*
17 *chapter II, as amended by paragraph (1), is amended*
18 *by striking the item relating to section 812 and in-*
19 *serting the following new item:*

 “812. 12. Prohibition of confinement of armed forces members with enemy pris-
 oners and certain others.”.

20 (3) *The table of sections at the beginning of sub-*
21 *chapter V is amended by striking the item relating to*
22 *section 825a and inserting the following new item:*

 “825. 25a. Number of court-martial members in capital cases.”.

1 (4) *The table of sections at the beginning of sub-*
2 *chapter V, as amended by paragraph (3), is amended*
3 *by inserting after the item relating to section 826 the*
4 *following new item:*

“826a. 26a. *Military magistrates.*”.

5 (5) *The table of sections at the beginning of sub-*
6 *chapter V, as amended by paragraphs (3) and (4), is*
7 *amended by striking the item relating to section 829*
8 *and inserting the following new item:*

“829. 29. *Assembly and impaneling of members; detail of new members and mili-*
tary judges.”.

9 (6) *The table of sections at the beginning of sub-*
10 *chapter VI is amended by inserting after the item re-*
11 *lating to section 830 the following new item:*

“830. 30a. *Proceedings conducted before referral.*”.

12 (7) *The table of sections at the beginning of sub-*
13 *chapter VI, as amended by paragraph (6), is amended*
14 *by striking the item relating to section 832 and in-*
15 *serting the following new item:*

“832. 32. *Preliminary hearing required before referral to general court-martial.*”.

16 (8) *The table of sections at the beginning of sub-*
17 *chapter VI, as amended by paragraphs (6) and (7),*
18 *is amended by striking the item relating to section*
19 *833 and inserting the following new item:*

“833. 33. *Disposition guidance.*”.

20 (9) *The table of sections at the beginning of sub-*
21 *chapter VI, as amended by paragraphs (6), (7), and*

1 (8), is amended by striking the item relating to sec-
2 tion 834 and inserting the following new item:

“834. 34. Advice to convening authority before referral for trial.”.

3 (10) The table of sections at the beginning of sub-
4 chapter VI, as amended by paragraphs (6), (7), (8),
5 and (9), is amended by striking the item relating to
6 section 835 and inserting the following new item:

“835. 35. Service of charges; commencement of trial.”.

7 (11) The table of sections at the beginning of sub-
8 chapter VII is amended by striking the item relating
9 to section 847 and inserting the following new item:

“8470. 47. Refusal of person not subject to chapter to appear, testify, or produce
evidence.”.

10 (12) The table of sections at the beginning of sub-
11 chapter VII, as amended by paragraph (11), is
12 amended by striking the item relating to section 848
13 and inserting the following new item:

“848. 48. Contempt.”.

14 (13) The table of sections at the beginning of sub-
15 chapter VII, as amended by paragraphs (11) and
16 (12), is amended by striking the item relating to sec-
17 tion 850 and inserting the following new item:

“850. 50. Admissibility of sworn testimony from records of courts of inquiry.”.

18 (14) The table of sections at the beginning of sub-
19 chapter VII, as amended by paragraphs (11), (12),

1 *and (13), is amended by striking the item relating to*
2 *section 852 and inserting the following new item:*

“852. 52. *Votes required for conviction, sentencing, and other matters.*”.

3 (15) *The table of sections at the beginning of sub-*
4 *chapter VII, as amended by paragraphs (11), (12),*
5 *(13), and (14), is amended by striking the item relat-*
6 *ing to section 853 and inserting the following new*
7 *item:*

“853. 53. *Findings and sentencing.*”.

8 (16) *The table of sections at the beginning of sub-*
9 *chapter VIII is amended by striking the item relating*
10 *to section 856 and inserting the following new item:*

“856. 56. *Sentencing.*”.

11 (17) *The table of sections at the beginning of sub-*
12 *chapter VIII, as amended by paragraph (16), is*
13 *amended by striking the items relating to section*
14 *856a and 857a.*

15 (18) *The table of sections at the beginning of sub-*
16 *chapter IX is amended by striking the item relating*
17 *to section 860 and inserting the following new item:*

“860. 60. *Post-trial processing in general and special courts-martial.*”.

18 (19) *The table of sections at the beginning of sub-*
19 *chapter IX is amended by inserting after the item re-*
20 *lating to section 860, as amended by paragraph (18),*
21 *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.*”.

1 (20) *The table of sections at the beginning of sub-*
2 *chapter IX, as amended by paragraphs (18) and (19),*
3 *is amended by striking the item relating to section*
4 *861 and inserting the following new item:*

“861. 61. *Waiver of right to appeal; withdrawal of appeal.*”.

5 (21) *The table of sections at the beginning of sub-*
6 *chapter IX, as amended by paragraphs (18), (19),*
7 *and (20), is amended by striking the item relating to*
8 *section 864 and inserting the following new item:*

“864. 64. *Judge advocate review of finding of guilty in summary court-martial.*”.

9 (22) *The table of sections at the beginning of sub-*
10 *chapter IX, as amended by paragraphs (18), (19),*
11 *(20), and (21), is amended by striking the item relat-*
12 *ing to section 865 and inserting the following new*
13 *item:*

“865. 65. *Transmittal and review of records.*”.

14 (23) *The table of sections at the beginning of sub-*
15 *chapter IX, as amended by paragraphs (18), (19),*
16 *(20), (21), and (22), is amended by striking the item*
17 *relating to section 866 and inserting the following*
18 *new item:*

“866. 66. *Courts of Criminal Appeals.*”.

19 (24) *The table of sections at the beginning of sub-*
20 *chapter IX, as amended by paragraphs (18), (19),*

1 (20), and (21), (22), and (23), is amended by striking
2 the item relating to section 869 and inserting the fol-
3 lowing new item:

“869. 69. Review by Judge Advocate General.”.

4 (25) The table of sections at the beginning of sub-
5 chapter IX, as amended by paragraphs (18), (19),
6 (20), (21), (22), (23), and (24), is amended by strik-
7 ing the item relating to section 871 and inserting the
8 following new item:

“871. 71. [Repealed.]”.

9 (26) The table of sections at the beginning of sub-
10 chapter XI is amended by striking the item relating
11 to section 936 and inserting the following new item:

“936. 136. Authority to administer oaths.”.

12 (27) The table of sections at the beginning of sub-
13 chapter XI, as amended by paragraph (26), is amend-
14 ed by inserting after the item relating to section 940
15 the following new item:

“940a. 140a. Case management; data collection and accessibility.”.

16 (28) The table of sections at the beginning of sub-
17 chapter XII is amended by striking the item relating
18 to section 946 and inserting the following new items:

“946. 146. Military Justice Review Panel.

“946a. 146a. Annual reports.”.

19 **SEC. 7202. EFFECTIVE DATES.**

20 (a) Except as otherwise provided in this division, the
21 amendments made by this division shall take effect on the

1 *first day of the first calendar month that begins two years*
2 *after the date of the enactment of this Act.*

3 **(b)** *The amendments made by this division shall not*
4 *apply to any case in which charges are referred to trial*
5 *by court-martial before the effective date of such amend-*
6 *ments. Proceedings in any such case shall be held in the*
7 *same manner and with the same effect as if such amend-*
8 *ments had not been enacted.*

9 **(c)(1)(A)** *The amendments made by title LX shall not*
10 *apply to any offense committed before the effective date of*
11 *such amendments.*

12 **(B)** *Nothing in subparagraph (A) shall be construed*
13 *to invalidate the prosecution of any offense committed be-*
14 *fore the effective date of such amendments.*

15 **(2)** *The regulations prescribing the authorized punish-*
16 *ments for any offense committed before the effective date of*
17 *the amendments made by title LVIII shall apply the author-*
18 *ized punishments for the offense, as in effect at the time*
19 *the offense is committed.*

Amend the title so as to read: “A bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”.

Union Calendar No. 413

114TH CONGRESS
2^D SESSION

H. R. 4909

[Report No. 114-537]

A BILL

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

MAY 4, 2016

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed