

114TH CONGRESS
2D SESSION

S. 2814

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 SENATE OF THE UNITED STATES

APRIL 19, 2016

Mr. MCCAIN (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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. TABLE OF CONTENTS.**

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

1 (1) DIVISION A.—Department of Defense Au-
2 thorizations.

3 (2) DIVISION B.—Military Construction Author-
4 izations.

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

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- Sec. 2805. Repeal of sunset on statutory authority for laboratory revitalization projects.
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- Sec. 2809. Authority of the Secretary concerned to accept lessee improvements at Government-owned/contractor-operated industrial plants or facilities.
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- Sec. 2902. The Commission.
- Sec. 2903. Procedure for making recommendations for base closures and realignments.
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- Sec. 2907. Reports.
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1 **DIVISION A—DEPARTMENT OF**
2 **DEFENSE AUTHORIZATIONS**
3 **TITLE I—PROCUREMENT**
4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 101. ARMY.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2017 for procurement for the Army as follows:

9 (1) For aircraft, \$3,614,787,000.

10 (2) For missiles, \$1,519,966,000.

11 (3) For weapons and tracked combat vehicles,
12 \$2,265,177,000.

13 (4) For ammunition, \$1,513,157,000.

14 (5) For other procurement, \$5,873,949,000.

15 **SEC. 102. NAVY AND MARINE CORPS.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2017 for procurement for the Navy and Marine
18 Corps as follows:

19 (1) For aircraft, \$14,109,148,000.

20 (2) For weapons, including missiles and tor-
21 pedoes, \$3,209,262,000.

22 (3) For ammunition procurement, Navy and
23 Marine Corps, \$664,368,000.

24 (4) For shipbuilding and conversion,
25 \$18,354,874,000.

1 (5) For other procurement, \$6,338,861,000.

2 (6) For procurement, Marine Corps,
3 \$1,362,769,000.

4 **SEC. 103. AIR FORCE.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2017 for procurement for the Air Force as fol-
7 lows:

8 (1) For aircraft, \$13,922,917,000.

9 (2) For missiles, \$2,426,621,000.

10 (3) For space procurement, \$3,055,743,000.

11 (4) For ammunition, \$1,677,719,000.

12 (5) For other procurement, \$17,438,056,000.

13 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2017 for Defense-wide procurement in the
16 amount of \$4,524,918,000.

17 **SEC. 105. DEFENSE PRODUCTION ACT PURCHASES.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2017 for purchases under the Defense Produc-
20 tion Act of 1950 (50 U.S.C. 4501 et seq.) in the amount
21 of \$44,065,000.

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,
6 the 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
9 helicopters.

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

16 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-**
17 **60M/HH–60M (BLACK HAWK) HELICOPTER AIR-**
18 **FRAMES.**

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

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

7 **Subtitle C—Navy Programs**

8 **SEC. 121. SHIP TO SHORE CONNECTOR PROGRAM.**

9 (a) **CONTRACT AUTHORITY.**—Notwithstanding any
 10 provision of law pertaining to multiyear contracts, the Sec-
 11 retary of the Navy may enter into one block buy contract
 12 to procure up to 8 Ship to Shore Connector craft.

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

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. AVAILABILITY OF AIR FORCE PROCUREMENT** 3 **FUNDS FOR CERTAIN COMMERCIAL OFF-THE-** 4 **SHELF PARTS FOR INTERCONTINENTAL BAL-** 5 **LISTIC MISSILE FUZES.**

6 (a) AVAILABILITY OF PROCUREMENT FUNDS.—Not-
 7 withstanding section 1502(a) of title 31, United States
 8 Code, of the amount authorized to be appropriated for fis-
 9 cal year 2017 by section 103 for Missile Procurement, Air
 10 Force, \$17,095,000 shall be available for the procurement
 11 of covered parts pursuant to contracts entered into under
 12 section 1645(a) of the Carl Levin and Howard P. “Buck”
 13 McKeon National Defense Authorization Act for Fiscal
 14 Year 2015 (Public Law 113–291; 128 Stat. 3651).

15 (b) COVERED PARTS DEFINED.—In this section, the
 16 term “covered parts” means commercially available off-
 17 the-shelf items as defined in section 104 of title 41, United
 18 States Code.

19 **SEC. 132. REPEAL OF THE REQUIREMENT TO PRESERVE** 20 **CERTAIN RETIRED C-5 AIRCRAFT.**

21 Section 141 of the National Defense Authorization
 22 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
 23 1659), is amended by striking subsection (d).

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

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

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2017 for the use of the Department of Defense
7 for research, development, test, and evaluation as follows:

8 (1) For the Army, \$7,515,399,000.

9 (2) For the Navy, \$17,276,301,000.

10 (3) For the Air Force, \$28,112,251,000.

11 (4) For Defense-wide activities,
12 \$18,308,826,000.

13 (5) For the Director of Operational Test and
14 Evaluation, \$178,994,000.

15 **TITLE III—OPERATION AND**
16 **MAINTENANCE**

17 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2017 for the use of the Armed Forces and other
20 activities and agencies of the Department of Defense for
21 expenses, not otherwise provided for, for operation and
22 maintenance, in amounts as follows:

23 (1) For the Army, \$33,809,040,000.

24 (2) For the Navy, \$39,483,581,000.

25 (3) For the Marine Corps, \$5,954,258,000.

1 (4) For the Air Force, \$37,518,056,000.

2 (5) For Defense-wide activities,
3 \$32,571,590,000.

4 (6) For the Army Reserve, \$2,712,331,000.

5 (7) For the Navy Reserve, \$927,656,000.

6 (8) For the Marine Corps Reserve,
7 \$270,633,000.

8 (9) For the Air Force Reserve, \$3,067,929,000.

9 (10) For the Army National Guard,
10 \$6,825,370,000.

11 (11) For the Air National Guard,
12 \$6,703,578,000.

13 (12) For the United States Court of Appeals
14 for the Armed Forces, \$14,194,000.

15 (13) For Environmental Restoration, Army,
16 \$170,167,000.

17 (14) For Environmental Restoration, Navy,
18 \$281,762,000.

19 (15) For Environmental Restoration, Air Force,
20 \$371,521,000.

21 (16) For Environmental Restoration, Defense-
22 wide, \$9,009,000.

23 (17) For Environmental Restoration, Formerly
24 Used Defense Sites, \$197,084,000.

1 (18) For Overseas Humanitarian, Disaster, and
2 Civic Aid programs, \$105,125,000.

3 (19) For Cooperative Threat Reduction pro-
4 grams, \$325,604,000.

5 **SEC. 302. AUTHORITY TO RETAIN CERTAIN FEES PROVIDED**
6 **BY A STATE TO FUND EMERGENCY TELE-**
7 **COMMUNICATIONS SERVICES ON MILITARY**
8 **INSTALLATIONS.**

9 Section 6(f) of the Wireless Communications and
10 Public Safety Act of 1999 (47 U.S.C. 615a–1(f)) is
11 amended by adding at the end the following new para-
12 graph:

13 “(3) FEES PROVIDED TO MILITARY INSTALLA-
14 TIONS.—If the Secretary of a military department
15 receives from a State, pursuant to an application by
16 the Secretary or otherwise, an amount remitted to
17 the Secretary as a share of the fees and charges col-
18 lected by the State under this subsection from per-
19 sons residing on a military installation under the
20 Secretary’s jurisdiction within the State, such
21 amount shall be credited to appropriations available
22 for that military department to support or imple-
23 ment 9–1–1 or enhanced 9–1–1 services for that
24 military installation and shall be available for such
25 purposes subject to the same availability, conditions,

1 and limitations as the appropriation to which cred-
2 ited.”.

3 **SEC. 303. REVISION TO AUTHORITIES RELATING TO MAIL**
4 **SERVICE FOR MEMBERS OF THE ARMED**
5 **FORCES AND DEFENSE CIVILIANS OVERSEAS.**

6 (a) ELIGIBILITY FOR FREE MAIL.—Subsection (a) of
7 section 3401 of title 39, United States Code, is amended
8 to read as follows:

9 “(a) First Class letter mail correspondence shall be
10 carried, at no cost to the sender, in the manner provided
11 by this section, when mailed by an individual who is a
12 member of the Armed Forces of the United States on ac-
13 tive duty, as defined in section 101 of title 10, or a civil-
14 ian, otherwise authorized to use postal services at Armed
15 Forces installations, who is providing support to military
16 operations, as designated by the military theater com-
17 mander, and addressed to a place within the delivery limits
18 of a United States post office, if—

19 “(1) such letter mail is mailed by such indi-
20 vidual at an Armed Forces post office established in
21 an overseas area designated by the President, where
22 the Armed Forces of the United States are deployed
23 for a contingency operation as determined by the
24 Secretary of Defense; or

1 “(2) such individual is hospitalized as a result
 2 of disease or injury incurred as a result of service
 3 in an overseas area designated by the President
 4 under paragraph (1).”.

5 (b) SURFACE SHIPMENT OF MAIL AUTHORIZED.—
 6 Subsection (b) of such section is amended to read as fol-
 7 lows:

8 “(b) There shall be transported by either surface or
 9 air, between Armed Forces post offices or from an Armed
 10 Forces post office to a point of entry into the United
 11 States, the following categories of mail matter which are
 12 mailed at any such Armed Forces post office:

13 “(1) Letter mail communications having the
 14 character of personal correspondence.

15 “(2) Any parcel exceeding one pound in weight
 16 but less than 70 pounds in weight and less than 130
 17 linear inches (length plus girth).

18 “(3) Publications published once each week or
 19 more frequently and featuring principally current
 20 news of interest to members of the Armed Forces
 21 and the general public.”.

22 (c) CLERICAL AMENDMENT.—The heading for such
 23 section, and the item relating to such section in the table
 24 of sections at the beginning of chapter 34 of such title,
 25 are each amended by striking the last five words.

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

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

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

- 7 (1) The Army, 460,000.
8 (2) The Navy, 322,900.
9 (3) The Marine Corps, 182,000.
10 (4) The Air Force, 317,000.

11 **Subtitle B—Reserve Forces**

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

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

- 16 (1) The Army National Guard of the United
17 States, 335,000.
18 (2) The Army Reserve, 195,000.
19 (3) The Navy Reserve, 58,000.
20 (4) The Marine Corps Reserve, 38,500.
21 (5) The Air National Guard of the United
22 States, 105,700.
23 (6) The Air Force Reserve, 69,000.
24 (7) The Coast Guard Reserve, 7,000.

1 (b) END STRENGTH REDUCTIONS.—The end
2 strengths prescribed by subsection (a) for the Selected Re-
3 serve of any reserve component shall be proportionately
4 reduced by—

5 (1) the total authorized strength of units orga-
6 nized to serve as units of the Selected Reserve of
7 such component which are on active duty (other
8 than for training) at the end of the fiscal year; and
9 (2) the total number of individual members not
10 in units organized to serve as units of the Selected
11 Reserve of such component who are on active duty
12 (other than for training or for unsatisfactory partici-
13 pation in training) without their consent at the end
14 of the fiscal year.

15 (c) END STRENGTH INCREASES.—Whenever units or
16 individual members of the Selected Reserve for any reserve
17 component are released from active duty during any fiscal
18 year, the end strength prescribed for such fiscal year for
19 the Selected Reserve of such reserve component shall be
20 increased proportionately by the total authorized strengths
21 of such units and by the total number of such individual
22 members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
 2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section
 4 411(a), the reserve components of the Armed Forces are
 5 authorized, as of September 30, 2017, the following num-
 6 ber of Reserves to be serving on full-time active duty or
 7 full-time duty, in the case of members of the National
 8 Guard, for the purpose of organizing, administering, re-
 9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United
 11 States, 30,155.

12 (2) The Army Reserve, 16,261.

13 (3) The Navy Reserve, 9,955.

14 (4) The Marine Corps Reserve, 2,261.

15 (5) The Air National Guard of the United
 16 States, 14,764.

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

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

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

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

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

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

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

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

7 (a) LIMITATIONS.—

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

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

15 (B) For the Air National Guard of the
16 United States, 350.

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

20 (3) AIR FORCE RESERVE.—The number of non-
21 dual status technicians employed by the Air Force
22 Reserve as of September 30, 2017, may not exceed
23 90.

24 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
25 this section, the term “non-dual status technician” has the

1 meaning given that term in section 10217(a) of title 10,
 2 United States Code.

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

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

11 (1) The Army National Guard of the United
 12 States, 17,000.

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

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

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

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

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

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

21 **SEC. 421. MILITARY PERSONNEL.**

22 There is hereby authorized to be appropriated for
 23 military personnel for fiscal year 2017 a total of
 24 \$128,902,332,000.

1 **TITLE V—MILITARY PERSONNEL**
 2 **POLICY**
 3 **Subtitle A—Officer Personnel**
 4 **Policy Generally**

5 **SEC. 501. EQUAL CONSIDERATION OF OFFICERS FOR**
 6 **EARLY RETIREMENT OR DISCHARGE.**

7 Section 638a of title 10, United States Code, is
 8 amended—

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

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

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

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

19 (2) by redesignating subsection (e) as sub-
 20 section (f); and

21 (3) by inserting after subsection (d) the fol-
 22 lowing new subsection (e):

23 “(e)(1) In the case of action under subsection (b)(4),
 24 the Secretary of the military department concerned shall
 25 specify the total number of officers described in that sub-

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

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

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

21 “(B) the names of all eligible officers described
 22 in that subsection in a particular grade and competi-
 23 tive category, whether or not they are eligible to be
 24 retired under any provision of law, who are also in
 25 particular 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 para-
 4 graph (1) may not be more than 30 percent of the number
 5 of officers considered.

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

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

13 **SEC. 502. EXTENSION OF AUTHORITY FOR REDUCTION**
 14 **DURING FORCE DRAWDOWN PERIOD IN**
 15 **AMOUNT OF ACTIVE COMMISSIONED SERV-**
 16 **ICE REQUIRED FOR OFFICERS TO RETIRE IN**
 17 **A COMMISSIONED GRADE.**

18 (a) ARMY.—Section 3911(b) of title 10, United
 19 States Code, is amended—

20 (1) in paragraph (1), by striking “eight years”
 21 and inserting “six years”; and

22 (2) in paragraph (2), by striking “September
 23 30, 2018” and inserting “September 30, 2019”.

24 (b) NAVY AND MARINE CORPS.—Section 6323(a)(2)
 25 of such title is amended—

1 (1) in subparagraph (A), by striking “eight
2 years” and inserting “six years”; and

3 (2) in subparagraph (B), by striking “Sep-
4 tember 30, 2018” and inserting “September 30,
5 2019”.

6 (c) AIR FORCE.—Section 8911(b) of such title is
7 amended—

8 (1) in paragraph (1), by striking “eight years”
9 and inserting “six years”; and

10 (2) in paragraph (2), by striking “September
11 30, 2018” and inserting “September 30, 2019”.

12 (d) EFFECTIVE DATE.—The amendments made by
13 subsections (a)(1), (b)(1), and (c)(1) shall apply only with
14 respect to a member of the Army, Navy, Air Force, or
15 Marine Corps who is retired on or after the date of the
16 enactment of this Act.

17 **SEC. 503. REPEAL OF REQUIREMENT FOR A PRESI-**
18 **DENTIALLY APPOINTED CHAPLAIN AT THE**
19 **UNITED STATES AIR FORCE ACADEMY.**

20 (a) REPEAL.—Section 9337 of title 10, United States
21 Code, is repealed.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 903 of such title is amended
24 by striking the item related to section 9227.

1 **SEC. 504. AUTHORITY TO DESIGNATE CERTAIN RESERVE**
 2 **OFFICERS AS NOT TO BE CONSIDERED FOR**
 3 **SELECTION FOR PROMOTION.**

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

7 “(j) CERTAIN OFFICERS NOT TO BE CONSIDERED
 8 FOR SELECTION FOR PROMOTION.—The Secretary of the
 9 military department concerned may provide that an officer
 10 who is in an active status, but is in a duty status in which
 11 the only points the officer accrues under section
 12 12732(a)(2) of this title are pursuant to subparagraph
 13 (C)(i) of that section (relating to membership in a reserve
 14 component), shall not be considered for selection for pro-
 15 motion at any time the officer otherwise would be so con-
 16 sidered. Any such officer may remain on the reserve ac-
 17 tive-status list.”.

18 **SEC. 505. SENIOR MILITARY ACQUISITION ADVISOR/AD-**
 19 **JUNCT PROFESSOR PROGRAM.**

20 (a) PROGRAM AUTHORITY.—

21 (1) IN GENERAL.—Chapter 87 of title 10,
 22 United States Code, is amended by inserting after
 23 section 1724 the following new section:

1 **“§ 1725. Senior Military Acquisition Advisor/Adjunct**
2 **Professor Program**

3 “(a) POSITION.—(1) The Secretary of Defense may
4 establish a position in the Defense Acquisition Corps to
5 be known as ‘Senior Military Acquisition Advisor’. Senior
6 Military Acquisition Advisors shall be appointed by the
7 President, by and with the advice and consent of the Sen-
8 ate.

9 “(2) An officer who is appointed as a Senior Military
10 Acquisition Advisor—

11 “(A) shall serve as an advisor to, and provide
12 senior level acquisition expertise to, the Service Ac-
13 quisition Executive of that officer’s military depart-
14 ment in accordance with this section; and

15 “(B) shall be assigned as an adjunct professor
16 at the Defense Acquisition University.

17 “(b) CONTINUATION ON ACTIVE DUTY.—An officer
18 who is appointed as a Senior Military Acquisition Advisor
19 may continue on active duty while serving in such position
20 without regard to any mandatory retirement date that
21 would otherwise be applicable to that officer by reason of
22 years of service or age. An officer who is continued on
23 active duty pursuant to this section is not eligible for con-
24 sideration for selection for promotion.

25 “(c) RETIRED GRADE.—Upon retirement, an officer
26 who is a Senior Military Acquisition Advisor may, in the

1 discretion of the President, be retired in the grade of brig-
2 adier general or rear admiral (lower half) if—

3 “(1) the officer has served as a Senior Military
4 Acquisition Advisor for a period of not less than
5 three years; and

6 “(2) the officer’s service as a Senior Military
7 Acquisition Advisor has been distinguished.

8 “(d) SELECTION AND TENURE.—(1) Selection of an
9 officer for recommendation for appointment as a Senior
10 Military Acquisition Advisor shall be made competitively
11 and shall be based upon demonstrated experience and ex-
12 pertise in acquisition.

13 “(2) Officers shall be selected for recommendation for
14 appointment as Senior Military Acquisition Advisors from
15 among officers of the Defense Acquisition Corps from
16 among officers who are serving in the grade of colonel or,
17 in the case of the Navy, captain, and who have at least
18 12 years of acquisition experience. An officer selected for
19 recommendation for appointment as a Senior Military Ac-
20 quisition Advisor, shall have at least 30 years of active
21 commissioned service at the time of appointment.

22 “(3) Appointment of an officer as a Senior Military
23 Acquisition Advisor shall be for no longer than a five-year
24 term.

1 “(e) LIMITATION.—(1) There may not be more than
2 15 Senior Military Acquisition Advisors at any time, of
3 whom—

4 “(A) not more than five may be officers of the
5 Army;

6 “(B) not more than five may be officers of the
7 Navy and Marine Corps; and

8 “(C) not more than five may be officers of the
9 Air Force.

10 “(2) Subject to paragraph (1), the number of Senior
11 Military Acquisition Advisors for each military department
12 shall be as required and identified by the Service Acquisi-
13 tion Executive and approved by the Under Secretary of
14 Defense for Acquisition, Technology, and Logistics.

15 “(f) ADVICE TO SERVICE ACQUISITION EXECU-
16 TIVE.—An officer who is a Senior Military Acquisition Ad-
17 visor shall have as the officer’s primary duty providing
18 strategic, technical, and programmatic advice to the Serv-
19 ice Acquisition Executive of the officer’s military depart-
20 ment on matters pertaining to the Defense Acquisition
21 System, including matters pertaining to procurement, re-
22 search and development, advanced technology, test and
23 evaluation, production, program management, systems en-
24 gineering, and lifecycle logistics.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of subchapter II of such chap-
 3 ter is amended by adding at the end the following
 4 new item:

“1725. Senior Military Acquisition Advisor/Adjunct Professor Program.”.

5 (b) EXCLUSION FROM OFFICER GRADE-STRENGTH
 6 LIMITATIONS.—Section 523(b) of such title is amended by
 7 adding at the end the following new paragraph:

8 “(9) Officers who are Senior Military Acquisi-
 9 tion Advisors under section 1725 of this title, but
 10 not to exceed 15.”.

11 **Subtitle B—Reserve Component** 12 **Management**

13 **SEC. 511. REPEAL OF REQUIREMENT FOR REVIEW OF CER-**
 14 **TAIN ARMY RESERVE OFFICER UNIT VA-**
 15 **CANCY PROMOTIONS BY COMMANDERS OF**
 16 **ASSOCIATED ACTIVE DUTY UNITS.**

17 Section 1113 of the Army National Guard Combat
 18 Readiness Reform Act of 1992 (title XI of Public Law
 19 102–484; 10 U.S.C. 10105 note) is repealed.

20 **SEC. 512. REVISION OF DEPLOYABILITY RATING SYSTEM**
 21 **AND PLANNING REFORM.**

22 (a) DEPLOYMENT PRIORITIZATION AND READI-
 23 NESS.—

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

4 **“§ 10102a. Deployment prioritization and readiness of**
5 **Army components**

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

10 “(b) DEPLOYABILITY READINESS RATING.—The
11 Secretary of the Army shall maintain a readiness rating
12 system for units of all components of the Army that pro-
13 vides an accurate assessment of the deployability of a unit
14 and those shortfalls of a unit that require the provision
15 of additional resources. The system shall ensure—

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

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

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

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

6 “(A) documents all equipment required for
 7 deployment;

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

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

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

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

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

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

1 **SEC. 513. TECHNICAL CORRECTION TO ANNUAL AUTHOR-**
2 **IZATION FOR PERSONNEL STRENGTHS.**

3 Section 115 of title 10, United States Code, is
4 amended—

5 (1) in subsection (b)(1)—

6 (A) in subparagraph (B), by striking
7 “502(f)(2)” and inserting “502(f)(1)(B)”; and

8 (B) in subparagraph (C), by striking
9 “502(f)(2)” and inserting “502(f)(1)(B)”; and

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

12 **SEC. 514. EXTENSION OF REMOVAL OF RESTRICTIONS ON**
13 **THE TRANSFER OF OFFICERS BETWEEN THE**
14 **ACTIVE AND INACTIVE NATIONAL GUARD.**

15 Section 512 of the National Defense Authorization
16 Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat.
17 752; 32 U.S.C. prec. 301 note) is amended—

18 (1) in subsection (a) in the matter preceding
19 paragraph (1), by striking “December 31, 2016”
20 and inserting “December 31, 2019”; and

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

1 **SEC. 515. EXTENSION OF TEMPORARY AUTHORITY TO USE**
 2 **AIR FORCE RESERVE COMPONENT PER-**
 3 **SONNEL TO PROVIDE TRAINING AND IN-**
 4 **STRUCTION REGARDING PILOT TRAINING.**

5 Section 514(a) of the National Defense Authorization
 6 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
 7 yyy) is amended by inserting “and fiscal year 2017” after
 8 “During fiscal year 2016”.

9 **SEC. 516. RECONCILIATION OF CONTRADICTION PROVI-**
 10 **SIONS RELATING TO CITIZENSHIP QUALI-**
 11 **FICATIONS FOR ENLISTMENT IN THE RE-**
 12 **SERVE COMPONENTS OF THE ARMED**
 13 **FORCES.**

14 Paragraphs (1) and (2) of section 12102(b) of title
 15 10, United States Code, are amended to read as follows:

16 “(1) that person has met the citizenship or resi-
 17 dency requirements established in section 504(b)(1)
 18 of this title; or

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

22 **SEC. 517. TECHNICAL CORRECTION TO VOLUNTARY SEPA-**
 23 **RATION PAY AND BENEFITS.**

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

26 (1) in paragraph (2)—

1 (A) by striking “or 12304” and inserting
 2 “12304, 12304a, or 12304b”; and
 3 (B) by striking “502(f)(1)” and inserting
 4 “502(f)(1)(A)”; and
 5 (2) in paragraph (3), by striking “502(f)(2)”
 6 and inserting “502(f)(1)(B)”.

7 **Subtitle C—Member Education and** 8 **Training**

9 **SEC. 521. INCLUSION OF RESERVE SERVICE ON ACTIVE** 10 **DUTY FOR PREPLANNED MISSIONS AS SERV-** 11 **ICE THAT QUALIFIES AS ACTIVE DUTY FOR** 12 **POST-9/11 EDUCATIONAL ASSISTANCE.**

13 Section 3301(1)(B) of title 38, United States Code,
 14 is amended by striking “or 12304” and inserting “12304,
 15 or 12304b”.

16 **SEC. 522. INCLUSION OF RESERVE SERVICE IN ASSISTANCE** 17 **OF A MAJOR DISASTER OR EMERGENCY OR** 18 **FOR A PREPLANNED MISSION IN SUPPORT** 19 **OF A COMBATANT COMMAND AS ELIGIBLE** 20 **SERVICE FOR AN EXTENSION OF ELIGIBILITY** 21 **FOR VOCATIONAL REHABILITATION BENE-** 22 **FITS.**

23 Section 3103(f) of title 38, United States Code, is
 24 amended by striking “or 12304” and inserting “12304,
 25 12304a, or 12304b”.

1 **SEC. 523. AUTHORITY FOR UNITED STATES AIR FORCE IN-**
 2 **STITUTE OF TECHNOLOGY TO CHARGE AND**
 3 **RETAIN TUITION FOR INSTRUCTION OF PER-**
 4 **SONS OTHER THAN AIR FORCE PERSONNEL**
 5 **DETAILED FOR INSTRUCTION AT THE INSTI-**
 6 **TUTE.**

7 (a) STATUTORY REORGANIZATION.—Chapter 901 of
 8 title 10, United States Code, is amended—

9 (1) by transferring subsections (d) and (f) of
 10 section 9314 to the end of section 9314b and redes-
 11 ignating those subsections as subsections (c) and
 12 (d), respectively;

13 (2) by striking the heading of section 9314a;
 14 and

15 (3) by inserting after subsection (c) of section
 16 9314 the following new section heading:

17 **“§ 9314a. United States Air Force Institute of Tech-**
 18 **nology: reimbursement and tuition; in-**
 19 **struction of persons other than Air Force**
 20 **personnel”.**

21 (b) INSTRUCTION OF PERSONS OTHER THAN AIR
 22 FORCE PERSONNEL.—Section 9314a of such title, as des-
 23 ignated by the amendment made by subsection (a)(3), is
 24 amended as follows:

(1) The first subsection of that section (formerly subsection (e) of section 9314) is redesignated as subsection (a) and is amended—

(A) by striking “REIMBURSEMENT AND TUITION” and inserting “MEMBERS OF THE ARMED FORCES OTHER THAN THE AIR FORCE WHO ARE DETAILED TO THE INSTITUTE”; and

(B) in paragraph (1)—

(i) by striking “(other than a civilian employee of the Department of the Air Force)”; and

(ii) by striking “who receives” and inserting “detailed to receive”; and

(C) in paragraph (3)—

(i) by striking “and” after “Marine Corps,” and inserting “or”; and

(ii) by striking “permitted” and inserting “detailed”; and

(iii) by striking “that member” and inserting “the Secretary concerned”.

(2) Such section is further amended—

(A) by redesignating paragraph (4) of such subsection (a) as subsection (b); and

(B) by striking “(A)” in such subsection and inserting “FEDERAL CIVILIAN EMPLOYEES

1 OTHER THAN AIR FORCE EMPLOYEES WHO
2 ARE DETAILED TO THE INSTITUTE.—(1)’’;

3 (C) by redesignating subparagraph (B) in
4 such subsection as paragraph (2);

5 (D) by striking paragraph (5) of such sub-
6 section; and

7 (E) by inserting after such subsection the
8 following new subsection (c):

9 “(c) NON-DETAILED PERSONS.—(1) The Secretary
10 of the Air Force may permit persons described in para-
11 graph (2) to receive instruction at the United States Air
12 Force Institute of Technology on a space-available basis.

13 “(2) Paragraph (1) applies to any of the following
14 persons:

15 “(A) A member of the armed forces not detailed
16 for that instruction by the Secretary concerned.

17 “(B) A civilian employee of a military depart-
18 ment, of another component of the Department of
19 Defense, of another Federal agency, or of a State’s
20 National Guard not detailed for that instruction by
21 the Secretary concerned or head of the other De-
22 partment of Defense component, other Federal agen-
23 cy, or the National Guard.

24 “(C) A United States citizen who is the recipi-
25 ent of a competitively selected Federal or Depart-

ment of Defense sponsored scholarship or fellowship with a defense focus in areas of study related to the academic disciplines offered by the Air Force Institute of Technology and which requires a service commitment to the Federal government in exchange for educational financial assistance.

“(3) If a scholarship or fellowship described in paragraph (2)(C) includes a stipend, the Institute may accept the stipend payment from the scholarship or fellowship sponsor and make a direct payment to the individual.”.

(c) CONFORMING SUBSECTION REDESIGNATIONS AND OTHER CONFORMING AMENDMENTS.—Section 9314a of such title, as designated by the amendment made by subsection (a)(3) and amended by subsection (b), is further amended—

(1) by redesignating subsection (a) of the former section 9314a (with the heading “ADMISSION AUTHORIZED”) as subsection (d) and in that subsection—

(A) by striking “ADMISSION AUTHORIZED” and inserting “DEFENSE INDUSTRY EMPLOYEES”; and

(B) in paragraph (1), by striking “subsection (b)” and inserting “paragraph (4)”;

1 (2) By redesignating subsection (b) of such
2 former section 9314a as paragraph (4) and in that
3 paragraph by striking “ELIGIBLE DEFENSE INDUS-
4 TRY EMPLOYEES.—”;

5 (3) by redesignating subsection (c) of such
6 former section 9314a as paragraph (5) and in that
7 paragraph—

8 (A) by striking “ANNUAL DETERMINATION
9 BY THE SECRETARY OF THE AIR FORCE.—”;
10 and

11 (B) by redesignating paragraphs (1) and
12 (2) therein as subparagraphs (A) and (B), re-
13 spectively; and

14 (4) by redesignating subsection (d) of such
15 former section 9314a as paragraph (6) and in that
16 paragraph—

17 (A) by striking “PROGRAM REQUIRE-
18 MENTS.—”;

19 (B) by redesignating paragraphs (1) and
20 (2) therein as subparagraphs (A) and (B), re-
21 spectively; and

22 (C) in subparagraph (A), as so redesign-
23 ated—

24 (i) by striking “under this section”
25 and inserting “under this subsection”; and

1 (ii) by striking “subsection (a)” and
2 inserting “paragraph (1)”.

3 (d) TUITION.—Subsection (e)(1) of such section is
4 amended—

5 (1) by inserting after “(1)” the following: “The
6 United States Air Force Institute of Technology
7 may charge tuition for students enrolled under sub-
8 paragraphs (A) and (B) of subsection (c)(2), at the
9 discretion of the Commandant.”;

10 (2) by striking “under this section” and insert-
11 ing “under paragraph (c)(2)(C) and subsection (d)”;

12 (3) by inserting “When charged, tuition shall
13 be” before “at a rate”; and

14 (4) by inserting before the period at the end the
15 following: “who are detailed to receive instruction at
16 the Institute under subsection (b)”.

17 (e) STANDARDS OF CONDUCT.—Subsection (f) of
18 such section is amended—

19 (1) by striking “defense industry employees”
20 and inserting “persons”; and

21 (2) by inserting “who are not members of the
22 armed forces or Government civilian employees”
23 after “enrolled under this section”.

24 (f) CLERICAL AMENDMENTS.—

1 (1) SECTION HEADING.—The heading of section
 2 9314 of such title is amended to read as follows:

3 **“§ 9314. United States Air Force Institute of Tech-**
 4 **nology: degree granting authority”.**

5 (2) TABLE OF SECTIONS.—The table of sections
 6 at the beginning of such chapter is amended by
 7 striking the items relating to sections 9314 and
 8 9314a and inserting the following:

“9314. United States Air Force Institute of Technology: degree granting author-
 ity.

“9314a. United States Air Force Institute of Technology: reimbursement and
 tuition; instruction of persons other than Air Force per-
 sonnel.”.

9 **Subtitle D—Defense Dependents’**
 10 **Education and Military Family**
 11 **Readiness Matters**

12 **SEC. 531. REPEAL OF ADVISORY COUNCIL ON DEPEND-**
 13 **ENTS’ EDUCATION.**

14 Section 1411 of the Defense Dependents’ Education
 15 Act of 1978 (20 U.S.C. 929) is repealed.

16 **SEC. 532. AUTHORITY TO PROVIDE ADDITIONAL ANY PUR-**
 17 **POSE LEAVE FOR TEACHERS IN THE DEPART-**
 18 **MENT OF DEFENSE DEPENDENTS SCHOOL**
 19 **SYSTEM WHO ARE EMPLOYED IN SUPER-**
 20 **VISORY POSITIONS.**

21 Section 6(c) of the Defense Department Overseas
 22 Teachers Pay and Personnel Practices Act (20 U.S.C.
 23 904(c)) is amended in the matter following paragraph (4)

1 by inserting after “three days” the following: “(or in the
 2 case of a teacher employed in a supervisory position or
 3 higher, 4 days)”.

4 **SEC. 533. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
 5 **ING TO THE TRANSITION AND SUPPORT OF**
 6 **MILITARY DEPENDENT STUDENTS TO LOCAL**
 7 **EDUCATIONAL AGENCIES.**

8 Section 574(c)(3) of the John Warner National De-
 9 fense Authorization Act for Fiscal Year 2007 (20 U.S.C.
 10 7703b note) is amended by striking “September 30,
 11 2016” and inserting “September 30, 2017”.

12 **SEC. 534. TIME LIMITATION FOR APPOINTMENT OF CER-**
 13 **TAIN MILITARY SPOUSES.**

14 Subsection (c) of section 3330d of title 5, United
 15 States Code, is amended by adding at the end the fol-
 16 lowing new paragraph:

17 “(3) TIME LIMITATION.—A relocating spouse of
 18 a member of the Armed Forces may receive an ap-
 19 pointment under this section with no time limitation
 20 for eligibility from the date of such member’s perma-
 21 nent change of station orders.”.

1 **Subtitle E—Other Matters**

2 **SEC. 541. EXPANSION OF AUTHORITY TO EXECUTE CER-**
 3 **TAIN MILITARY INSTRUMENTS.**

4 (a) EXPANSION OF AUTHORITY TO EXECUTE MILI-
 5 TARY TESTAMENTARY INSTRUMENTS.—

6 (1) IN GENERAL.—Paragraph (2) of section
 7 1044d(c) of title 10, United States Code, is amended
 8 to read as follows:

9 “(2) the execution of the instrument is nota-
 10 rized by—

11 “(A) a military legal assistance counsel;

12 “(B) a person who is authorized to act as
 13 a notary under section 1044a of this title
 14 who—

15 “(i) is not an attorney; and

16 “(ii) is supervised by a military legal
 17 assistance counsel; or

18 “(C) a State-licensed notary employed by a
 19 military department or the Coast Guard who is
 20 supervised by a military legal assistance coun-
 21 sel;”.

22 (2) CLARIFICATION.—Paragraph (3) of such
 23 section is amended by striking “presiding attorney”
 24 and inserting “person notarizing the instrument in
 25 accordance with paragraph (2)”.

1 (b) EXPANSION OF AUTHORITY TO NOTARIZE DOCU-
 2 MENTS TO CIVILIANS SERVING IN MILITARY LEGAL AS-
 3 SISTANCE OFFICES.—

4 (1) IN GENERAL.—Subsection (b) of section
 5 1044a of title 10, United States Code, is amended
 6 by adding at the end the following new paragraph:

7 “(6) All civilian paralegals serving at military
 8 legal assistance offices, supervised by a military legal
 9 assistance counsel (as defined in section 1044d(g) of
 10 this title).”.

11 **SEC. 542. ENHANCED FLEXIBILITY IN PROVISION OF RELO-**
 12 **CATION ASSISTANCE TO MEMBERS OF THE**
 13 **ARMED FORCES AND THEIR FAMILIES.**

14 (a) GEOGRAPHIC REQUIREMENT.—Paragraph (1) of
 15 subsection (c) of section 1056 of title 10, United States
 16 Code, is amended by striking the second, third, and fourth
 17 sentences and inserting the following new sentence: “Such
 18 relocation assistance programs shall ensure that members
 19 of the armed forces and their families are provided reloca-
 20 tion assistance regardless of geographic location.”.

21 (b) COMPUTERIZED INFORMATION SYSTEM.—Such
 22 subsection is further amended—

23 (1) in paragraph (2)—

24 (A) by striking “available through each
 25 military” and inserting “a”; and

1 (B) by striking “all other military reloca-
 2 tion assistance programs” and inserting “the
 3 relocation assistance programs”; and

4 (2) in paragraph (3), by striking “Duties of
 5 each military relocation assistance program shall in-
 6 clude assisting” and inserting “Assistance shall be
 7 provided to”.

8 (c) DIRECTOR.—Subsection (d) of such section is
 9 amended to read as follows:

10 “(d) PROGRAM MANAGER.—The Secretary of De-
 11 fense shall establish the position of Program Manager of
 12 Military Relocation Assistance in the office of the Assist-
 13 ant Secretary of (Manpower and Reserve Affairs). The
 14 Program Manager shall oversee development and imple-
 15 mentation of relocation assistance under this section.”.

16 **SEC. 543. ENFORCEMENT OF RIGHTS UNDER CHAPTER 43**
 17 **OF TITLE 38, UNITED STATES CODE, WITH RE-**
 18 **SPECT TO A STATE OR PRIVATE EMPLOYER.**

19 (a) ACTION FOR RELIEF.—

20 (1) INITIATION OF ACTIONS.—Paragraph (1) of
 21 subsection (a) of section 4323 of title 38, United
 22 States Code, is amended by striking the third sen-
 23 tence and inserting the following new sentences: “If
 24 the Attorney General is reasonably satisfied that the
 25 person on whose behalf the complaint is referred is

entitled to the rights or benefits sought, the Attorney General may commence an action for relief under this chapter. The person on whose behalf the complaint is referred may, upon timely application, intervene in such action and may obtain such appropriate relief as provided in subsections (d) and (e).”.

(2) ATTORNEY GENERAL NOTICE TO SERVICE-MEMBER OF DECISION.—Paragraph (2) of such subsection is amended to read as follows:

“(2)(A) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall transmit, in writing, to the person on whose behalf the complaint is submitted—

“(i) if the Attorney General has made a decision about whether the United States will commence an action for relief under paragraph (1) relating to the complaint of the person, notice of the decision; and

“(ii) if the Attorney General has not made such a decision, notice of when the Attorney General expects to make such a decision.

“(B) If the Attorney General notifies a person of when the Attorney General expects to make a decision under subparagraph (A)(ii), the Attorney

1 General shall, not later than 30 days after the date
 2 on which the Attorney General makes such decision,
 3 notify, in writing, the person of such decision.”.

4 (3) PATTERN OR PRACTICE CASES.—Such sub-
 5 section is further amended—

6 (A) by redesignating paragraph (3) as
 7 paragraph (4); and

8 (B) by inserting after paragraph (2) (as
 9 amended by paragraph (2) of this subsection)
 10 the following new paragraph (3):

11 “(3) Whenever the Attorney General has rea-
 12 sonable cause to believe that a State (as an em-
 13 ployer) or a private employer is engaged in a pattern
 14 or practice of resistance to the full enjoyment of any
 15 of the rights or benefits secured by this chapter, the
 16 Attorney General may commence an action under
 17 this chapter.”.

18 (4) ACTIONS BY PRIVATE PERSONS.—Subpara-
 19 graph (C) of paragraph (4) of such subsection, as
 20 redesignated by paragraph (3)(A), is amended by
 21 striking “refused” and all that follows and inserting
 22 “notified by the Department of Justice that the At-
 23 torney General does not intend to bring a civil ac-
 24 tion.”.

1 (5) CONFORMING AMENDMENT.—Subsection
 2 (h)(2) of such section is amended by striking “sub-
 3 section (a)(2)” and inserting “subsection (a)(1) or
 4 subsection (a)(4)”.

5 (b) SOVEREIGN IMMUNITY.—Paragraph (2) of sub-
 6 section (b) of section 4323 of such title is amended to read
 7 as follows:

8 “(2)(A) In the case of an action against a State
 9 (as an employer), any instrumentality of a State, or
 10 any officer or employee of a State or instrumentality
 11 of a State acting in that officer or employee’s official
 12 capacity, by any person, the action may be brought
 13 in the appropriate district court of the United States
 14 or in a State court of competent jurisdiction, and
 15 the State, instrumentality of the State, or officer or
 16 employee of the State or instrumentality acting in
 17 that officer or employee’s official capacity shall not
 18 be immune under the Eleventh Amendment of the
 19 Constitution, or under any other doctrine of sov-
 20 ereign immunity, from such action.

21 “(B)(i) No State, instrumentality of such State,
 22 or officer or employee of such State or instrumen-
 23 tality of such State, acting in that officer or employ-
 24 ee’s official capacity, that receives or uses Federal fi-
 25 nancial assistance for a program or activity shall be

1 immune, under the Eleventh Amendment of the
 2 Constitution or under any other doctrine of sov-
 3 ereign immunity, from suit in Federal or State court
 4 by any person for any violation under this chapter
 5 related to such program or activity.

6 “(ii) In an action against a State brought pur-
 7 suant to subsection (a), a court may award the rem-
 8 edies (including remedies both at law and in equity)
 9 that are available under subsections (d) and (e).”.

10 (c) VENUE FOR CASES AGAINST PRIVATE EMPLOY-
 11 ERS.—Subsection (c)(2) of such section is amended by
 12 striking “United States district court for any district in
 13 which the private employer of the person maintains a place
 14 of business.” and inserting “United States district court
 15 for—

16 “(A) any district in which the employer
 17 maintains a place of business;

18 “(B) any district in which a substantial
 19 part of the events or omissions giving rise to
 20 the claim occurred; or

21 “(C) if there is no district in which an ac-
 22 tion may otherwise be brought as provided in
 23 subparagraph (A) or (B), any district in which
 24 the employer is subject to the court’s personal
 25 jurisdiction with respect to such action.”.

1 (d) COMPENSATORY AND PUNITIVE DAMAGES.—

2 (1) IN GENERAL.—Subsection (d)(1) of such
3 section is amended by striking subparagraph (C)
4 and inserting the following new subparagraphs:

5 “(C) The court may require the employer to pay the
6 person compensatory damages suffered by reason of such
7 employer’s failure to comply with the provisions of this
8 chapter.

9 “(D) The court may require the employer (other than
10 a government, government agency, or political subdivision)
11 to pay the person punitive damages if the court determines
12 that the employer failed to comply with the provisions of
13 this chapter with reckless indifference to the federally pro-
14 tected rights of the person.

15 “(E) The sum of the amount of compensatory dam-
16 ages awarded under subparagraph (C) and the amount of
17 punitive damages awarded under subparagraph (D) may
18 not exceed, for each person the following:

19 “(i) In the case of an employer who has more
20 than 14 and fewer than 101 employees in each of 20
21 or more calendar weeks in the current or preceding
22 calendar year, \$50,000.

23 “(ii) In the case of an employer who has more
24 than 100 and fewer than 201 employees in each of

1 20 or more calendar weeks in the current or pre-
 2 ceding calendar year, \$100,000.

3 “(iii) In the case of an employer who has more
 4 than 200 and fewer than 501 employees in each of
 5 20 or more calendar weeks in the current or pre-
 6 ceding calendar year, \$200,000.

7 “(iv) In the case of an employer who has more
 8 than 500 employees in each of 20 or more calendar
 9 weeks in the current or preceding calendar year,
 10 \$300,000.”.

11 (2) CONFORMING AMENDMENT.—Subsection
 12 (d)(2) of such section is amended to read as follows:

13 “(2)(A) Any compensation awarded under subpara-
 14 graph (B), (C), or (D) of paragraph (1) shall be in addi-
 15 tion to, and shall not diminish, any of the other rights
 16 and benefits provided for under this chapter.

17 “(B) In the case of an action commenced in the name
 18 of the United States for which the relief includes com-
 19 pensation awarded under subparagraph (B), (C), or (D)
 20 of paragraph (1), such compensation shall be held in a
 21 special deposit account and shall be paid, on order of the
 22 Attorney General, directly to the person. If the compensa-
 23 tion is not paid to the person because of inability to do
 24 so within a period of 3 years, the compensation shall be

1 covered into the Treasury of the United States as miscella-
2 neous receipts.”.

3 (e) STANDING.—Subsection (f) of such section is
4 amended—

5 (1) by inserting “by the United States or” after
6 “may be initiated only”; and

7 (2) by striking “or by the United States under
8 subsection (a)(1)”.

9 (f) CIVIL INVESTIGATIVE DEMANDS.—Such section is
10 further amended by adding at the end the following new
11 subsection:

12 “(j) ISSUANCE AND SERVICE OF CIVIL INVESTIGA-
13 TIVE DEMANDS BY ATTORNEY GENERAL.—(1) Whenever
14 the Attorney General has reason to believe that any person
15 may be in possession, custody, or control of any documen-
16 tary material relevant to an investigation under this chap-
17 ter, the Attorney General may, before commencing a civil
18 action under subsection (a), issue in writing and cause to
19 be served upon such person, a civil investigative demand
20 requiring—

21 “(A) the production of such documentary mate-
22 rial for inspection and copying;

23 “(B) that the custodian of such documentary
24 material answer in writing written questions with re-
25 spect to such documentary material; or

1 “(C) the production of any combination of such
2 documentary material or answers.

3 “(2) The provisions governing the authority to issue,
4 use, and enforce civil investigative demands under section
5 3733 of title 31 (known as the ‘False Claims Act’) shall
6 govern the authority to issue, use, and enforce civil inves-
7 tigative demands under paragraph (1), except that for
8 purposes of that paragraph—

9 “(A) a reference in that section to false claims
10 law investigators or investigations shall be applied as
11 referring to investigators or investigations under this
12 chapter;

13 “(B) a reference to interrogatories shall be ap-
14 plied as referring to written questions, and answers
15 to such need not be under oath;

16 “(C) the statutory definitions for purposes of
17 that section relating to ‘false claims law’ shall not
18 apply; and

19 “(D) provisions of that section relating to qui
20 tam relators shall not apply.”.

21 (g) PENSION CONTRIBUTION CALCULATIONS.—Sub-
22 section (b) of section 4318 of such title is amended—

23 (1) in paragraph (3)(B), by striking “on the
24 basis of” and all that follows and inserting “on the
25 basis specified in paragraph (4).”; and

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

3 “(4) The basis for a computation under para-
4 graph (3) to which subparagraph (B) of that para-
5 graph applies is as follows:

6 “(A) If the period of service described in
7 subsection (a)(2)(B) is one year or less, the
8 computation shall be made on the basis of the
9 employee’s average rate of compensation during
10 the 12-month period immediately preceding
11 such period or, if shorter, the period of employ-
12 ment immediately preceding such period.

13 “(B) If the period of such service is more
14 than one year, the computation shall be made
15 on the basis of the average rate of compensa-
16 tion during such period of service of employees
17 of that employer who are similarly situated to
18 the servicemember in terms of having similar
19 seniority, status, and pay.”.

20 (h) DISABILITY DISCOVERED AFTER EMPLOYEE RE-
21 SUMES EMPLOYMENT.—Subsection (a)(3) of section 4313
22 of such title is amended by inserting “including a dis-
23 ability that is brought to the employer’s attention within
24 five years after the person resumes employment,” after
25 “during, such service,”.

1 (i) BURDEN OF IDENTIFYING PROPER REEMPLOY-
 2 MENT POSITIONS.—Section 4313 of such title is amended
 3 by adding at the end the following new subsection:

4 “(c) For purposes of this section, the employer shall
 5 have the burden of identifying the appropriate reemploy-
 6 ment positions.”.

7 **SEC. 544. ENHANCED ROLE FOR DEPARTMENT OF JUSTICE**
 8 **UNDER MILITARY LENDING ACT.**

9 (a) ENFORCEMENT BY THE ATTORNEY GENERAL.—
 10 Subsection (f) of section 987 of title 10, United States
 11 Code, is amended by adding at the end the following new
 12 paragraph:

13 “(7) ENFORCEMENT BY THE ATTORNEY GEN-
 14 ERAL.—

15 “(A) IN GENERAL.—The Attorney General
 16 may commence a civil action in any appropriate
 17 district court of the United States against any
 18 person who—

19 “(i) engages in a pattern or practice
 20 of violating this section; or

21 “(ii) engages in a violation of this sec-
 22 tion that raises an issue of general public
 23 importance.

24 “(B) RELIEF.—In a civil action com-
 25 menced under subparagraph (A), the court—

1 “(i) may grant any appropriate equi-
 2 table or declaratory relief with respect to
 3 the violation of this section;

4 “(ii) may award all other appropriate
 5 relief, including monetary damages, to any
 6 person aggrieved by the violation; and

7 “(iii) may, to vindicate the public in-
 8 terest, assess a civil penalty—

9 “(I) in an amount not exceeding
 10 \$110,000 for a first violation; and

11 “(II) in an amount not exceeding
 12 \$220,000 for any subsequent viola-
 13 tion.

14 “(C) INTERVENTION.—Upon timely appli-
 15 cation, a person aggrieved by a violation of this
 16 section with respect to which the civil action is
 17 commenced may intervene in such action, and
 18 may obtain such appropriate relief as the per-
 19 son could obtain in a civil action under para-
 20 graph (5) with respect to that violation, along
 21 with costs and a reasonable attorney fee.

22 “(D) ISSUANCE AND SERVICE OF CIVIL IN-
 23 VESTIGATIVE DEMANDS.—Whenever the Attor-
 24 ney General, or a designee, has reason to be-
 25 lieve that any person may be in possession, cus-

1 today, or control of any documentary material
2 relevant to an investigation under this section,
3 the Attorney General, or a designee, may, be-
4 fore commencing a civil action under subpara-
5 graph (A), issue in writing and cause to be
6 served upon such person, a civil investigative
7 demand requiring—

8 “(i) the production of such documen-
9 tary material for inspection and copying;

10 “(ii) that the custodian of such docu-
11 mentary material answer in writing written
12 questions with respect to such documen-
13 tary material; or

14 “(iii) the production of any combina-
15 tion of such documentary material or an-
16 swers.

17 “(E) RELATIONSHIP TO FALSE CLAIMS
18 ACT.—The statutory provisions governing the
19 authority to issue, use, and enforce civil inves-
20 tigative demands under section 3733 of title 31
21 (known as the ‘False Claims Act’) shall govern
22 the authority to issue, use, and enforce civil in-
23 vestigative demands under subparagraph (D),
24 except that—

1 “(i) any reference in that section to
 2 false claims law investigators or investiga-
 3 tions shall be applied for purposes of sub-
 4 paragraph (D) as referring to investigators
 5 or investigations under this section;

6 “(ii) any reference in that section to
 7 interrogatories shall be applied for pur-
 8 poses of subparagraph (D) as referring to
 9 written questions and answers to such
 10 need not be under oath;

11 “(iii) the statutory definitions for pur-
 12 poses of that section relating to ‘false
 13 claims law’ shall not apply; and

14 “(iv) provisions of that section relat-
 15 ing to qui tam relators shall not apply.”.

16 (b) CONSULTATION WITH DEPARTMENT OF JUS-
 17 TICE.—Subsection (h)(3) of such section is amended by
 18 adding at the end the following new subparagraph:

19 “(H) The Department of Justice.”.

20 (c) U.S.C. CROSS-REFERENCES.—Such section is
 21 further amended—

22 (1) in subsection (e)(2), by inserting “(50
 23 U.S.C. 3901 et seq.)” after “Servicemembers Civil
 24 Relief Act”; and

1 (2) in subsection (g), by striking “(50 U.S.C.
2 App. 527)” and inserting “(50 U.S.C. 3937)”.

3 **SEC. 545. REVISION FROM STATUTORY REQUIREMENT TO**
4 **DISCRETIONARY AUTHORITY FOR DESIGNA-**
5 **TION BY MILITARY JUDGE OF AN INDIVIDUAL**
6 **TO ASSUME THE RIGHTS OF THE VICTIM OF**
7 **AN OFFENSE UNDER THE UNIFORM CODE OF**
8 **MILITARY JUSTICE WHEN THE VICTIM IS A**
9 **MINOR, INCOMPETENT, INCAPACITATED, OR**
10 **DECEASED.**

11 Section 806b(c) of title 10, United States Code (arti-
12 cle 6b(c) of the Uniform Code of Military Justice), is
13 amended by striking “shall” and inserting “may”.

14 **SEC. 546. TRANSFER OF PROVISION RELATING TO EX-**
15 **PENSES INCURRED IN CONNECTION WITH**
16 **LEAVE CANCELED DUE TO CONTINGENCY OP-**
17 **ERATIONS.**

18 (a) REIMBURSEMENT FOR EXPENSES INCURRED BY
19 MEMBERS IN CONNECTION WITH LEAVE CANCELED DUE
20 TO CONTINGENCY OPERATIONS.—Chapter 40 of title 10,
21 United States Code, is amended by inserting after section
22 709 the following new section:

1 **“§ 709a. Expenses incurred in connection with leave**
 2 **canceled due to contingency operations:**
 3 **reimbursement**

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

10 “(1) the leave is canceled in connection with the
 11 member’s participation in a contingency operation;
 12 and

13 “(2) the cancellation occurs within 48 hours of
 14 the time the leave would have commenced.

15 “(b) REGULATIONS.—The Secretary of Defense and,
 16 in the case of the Coast Guard when it is not operating
 17 as a service in the Navy, the Secretary of Homeland Secu-
 18 rity shall prescribe regulations to establish the criteria for
 19 the applicability of subsection (a).

20 “(c) CONCLUSIVENESS OF SETTLEMENT.—The set-
 21 tlement of an application for reimbursement under sub-
 22 section (a) is final and conclusive.”.

23 (b) TABLE OF SECTIONS.—The table of sections at
 24 the beginning of chapter 40 of such title is amended by
 25 inserting after the item relating to section 709 the fol-
 26 lowing new item:

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

1 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
2 453 of title 37, United States Code, is amended by strik-
3 ing subsection (g).

4 **SEC. 547. CODIFICATION AND REVISION OF AUTHORITY TO**
5 **CONDUCT PROGRAMS ON CAREER FLEXI-**
6 **BILITY TO ENHANCE RETENTION OF MEM-**
7 **BERS OF THE ARMED FORCES.**

8 (a) CODIFICATION AND PERMANENT AUTHORITY.—
9 Chapter 40 of title 10, United States Code, is amended
10 by adding at the end a new section 710 consisting of—

11 (1) a heading as follows:

12 **“§ 710. Career flexibility to enhance retention of**
13 **members”;**

14 and

15 (2) a text consisting of the text of subsections
16 (a) through (h) of section 533 of the Duncan Hun-
17 ter National Defense Authorization Act for Fiscal
18 Year 2009 (10 U.S.C. prec. 701 note), as amended
19 by section 523 of the National Defense Authoriza-
20 tion Act for Fiscal Year 2016 (Public Law 114–92).

21 (b) REVISION TO ACTIVE SERVICE OBLIGATION.—
22 Section 710 of title 10, United States Code, as added by
23 subsection (a), is amended—

1 (1) in subsection (c)(3), by striking “to serve”
 2 and all that follows and inserting “to serve in active
 3 service for a period of time (if any) specified in the
 4 agreement.”; and

5 (2) in subsection (d), by inserting before the pe-
 6 riod at the end the following: “and the procedures
 7 and standards to be used to determine the period of
 8 active service (if any) to be specified in the agree-
 9 ment under paragraph (3) of that subsection”.

10 (c) AMENDMENTS TO REMOVE REFERENCES TO
 11 PROGRAM AS A PILOT PROGRAM.—Such section is further
 12 amended—

13 (1) by striking “pilot” each place it appears;
 14 and

15 (2) in subsection (a)—

16 (A) by striking “pilot programs author-
 17 ized” and all that follows through “each sec-
 18 retary” and inserting “PROGRAMS AUTHOR-
 19 IZED.—Each Secretary”; and

20 (B) by striking paragraph (2).

21 (d) AMENDMENTS TO CONFORM TO TITLE 10
 22 USAGE.—

23 (1) REFERENCES TO ARMED FORCES.—Such
 24 section is further amended—

1 (A) in subsection (a), as amended by sub-
 2 section (c) of this section—

3 (i) by striking “officers and enlisted”;

4 and

5 (ii) by striking “and Full Time Sup-
 6 port personnel of the reserve components
 7 of the Armed Forces”;

8 (B) in subsection (c)(1), by striking “of
 9 the Armed Force concerned” and inserting “of
 10 the armed force concerned”; and

11 (C) in subsections (a)(2), (c), (e), and (h),
 12 by striking “Armed Forces” each place it ap-
 13 pears and inserting “armed forces”.

14 (2) REFERENCES TO ACTIVE DUTY.—Such sec-
 15 tion is further amended by striking “active duty”
 16 each place it appears (other than in subsection (h)
 17 and including in subsection headings) and inserting
 18 “active service”.

19 (3) UNITED STATES CODE CROSS-REF-
 20 ERENCES.—Such section is further amended—

21 (A) by striking “, United States Code.”
 22 each place it appears and inserting a period;

23 (B) by striking “, United States Code,”
 24 each place it appears other than in subsection
 25 (f)(5);

1 (C) in subsections (f)(5) and (h)(1), by
 2 striking “, United States Code”; and

3 (D) by striking “of title 10” each place it
 4 appears and inserting “of this title”.

5 (e) OTHER CONFORMING AMENDMENTS.—Such sec-
 6 tion is further amended—

7 (1) in subsection (d), by striking “issue” and
 8 inserting “prescribe”; and

9 (2) in subsection (f)(4)(A), by striking “section
 10 404” and inserting “section 474”.

11 (f) REPEAL OF SUPERSEDED PILOT PROGRAM AU-
 12 THORITY.—Section 533 of the Duncan Hunter National
 13 Defense Authorization Act for Fiscal Year 2009 (10
 14 U.S.C. prec. 701 note) is repealed.

15 **SEC. 548. PARENTAL LEAVE FOR MEMBERS OF THE ARMED**
 16 **FORCES.**

17 (a) EXPANDED PARENTAL LEAVE AUTHORITY.—

18 (1) MEMBERS OF THE ARMED FORCES.—

19 (A) IN GENERAL.—Chapter 40 of title 10,
 20 United States Code, is amended by inserting
 21 after section 701 the following new section:

22 **“§ 701a. Parental leave**

23 **“(a) LEAVE AUTHORIZED.—**A member of the armed
 24 forces who is performing active service may be allowed
 25 leave under this section for each instance in which the

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

3 “(b) AMOUNT OF LEAVE.—Leave under this section
4 shall be 14 days, under regulations prescribed under this
5 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
11 entitled to leave under this section with respect to a
12 different child.

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

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

19 “(e) REGULATIONS.—This section shall be carried
20 out under regulations prescribed by the Secretary con-
21 cerned. Regulations prescribed under this section by the
22 Secretaries of the military departments shall be as uni-
23 form as practicable and shall be subject to approval by
24 the Secretary of Defense.”.

1 (B) CLERICAL AMENDMENT.—The table of
 2 sections at the beginning of such chapter is
 3 amended by inserting after the item relating to
 4 section 701 the following new item:

“701a. Parental leave.”.

5 (2) CONFORMING AMENDMENT.—Section 701(j)
 6 of such title is repealed.

7 (b) ADOPTIONS BY DUAL-SERVICE COUPLES.—Sec-
 8 tion 701(i) of such title is amended—

9 (1) in paragraph (1), by inserting before the pe-
 10 riod at the end the following: “, except that in the
 11 event that two members of the armed forces who are
 12 married to each other adopt a child in a qualifying
 13 child adoption, one such member shall be allowed up
 14 to 21 days of leave and the other shall be allowed
 15 up to 14 days of leave”;

16 (2) by striking paragraph (3); and

17 (3) by redesignating paragraph (4) as para-
 18 graph (3).

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
 22 adding at the end the following new paragraph:

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

1 **TITLE VI—COMPENSATION AND**
2 **OTHER PERSONNEL BENEFITS**
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC**
5 **PAY.**

6 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
7 adjustment to become effective during fiscal year 2017 re-
8 quired by section 1009 of title 37, United States Code,
9 in the rates of monthly basic pay authorized members of
10 the uniformed services shall not be made.

11 (b) INCREASE IN BASIC PAY.—Effective on January
12 1, 2017, the rates of monthly basic pay for members of
13 the uniformed services are increased by 1.6 percent.

14 **SEC. 602. ALLOWANCE OF PAYMENTS PURSUANT TO**
15 **POWER OF ATTORNEY.**

16 Section 602(e) of title 37, United States Code, is
17 amended by inserting after “court of competent jurisdic-
18 tion” the following: “or the member has granted authority
19 to an individual to manage these funds pursuant to a valid
20 and legally executed durable power of attorney,”.

1 **Subtitle B—Bonuses and Special**
2 **Incentive Pays**

3 **SEC. 611. EXTENSION OF CERTAIN EXPIRING BONUS AND**
4 **SPECIAL PAY AUTHORITIES.**

5 (a) AUTHORITIES RELATING TO RESERVE
6 FORCES.—Section 910(g) of title 37, United States Code,
7 relating to income replacement payments for reserve com-
8 ponent members experiencing extended and frequent mo-
9 bilization for active duty service is amended by striking
10 “December 31, 2016” and inserting “the date of the en-
11 actment of an Act authorizing appropriations for fiscal
12 year 2018 for military activities of the Department of De-
13 fense”.

14 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
15 CARE PROFESSIONALS.—The following sections of title
16 10, United States Code, are amended by striking “Decem-
17 ber 31, 2016” and inserting “The date of the enactment
18 of an Act authorizing appropriations for fiscal year 2018
19 for military activities of the Department of Defense”:

20 (1) Section 2130a(a)(1), relating to nurse offi-
21 cer candidate accession program.

22 (2) Section 16302(d), relating to repayment of
23 education loans for certain health professionals who
24 serve in the Selected Reserve.

1 (c) TITLE 37 AUTHORITIES RELATING TO HEALTH
2 CARE PROFESSIONALS.—The following sections of title
3 37, United States Code, are amended by striking “Decem-
4 ber 31, 2016” and inserting “the date of the enactment
5 of an Act authorizing appropriations for fiscal year 2018
6 for military activities of the Department of Defense”:

7 (1) Section 302c–1(f), relating to accession and
8 retention bonuses for psychologists.

9 (2) Section 302d(a)(1), relating to accession
10 bonus for registered nurses.

11 (3) Section 302e(a)(1), relating to incentive
12 special pay for nurse anesthetists.

13 (4) Section 302g(e), relating to special pay for
14 Selected Reserve health professionals in critically
15 short wartime specialties.

16 (5) Section 302h(a)(1), relating to accession
17 bonus for dental officers.

18 (6) Section 302j(a), relating to accession bonus
19 for pharmacy officers.

20 (7) Section 302k(f), relating to accession bonus
21 for medical officers in critically short wartime spe-
22 cialties.

23 (8) Section 302l(g), relating to accession bonus
24 for dental specialist officers in critically short war-
25 time specialties.

1 (d) AUTHORITIES RELATING TO NUCLEAR OFFI-
 2 CERS.—Section 333(i) of title 37, United States Code is
 3 amended by striking “December 31, 2016” and inserting
 4 “the date of the enactment of an Act authorizing appro-
 5 priations for fiscal year 2018 for military activities of the
 6 Department of Defense”.

7 (e) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
 8 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
 9 THORITIES.—The following sections of title 37, United
 10 States Code, are amended by striking “December 31,
 11 2016” and inserting “the date of the enactment of an Act
 12 authorizing appropriations for fiscal year 2018 for mili-
 13 tary activities of the Department of Defense”:

14 (1) Section 331(h), relating to general bonus
 15 authority for enlisted members.

16 (2) Section 332(g), relating to general bonus
 17 authority for officers.

18 (3) Section 334(i), relating to special aviation
 19 incentive pay and bonus authorities for officers.

20 (4) Section 335(k), relating to bonus and incen-
 21 tive pay authorities for officers in health professions.

22 (5) Section 336(g), relating to contracting
 23 bonus for cadets and midshipmen enrolled in the
 24 Senior Reserve Officers’ Training Corps.

1 (6) Section 351(h), relating to hazardous duty
2 pay.

3 (7) Section 352(g), relating to assignment pay
4 or special duty pay.

5 (8) Section 353(i), relating to skill incentive
6 pay or proficiency bonus.

7 (9) Section 355(h), relating to retention incen-
8 tives for members qualified in critical military skills
9 or assigned to high priority units.

10 (f) OTHER TITLE 37 BONUS AND SPECIAL PAY AU-
11 THORITIES.—The following sections of title 37, United
12 States Code, are amended by striking “December 31,
13 2016” and inserting “the date of the enactment of an Act
14 authorizing appropriations for fiscal year 2018 for mili-
15 tary activities of the Department of Defense”:

16 (1) Section 301b(a), relating to aviation officer
17 retention bonus.

18 (2) Section 307a(g), relating to assignment in-
19 centive pay.

20 (3) Section 324(g), relating to accession bonus
21 for new officers in critical skills.

22 (4) Section 326(g), relating to incentive bonus
23 for conversion to military occupational specialty to
24 ease personnel shortage.

1 (5) Section 327(h), relating to incentive bonus
2 for transfer between the Armed Forces.

3 (6) Section 330(f), relating to accession bonus
4 for officer candidates.

5 (g) **AUTHORITY TO PROVIDE TEMPORARY INCREASE**
6 **IN RATES OF BASIC ALLOWANCE FOR HOUSING.**—Section
7 403(b)(7)(E) of title 37, United States Code, is amended
8 by striking “December 31, 2016” and inserting “the date
9 of the enactment of an Act authorizing appropriations for
10 fiscal year 2018 for military activities of the Department
11 of Defense”.

12 **SEC. 612. CONFORMING AMENDMENT TO CONSOLIDATION**
13 **OF SPECIAL PAY, INCENTIVE PAY, AND**
14 **BONUS AUTHORITIES.**

15 Section 332(c)(1)(B) of title 37, United States Code,
16 is amended by striking “\$12,000” and inserting
17 “\$20,000”.

18 **SEC. 613. TECHNICAL AND CLERICAL AMENDMENTS RELAT-**
19 **ING TO 2008 CONSOLIDATION OF CERTAIN**
20 **SPECIAL PAY AUTHORITIES.**

21 (a) **FAMILY CARE PLANS.**—Section 586 of the Na-
22 tional Defense Authorization Act for Fiscal Year 2008
23 (Public Law 110–181; 10 U.S.C. 991 note) is amended
24 by inserting “or 351” after “section 310”.

1 (b) DEPENDENTS’ MEDICAL CARE.—Section
2 1079(g)(1) of title 10, United States Code, is amended
3 by inserting “or 351” after “section 310”.

4 (c) RETENTION ON ACTIVE DUTY DURING DIS-
5 ABILITY EVALUATION PROCESS.—Section 1218(d)(1) of
6 title 10, United States Code, is amended by inserting “or
7 351” after “section 310”.

8 (d) STORAGE SPACE.—Section 362(1) of the John
9 Warner National Defense Authorization Act for Fiscal
10 Year 2007 (Public Law 109–364; 10 U.S.C. 2825 note)
11 is amended by inserting “, or paragraph (1) or (3) of sec-
12 tion 351(a),” after “section 310”.

13 (e) STUDENT ASSISTANCE PROGRAMS.—Sections
14 455(o)(3)(B) and 465(a)(2)(D) of the Higher Education
15 Act of 1965 (20 U.S.C. 1087e(o)(3)(B), 1087ee(a)(2)(D))
16 are amended by inserting “or paragraph (1) or (3) of sec-
17 tion 351(a).” after “section 310”.

18 (f) ARMED FORCES RETIREMENT HOME.—Section
19 1512(a)(3)(A) of the Armed Forces Retirement Home Act
20 of 1991 (24 U.S.C. 412(a)(3)(A)) is amended by inserting
21 “or 351” after “section 310”.

22 (g) VETERANS OF FOREIGN WARS MEMBERSHIP.—
23 Section 230103(3) of title 36, United States Code, is
24 amended by inserting “or 351” after “section 310”.

1 (h) MILITARY PAY AND ALLOWANCES.—Title 37,
 2 United States Code, is amended—

3 (1) in section 212(a), by inserting “, or para-
 4 graph (1) or (3) of section 351(a),” after “section
 5 310”;

6 (2) in section 402a(b)(3)(B), by inserting “or
 7 351” after “section 310”;

8 (3) in section 481a(a), by inserting “or 351”
 9 after “section 310”;

10 (4) in section 907(d)(1)(H), by inserting “or
 11 351” after “section 310”; and

12 (5) in section 910(b)(2)(B), by inserting “, or
 13 paragraph (1) or (3) of section 351(a),” after “sec-
 14 tion 310”.

15 (i) EXCLUSIONS FROM INCOME FOR PURPOSE OF
 16 SUPPLEMENTAL SECURITY INCOME.—Section
 17 1612(b)(20) of the Social Security Act (42 U.S.C.
 18 1382a(b)(20)) is amended by inserting “, or paragraph
 19 (1) or (3) of section 351(a),” after “section 310”.

20 (j) EXCLUSIONS FROM INCOME FOR PURPOSE OF
 21 HEAD START PROGRAM.—Section 645(a)(3)(B)(i) of the
 22 Head Start Act (42 U.S.C. 9840(a)(3)(B)(i)) is amended
 23 by inserting “or 351” after “section 310”.

24 (k) EXCLUSIONS FROM GROSS INCOME FOR FED-
 25 ERAL INCOME TAX PURPOSES.—Section 112(c)(5)(B) of

1 the Internal Revenue Code of 1986 is amended by insert-
 2 ing “, or paragraph (1) or (3) of section 351(a),” after
 3 “section 310”.

4 **SEC. 614. AUTHORITY FOR PAYMENT OF DEATH GRATUITY**
 5 **TO TRUSTS.**

6 Section 1477(a) of title 10, United States Code, is
 7 amended—

8 (1) in paragraph (1)—

9 (A) in the first sentence, by inserting “, or
 10 one or more trusts legally established under any
 11 Federal, State, or territorial law,” after “one or
 12 more persons”; and

13 (B) in the second sentence, by inserting
 14 “or trust” after “person” both places it ap-
 15 pears; and

16 (2) in paragraph (2), by inserting “, or a trust
 17 for the benefit of a person other than the spouse,”
 18 after “other than the spouse”.

19 **SEC. 615. AUTHORITY TO WAIVE RECOUPMENT OF INVOL-**
 20 **UNTARY SEPARATION PAY FOR MEMBERS**
 21 **WHO SUBSEQUENTLY BECOME ENTITLED TO**
 22 **RETIRED PAY.**

23 Section 1174(h) of title 10, United States Code, is
 24 amended by adding at the end the following new para-
 25 graph:

1 “(3) The Secretary of Defense or the Secretary
 2 of Homeland Security, with respect to the Coast
 3 Guard when it is not operating as a service in the
 4 Navy, may waive the requirement to repay separa-
 5 tion or severance pay under paragraph (1) if such
 6 Secretary determines that recovery would be against
 7 equity and good conscience or would be contrary to
 8 the best interests of the United States.”.

9 **SEC. 616. INCREASE IN MAXIMUM AMOUNT OF AVIATION**
 10 **SPECIAL PAYS FOR FLYING DUTY FOR OTHER**
 11 **THAN REMOTELY PILOTED AIRCRAFT.**

12 Section 334(c)(1) of title 37, United States Code, is
 13 amended—

14 (1) In subparagraph (a), by striking “not to ex-
 15 ceed—” and all that follows through “flying duty;”
 16 and inserting “not to exceed \$1,000 per month;”;
 17 and

18 (2) in subparagraph (B), by striking “may not
 19 exceed” and all that follows and inserting “may not
 20 exceed \$35,000 for each 12-month period of obli-
 21 gated service agreed to under subsection (d).”.

1 **Subtitle C—Retired Pay**

2 **SEC. 621. TERMINATION OF AUTOMATIC REENROLLMENT**
3 **IN THRIFT SAVINGS PLAN.**

4 Paragraph (2) of section 8432(b) of title 5, United
5 States Code, as amended by section 632(b) of the National
6 Defense Authorization Act for Fiscal Year 2016 (Public
7 Law 114–92; 129 Stat. ____), is amended by striking sub-
8 paragraph (F).

9 **SEC. 622. MATCHING CONTRIBUTIONS.**

10 Subclause (I) of section 8440e(e)(3)(B)(i) of title 5,
11 United States Code, as added by section 632(a)(2) of the
12 National Defense Authorization Act for Fiscal Year 2016
13 (Public Law 114–92; 129 Stat. ____), is amended by
14 striking “2 years” and inserting “4 years”.

15 **SEC. 623. SEPARATION DETERMINATIONS FOR MEMBERS**
16 **PARTICIPATING IN THE THRIFT SAVINGS**
17 **PLAN.**

18 Paragraph (6) of section 8432(g) of title 5, United
19 States Code, as added by section 632(c)(2) of the National
20 Defense Authorization Act for Fiscal Year 2016 (Public
21 Law 114–92; 129 Stat. ____), is repealed.

22 **SEC. 624. THRIFT SAVINGS PLAN DEFAULT INVESTMENT**
23 **TYPE.**

24 Paragraph (2) of section 8438(c) of title 5, United
25 States Code, as amended by section 632(d) of the National

1 Defense Authorization Act for Fiscal Year 2016 (Public
2 Law 114–92; 129 Stat. ____), is amended—

3 (1) in subparagraph (A), by striking “If an”
4 and inserting “(A) Consistent with the requirements
5 of subparagraph (B), if an”; and

6 (2) by adding at the end the following new sub-
7 paragraph:

8 “(B) Contributions made by a full TSP member (as
9 defined in section 8440e(a) of this title) in accordance
10 with section 8432 of this title shall be designated Roth
11 contributions until the full TSP member elects not to des-
12 ignate such contributions as Roth contributions.”.

13 **SEC. 625. MAXIMUM AMOUNT OF THRIFT SAVINGS PLAN**
14 **CONTRIBUTIONS; MATCHING CONTRIBUTION**
15 **PERCENTAGE INCREASE.**

16 (a) **MAXIMUM AMOUNT.**—Paragraph (2) of section
17 8440e(e) of title 5, United States Code, as added by sec-
18 tion 632(a)(2) of the National Defense Authorization Act
19 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
20 ____), is amended by striking “5 percent” and inserting
21 “6 percent”.

22 (b) **MATCHING CONTRIBUTION PERCENTAGE IN-**
23 **CREASE.**—Paragraph (2) of section 8432(c) of title 5,
24 United States Code, is amended by adding at the end the
25 following new subparagraph:

1 “(D) Notwithstanding subparagraph (B),
 2 the amount contributed under subparagraph
 3 (A) by an employing agency with respect to a
 4 contribution of a full TSP member (as defined
 5 in section 8440e(a) of this title) during any pay
 6 period shall be the amount equal to such por-
 7 tion of the total amount of the member’s con-
 8 tribution as does not exceed 5 percent of such
 9 member’s basic pay for such period.”.

10 **SEC. 626. DURATION OF THRIFT SAVINGS PLAN CONTRIBU-**
 11 **TIONS.**

12 Paragraph (3) of section 8440e(e) of title 5, United
 13 States Code, as added by section 632(a)(2) of the National
 14 Defense Authorization Act for Fiscal Year 2016 (Public
 15 Law 114–92; 129 Stat. ____), is amended—

16 (1) in subparagraph (A)—

17 (A) by striking clause (ii);

18 (B) by striking “pay period during” and
 19 all that follows through “begins—” and insert-
 20 ing “pay period that begins—”;

21 (C) by redesignating subclauses (I) and
 22 (II) as clauses (i) and (ii), respectively, and
 23 moving the margins of such clauses, as so re-
 24 designated, 2 ems to the left; and

1 (D) in clause (ii), as redesignated by sub-
 2 paragraph (C), by striking “; and” and insert-
 3 ing a period; and

4 (2) in subparagraph (B)—

5 (A) by striking clause (ii);

6 (B) by striking “pay period during” and
 7 all that follows through “begins—” and insert-
 8 ing “pay period that begins—”;

9 (C) by redesignating subclauses (I) and
 10 (II) (as amended by section 622 of this sub-
 11 title) as clauses (i) and (ii), respectively, and
 12 moving the margins of such clauses, as so re-
 13 designated, 2 ems to the left; and

14 (D) in clause (ii), as redesignated by sub-
 15 paragraph (C), by striking “; and” and insert-
 16 ing a period.

17 **SEC. 627. ELECTION PERIOD TO PARTICIPATE IN THE MOD-**
 18 **ERNIZED RETIREMENT SYSTEM.**

19 Subparagraph (C) of section 1409(b)(4) of title 10,
 20 United States Code, as added by section 631(a) of the Na-
 21 tional Defense Authorization Act for Fiscal Year 2016
 22 (Public Law 114–92; 129 Stat. ____), is amended—

23 (1) in clause (i), by striking “and (iii)” and in-
 24 serting “, (iii), (iv) and (v)”; and

1 (2) by adding at the end the following new
2 clauses:

3 “(iv) CADETS AND MIDSHIPMEN,
4 ETC.—A member of a uniformed service
5 who serves as a cadet, midshipman, or
6 member of the Senior Reserve Officers’
7 Training Corps during the election period
8 specified in clause (i) shall make the elec-
9 tion described in subparagraph (B)—

10 “(I) on or after the date on
11 which such cadet, midshipman, or
12 member of the Senior Reserve Offi-
13 cers’ Training Corps is appointed as a
14 commissioned officer or otherwise be-
15 gins to receive basic pay; and

16 “(II) not later than 30 days after
17 such date or the end of such election
18 period, whichever is later.

19 “(v) INACTIVE RESERVISTS.—A mem-
20 ber of a reserve component who is not in
21 an active status during the election period
22 specified in clause (i) shall make the elec-
23 tion described in subparagraph (B)—

24 “(I) on or after the date on
25 which such member is transferred

1 from an inactive status to an active
 2 status or active duty; and

3 “(II) not later than 30 days after
 4 such date or the end of such election
 5 period, whichever is later.”.

6 **SEC. 628. COMBAT-RELATED SPECIAL COMPENSATION CO-**
 7 **ORDINATING AMENDMENT.**

8 Subparagraph (B) of section 1413a(b)(3) of title 10,
 9 United States Code, is amended by striking “2½ percent
 10 of the member’s years of creditable service” and inserting
 11 “the retired pay multiplier determined for the member
 12 under section 1409 of this title”.

13 **SEC. 629. DISCRETIONARY CONTINUATION PAY FOR MEM-**
 14 **BERS WHO HAVE COMPLETED 8 TO 16 YEARS**
 15 **OF SERVICE.**

16 (a) CONTINUATION PAY.—Section 356 of title 37,
 17 United States Code, as added by section 634 of the Na-
 18 tional Defense Authorization Act for Fiscal Year 2016
 19 (Public Law 114–92; 129 Stat. ____), is amended—

20 (1) in the heading, by striking “**12 years**”
 21 and inserting “**not less than 8 and not more**
 22 **than 16 years**”;

23 (2) in subsection (a)—

24 (A) in the matter preceding paragraph (1),
 25 by striking “shall” and inserting “may”;

1 (B) by striking paragraph (1) and insert-
 2 ing the following:

3 “(1) has completed not less than 8 and not
 4 more than 16 years of service in a uniformed serv-
 5 ice; and”; and

6 (C) in paragraph (2), by striking “an addi-
 7 tional 4 years” and inserting “not less than 3
 8 additional years”;

9 (3) by amending subsection (b) to read as fol-
 10 lows:

11 “(b) PAYMENT AMOUNT.—The Secretary concerned
 12 shall determine the payment amount under this section
 13 as a multiple of a full TSP member’s monthly basic pay.
 14 The maximum amount the Secretary concerned may pay
 15 the member under this section is—

16 “(1) in the case of a member of a regular com-
 17 ponent or in a reserve component if the member is
 18 performing active Guard and Reserve duty (as de-
 19 fined in section 101(d)(6) of title 10), 13 times the
 20 amount of the monthly basic pay payable to the
 21 member for the month during which the agreement
 22 is entered into; and

23 “(2) in the case of any member not covered by
 24 paragraph (1), 6 times the amount of monthly basic
 25 pay to which the member would be entitled for the

1 month during which the agreement under subsection
 2 (a)(2) is entered into if the member were serving on
 3 active duty at the time the agreement is entered
 4 into.”;

5 (4) in subsection (c), by striking “required”
 6 and inserting “that may be paid”; and

7 (5) by amending subsection (d) to read as fol-
 8 lows:

9 “(d) TIMING OF PAYMENT.—The Secretary con-
 10 cerned shall pay continuation pay under subsection (a) to
 11 a full TSP member when the member has completed not
 12 less than 8 and not more than 16 years of service in a
 13 uniformed service.”.

14 (b) CLERICAL AMENDMENT TO TABLE OF SEC-
 15 TIONS.—The item relating to section 356 in the table of
 16 sections at the beginning of chapter 5 of title 37, United
 17 States Code, as added by section 634(b) of the National
 18 Defense Authorization Act for Fiscal Year 2016 (Public
 19 Law 114–92; 129 Stat. ____), is amended by striking “12
 20 years” and inserting “not less than 8 and not more than
 21 16 years”.

22 **SEC. 630. EFFECTIVE DATE.**

23 The amendments made by this subtitle shall take ef-
 24 fect on January 1, 2018, immediately after the amend-

ments made by the National Defense Authorization Act
for Fiscal Year 2016 (Public Law 114–92).

Subtitle D—Survivor Benefits

SEC. 631. BENEFITS FOR SURVIVORS OF MEMBERS DYING WHILE IN INACTIVE-DUTY TRAINING STATUS.

(a) TREATMENT OF INACTIVE-DUTY TRAINING
DEATHS IN SAME MANNER AS ACTIVE DUTY DEATHS.—

(1) Section 1451(c)(1)(A) of title 10, United
States Code, is amended—

(A) in clause (i)—

(i) by inserting “or 1448(f)(1)(B)”
after “section 1448(d)”; and

(ii) by inserting “or (iii)” after
“clause (ii)”; and

(B) in clause (iii)—

(i) by striking “section 1448(f) of this
title” and inserting “section 1448(f)(1)(A)
of this title by reason of the death of a
member or former member not in line of
duty”; and

(ii) by striking “active”.

(2) APPLICATION OF AMENDMENTS.—No annu-
ity benefit under the Survivor Benefit Plan shall ac-
crue to any person by reason of the amendments
made by paragraph (1) for any period before the

1 date of the enactment of this Act. With respect to
 2 an annuity under the Survivor Benefit Plan for a
 3 death occurring on or after September 10, 2001,
 4 and before the date of the enactment of this Act, the
 5 Secretary concerned shall recompute the benefit
 6 amount to reflect the amendments made by subpara-
 7 graphs (A) and (B)(i) of paragraph (1), effective for
 8 months beginning after the date of the enactment of
 9 this Act. The amendment made by subparagraph
 10 (B)(ii) of such paragraph shall apply only with re-
 11 spect to an annuity under the Survivor Benefit Plan
 12 for a death occurring on or after the date of the en-
 13 actment of this Act.

14 (b) CONSISTENT TREATMENT OF DEPENDENT CHIL-
 15 DREN.—

16 (1) IN GENERAL.—Paragraph (2) of section
 17 1448(f) of title 10, United States Code, is amended
 18 to read as follows:

19 “(2) DEPENDENT CHILDREN ANNUITY.—

20 “(A) ANNUITY WHEN NO ELIGIBLE SUR-
 21 VIVING SPOUSE.—In the case of a person de-
 22 scribed in paragraph (1), the Secretary con-
 23 cerned shall pay an annuity under this sub-
 24 chapter to the dependent children of that per-

1 son under subsection (a)(2) or (a)(4) of section
2 1450 of this title as applicable.

3 “(B) OPTIONAL ANNUITY WHEN THERE IS
4 AN ELIGIBLE SURVIVING SPOUSE.—The Sec-
5 retary may pay an annuity under this sub-
6 chapter to the dependent children of a person
7 described in paragraph (1) under subsection
8 (a)(3) or (a)(4) of section 1450 of this title, if
9 applicable, instead of paying an annuity to the
10 surviving spouse under paragraph (1), if the
11 Secretary concerned, in consultation with the
12 surviving spouse, determines it appropriate to
13 provide an annuity for the dependent children
14 under this paragraph instead of an annuity for
15 the surviving spouse under paragraph (1).”.

16 (2) ELECTIONS FOR DEATHS BEFORE DATE OF
17 ENACTMENT.—For any death that occurred before
18 the date of the enactment of this Act with respect
19 to which an annuity under the Survivor Benefit Plan
20 is being paid (or could be paid) to a surviving
21 spouse, the Secretary concerned may, within six
22 months of such date of enactment and in consulta-
23 tion with the surviving spouse, determine it appro-
24 priate to provide an annuity for the dependent chil-
25 dren of the decedent under section 1448(f)(2)(B) of

1 title 10, United States Codes, as added by para-
2 graph (1), instead of an annuity for the surviving
3 spouse. Any such determination and resulting
4 change in beneficiary shall be effective as of the first
5 day of the first month following the date of the de-
6 termination and shall apply with respect to benefit
7 payments for months beginning on or after that day.

8 (c) DEEMED ELECTIONS.—

9 (1) Section 1448(f) of title 10, United States
10 Code, as amended by subsection (b), is further
11 amended by adding at the end the following new
12 paragraph:

13 “(5) DEEMED ELECTION TO PROVIDE AN AN-
14 NUITY FOR DEPENDENT.—In the case of a person
15 described in paragraph (1) who dies on or after the
16 date of the enactment of this paragraph, the Sec-
17 retary concerned may, if no other annuity is payable
18 on behalf of that person under this subchapter, pay
19 an annuity to a natural person who has an insurable
20 interest in such person as if the annuity were elected
21 by the person under subsection (b)(1). The Sec-
22 retary concerned may pay such an annuity under
23 this paragraph only in the case of a person who is
24 a dependent of that deceased person (as defined in
25 section 1072(2) of this title). An annuity under this

1 paragraph shall be computed in the same manner as
 2 provided under subparagraph (B) of subsection
 3 (d)(6) for an annuity under that subsection.”.

4 (2) EFFECTIVE DATE.—No annuity payment
 5 under paragraph (5) of section 1448(f) of title 10,
 6 United States Code, as added by paragraph (1), may
 7 be made for any period before the date of the enact-
 8 ment of this Act

9 (d) DEFINITIONS.—For purposes of this section:

10 (1) The term “Survivor Benefit Plan” means
 11 the program established under subchapter II of
 12 chapter 73 of title 10, United States Code.

13 (2) The term “Secretary concerned” has the
 14 meaning given that term in section 101 of title 37,
 15 United States Code.

16 **SEC. 632. TECHNICAL AMENDMENTS TO SURVIVOR BEN-**
 17 **EFIT PLAN STATUTE.**

18 (a) AMENDMENT TO CLARIFY DEFINITION OF SUR-
 19 VIVING SPOUSE.—

20 (1) INCORPORATION OF DEATHS ON ACTIVE
 21 DUTY, ETC.—Paragraphs (7) and (8) of section
 22 1447 of title 10, United States Code, are amended
 23 to read as follows:

24 “(7) WIDOW.—The term ‘widow’ means the
 25 surviving wife of a person who—

1 “(A) died on active duty under the cir-
 2 cumstances described in section 1448(d) of this
 3 title;

4 “(B) died when or before eligible to elect
 5 a reserve-component annuity under the cir-
 6 cumstances described in section 1448(f) of this
 7 title; or

8 “(C) died under circumstances other than
 9 those described in subparagraphs (A) and (B)
 10 and if the surviving wife was not married to the
 11 person at the time the person became eligible
 12 for retired pay—

13 “(i) was married to the person for at
 14 least one year immediately before the per-
 15 son’s death; or

16 “(ii) is the mother of issue by that
 17 marriage.

18 “(8) WIDOWER.—The term ‘widower’ means
 19 the surviving husband of a person who—

20 “(A) died on active duty under the cir-
 21 cumstances described in section 1448(d) of this
 22 title;

23 “(B) died when or before eligible to elect
 24 a reserve-component annuity under the cir-

1 cumstances described in section 1448(f) of this
2 title; or

3 “(C) died under circumstances other than
4 those described in subparagraphs (A) and (B)
5 and, if the surviving husband was not married
6 to the person at the time the person became eli-
7 gible for retired pay—

8 “(i) was married to the person for at
9 least one year immediately before the per-
10 son’s death; or

11 “(ii) is the father of issue by that
12 marriage.”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by paragraph (1) shall take effect as of September
15 10, 2001, and shall apply with respect to deaths oc-
16 curring on or after that date, as if included in the
17 amendments made by section 642 of the National
18 Defense Authorization Act for Fiscal Year 2002
19 (Public Law 107–107; 115 Stat. 1151) when en-
20 acted.

21 (b) CROSS-REFERENCE CORRECTIONS.—

22 (1) Section 1451 of title 10, United States
23 Code, is amended by striking “section 1450(a)(4)”
24 in subsections (a)(1), (a)(2), (b)(1), and (b)(2) and
25 inserting “section 1450(a)(5)”.

(2) Section 1452 of such title is amended by striking “section 1450(a)(4)” in subsections (c)(1) and (c)(3) and inserting “section 1450(a)(5)”.

Subtitle E—Other Provisions Related to Retired Pay

**SEC. 641. INCLUSION OF ACTIVE DUTY SERVICE FOR A
PREPLANNED MISSION AS ELIGIBLE SERVICE
FOR REDUCTION OF ELIGIBILITY AGE FOR A
NON-REGULAR RETIREMENT.**

Section 12731(f)(2)(B)(i) of title 10, United States Code, is amended by inserting “or 12304b” after “section 12301(d)”.

TITLE VII—HEALTHCARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. IMPROVED TRICARE HEALTH PLAN CHOICES.

(a) REFORM OF HEALTH CARE ENROLLMENT SYSTEM.—Section 1099(c) of title 10, United States Code, is amended to read as follows:

“(c) HEALTH CARE PLANS AVAILABLE UNDER SYSTEM.—Health care services for covered beneficiaries under this chapter require enrollment by the covered beneficiary, including payment of the applicable enrollment fee, in one of the following health care plans:

1 “(1) TRICARE Select under section 1075 of
2 this title.

3 “(2) TRICARE Choice under section 1075 of
4 this title.

5 “(3) TRICARE-for-Life plan under section
6 1086(d) of this title.

7 “(4) TRICARE Second Payer plan under sec-
8 tion 1075 of this title.”.

9 (b) REFORM OF HEALTH PLANS.—Chapter 55 of
10 title 10, United States Code, is amended by inserting after
11 section 1074n the following new section:

12 **“§ 1075. TRICARE health plan options**

13 “(a) IN GENERAL.—(1) This section establishes three
14 principal health plan enrollment options for covered bene-
15 ficiaries under the TRICARE program:

16 “(A) TRICARE Select (the managed care op-
17 tion);

18 “(B) TRICARE Choice (the self-managed op-
19 tion); and

20 “(C) the Second Payer Option.

21 “(2) An additional option, the TRICARE-for-Life op-
22 tion, is established under section 1086(d) of this chapter.

23 “(b) BENEFICIARY CATEGORIES FOR ENROLLMENT
24 ELIGIBILITY.—

1 “(1) BENEFICIARY CATEGORIES.—The bene-
2 ficiary categories for purposes of eligibility to enroll
3 in a health plan option under this section and cost-
4 sharing requirements applicable to those options are
5 as follows:

6 “(A) ACTIVE-DUTY MEMBERS.—This cat-
7 egory consists of beneficiaries who are covered
8 by section 1074(a) of this title.

9 “(B) ACTIVE-DUTY FAMILY MEMBERS.—
10 This category consists of beneficiaries who
11 are—

12 “(i) covered by section 1079 of this
13 title (as dependents of active duty mem-
14 bers);

15 “(ii) disability retirees and their fam-
16 ily members covered by section 1086(c)(1)
17 of this title by reason of being retired
18 under chapter 61 of this title or being a
19 dependent of such a member; or

20 “(iii) survivors covered by section
21 1086(c)(2) of this title.

22 “(C) RETIRED.—This category consists of
23 beneficiaries covered by section 1086(c) of this
24 title other than those beneficiaries referred to in
25 paragraph (B) (ii) or (iii).

1 “(c) TRICARE SELECT OPTION.—

2 “(1) IN GENERAL.—The Secretary of Defense
3 shall establish in areas in which a facility of the uni-
4 formed services (other than a facility limited to
5 members of the armed forces) is located the
6 TRICARE Select Option, to provide reduced cost-
7 sharing amounts for enrolled beneficiaries whose
8 care is provided by or managed by a designated pri-
9 mary care manager and network providers.
10 TRICARE Select is the managed care option.

11 “(2) ELIGIBILITY.—

12 “(A) A beneficiary in the active duty fam-
13 ily member beneficiary category (as described in
14 paragraph (b)(1)(B) of this section) is eligible
15 to enroll in the TRICARE Select Option.

16 “(B) A beneficiary in the retired bene-
17 ficiary category (as described in paragraph
18 (b)(1)(C)) is eligible to enroll in the Managed
19 Care Option in selected locations to the extent
20 a facility of the uniformed services in the loca-
21 tion has, in the judgment of the Secretary, a
22 significant number of uniformed health care
23 providers, including specialty providers, and
24 sufficient capability to support efficient oper-

1 ation of the TRICARE Select Option in the
2 area for the projected enrollees.

3 “(C) Notwithstanding subparagraphs (A)
4 and (B), a beneficiary under sections 1076d,
5 1076e, 1078a, or 1086(d)(2) is not eligible to
6 enroll in TRICARE Select.

7 “(3) REFERRAL REQUIRED.—A TRICARE Se-
8 lect Option enrollee shall, subject to such regulations
9 as the Secretary of Defense may establish, be re-
10 quired to obtain care or a referral for care from a
11 designated primary care manager (or other care co-
12 ordinator) prior to obtaining care under the
13 TRICARE program. In the case of an unexcused
14 failure to obtain such referral, the cost-sharing re-
15 quirement for such care (referred to as point-of-serv-
16 ice charges) shall be equal to the amount that is 50
17 percent of the allowed charge for such care.

18 “(d) TRICARE CHOICE OPTION.—

19 “(1) IN GENERAL.—The Secretary of Defense
20 shall establish in all areas a TRICARE Choice Op-
21 tion under which eligible beneficiaries will generally
22 not have restrictions on their freedom of choice of
23 health care providers. TRICARE Choice is a self-
24 managed option.

1 “(2) ELIGIBILITY.—A beneficiary in the active
2 duty family member beneficiary category or the re-
3 tired beneficiary category is eligible to enroll in the
4 TRICARE Choice Option.

5 “(e) COST-SHARING REQUIREMENTS UNDER THE
6 TRICARE SELECT OPTION AND THE TRICARE CHOICE
7 OPTION.—This subsection establishes cost-sharing re-
8 quirements under the TRICARE Select Option and the
9 TRICARE Choice Option.

10 “(1) ENROLLMENT FEE.—Both options have an
11 annual enrollment fee as a pre-condition for benefits
12 under that option.

13 “(2) DEDUCTIBLE AMOUNT.—Neither option
14 has a deductible for health care services received
15 from network providers. Both options have a deduct-
16 ible amount for health care services received from
17 non-network providers. The deductible amount refers
18 to the initial cost incurred by an individual or family
19 unit during a calendar year for services provided by
20 a non-network provider before costs may be paid
21 under the plan option.

22 “(3) COPAYMENTS.—Under both options, co-
23 payments are generally required for services pro-
24 vided outside of facilities of the uniformed services

1 and generally not required for services inside such
2 facilities.

3 “(4) CATASTROPHIC CAP.—Under both options,
4 there is an annual limitation on the amount of cost
5 sharing that a family may be required to pay. Upon
6 reaching the applicable limit, certain further cost-
7 sharing requirements are waived. Enrollment fees
8 and point-of-service charges do not count against the
9 catastrophic cap.

10 “(f) COST-SHARING AMOUNTS.—

11 “(1) AMOUNTS IN CALENDAR YEAR 2018.—
12 Beneficiaries (other than active duty members) en-
13 rolled in the TRICARE Select Option and the
14 TRICARE Choice Option shall be subject to cost-
15 sharing requirements in accordance with the
16 amounts and percentages under the following table
17 during calendar year 2018 and as such amounts are
18 adjusted under paragraph (2) for subsequent years:

	“ADFM Category		Retired Category	
	TRICARE Select Option	TRICARE Choice Option	TRICARE Select Option	TRICARE Choice Option
Fees, Deductible and Catastrophic Caps				
Annual Enrollment Fee	\$0	\$0	\$350 Individual \$700 Family	\$450 Individual \$900 Family

	“ADFM Category		Retired Category	
	TRICARE Select Option	TRICARE Choice Option	TRICARE Select Option	TRICARE Choice Option
Annual Deduct- ible	\$0	<i>E4 and below (E4<)</i> \$100 Individual \$200 Family <i>E5 and above (E5>)</i> \$300 Individual \$600 Family	\$0	\$300 Individual \$600 Family
Annual Cata- strophic Cap	\$1,500	\$1,500	\$4,000	\$4,000
Co-Pays (by Service Type)				
Outpatient MTF Visit	\$0	\$0	\$0	\$0
Outpatient Civilian Visit	\$0 with authorization*	\$15 primary network without deductible \$25 specialty network without deductible 20% out of network after deductible	\$20 primary \$30 specialty with authorization*	\$25 primary network without deductible \$35 specialty network without deductible 25% out of network after deductible
ER Visit MTF ...	\$0	\$0	\$0	\$0
ER Visit Civilian	\$0	\$50 network without deductible 20% out of network after deductible	\$75 network	\$90 network without deductible 25% out of network after deductible
Urgent Care MTF ...	\$0	\$0	\$0	\$0
Urgent Care Civilian	\$0 with authorization*	\$25 network without deductible	\$30 network with authorization*	\$40 network without deductible

	“ADFM Category		Retired Category	
	TRICARE Select Option	TRICARE Choice Option	TRICARE Select Option	TRICARE Choice Option
		20% out of network after deductible		25% out of network after deductible
Ambula- tory Surgery MTF ...	\$0	\$0	\$0	\$0
Ambula- tory Surgery Civilian	\$0 with authorization*	\$50 network without deductible 20% out of network after deductible	\$100 with authorization*	\$125 network without deductible 25% out of network after deductible
Ambu- lance Service MTF ...	\$0	\$0	\$0	\$0
Ambu- lance Service Civilian	\$0	\$15	\$20	\$25
Durable Medical Equip- ment MTF ...	\$0	\$0	\$0	\$0
Durable Medical Equip- ment Civilian	\$0	10%	20%	20%
Hospitali- zation MTF ...	\$0	\$0	\$0	\$0
Hospitali- zation Civilian	\$0 with authorization*	\$80 per admission– network without deductible 20% out of network after deductible	\$200 per admission with authorization*	\$250 per admission– network without deductible 25% out of network after deductible

	“ADFM Category		Retired Category	
	TRICARE Select Option	TRICARE Choice Option	TRICARE Select Option	TRICARE Choice Option
Inpatient Skilled Nur- sing/Re- habilita- tion MTF/ Net- work	\$0 with authorization*	\$25 per day— network without deductible \$35 per day— non-network without deductible	\$25 per day with authorization*	\$25 per day without deductible \$250 per day or 20% of billed charges

* If a beneficiary in the TRICARE Select option chooses to receive care without authorization, the beneficiary will be subject to the deductible and a 50% cost share that will not count toward the catastrophic cap.

1 “(2) ADJUSTMENTS TO AMOUNTS AFTER CAL-
2 ENDAR YEAR 2018.—Each dollar amount expressed
3 as a fixed dollar amount in the table set forth in
4 paragraph 1 shall be annually indexed by the Na-
5 tional Health Expenditures per capita rate, as estab-
6 lished by the Secretary of Health and Human Serv-
7 ices, rounded to the next lower multiple of \$1. The
8 remaining amount above such multiple of \$1 shall be
9 carried over to, and accumulated with, the amount
10 of the increase for the subsequent year or years and
11 made when the aggregate amount of increases car-
12 ried over under this clause for a year is \$1 or more.
13 “(g) SPECIAL RULES REGARDING COST SHARING.—

1 “(1) ACTIVE DUTY MEMBERS.—There are no
2 cost-sharing requirements under this section for ac-
3 tive duty members.

4 “(2) TRICARE-FOR-LIFE BENEFICIARIES.—
5 Cost sharing under this section does not apply to a
6 Medicare-eligible beneficiary for care covered by sec-
7 tion 1086(d)(3) of this title, except that the cata-
8 strophic cap does apply to such care.

9 “(3) EXTENDED HEALTH-CARE SERVICES.—
10 Cost sharing under this section does not apply to ex-
11 tended health care services under subsections (d)
12 and (e) of section 1079 of this title.

13 “(4) OTHER PROGRAMS.—This section does not
14 apply to premiums established under other sections
15 of this chapter. For a program under this chapter
16 for which such a premium applies, the enrollment
17 fee under this section does not apply.

18 “(5) PHARMACY BENEFITS PROGRAM.—Re-
19 quired copayments for services under the Pharmacy
20 Benefits Program are set forth in section 1074g of
21 this title. The enrollment fee, deductible, and cata-
22 strophic cap under this section apply to the Phar-
23 macy Benefits Program under that section.

24 “(6) REMOTE AREA DEPENDENTS.—Cost-shar-
25 ing requirements for a remote area dependent (as

1 described in subsection 1079(o) of this title) are
2 those established under the TRICARE Select Option
3 but without a referral requirement.

4 “(7) TRICARE SECOND PAYER OPTION.—A
5 beneficiary in the Retired beneficiary category (as
6 described in subsection (b)(1)(C)) who enrolls in the
7 TRICARE Second Payer Option shall pay an enroll-
8 ment fee of one-half of the enrollment fee applicable
9 to such a beneficiary who enrolls in the TRICARE
10 Choice Option. Under the Second Payer Option,
11 TRICARE shall pay the standard deductible and co-
12 payment amounts under the beneficiary’s primary
13 plan, not to exceed the amount TRICARE would
14 have paid as primary payer to a non-network pro-
15 vider under this section. The regulations required by
16 subsection (h) may include such other limitations
17 and provisions for this option as the Secretary deter-
18 mines appropriate.

19 “(8) CALENDAR YEAR ENROLLMENT PERIOD.—
20 Enrollment fees, deductible amounts, and cata-
21 strophic caps under this section are on a calendar-
22 year basis.

23 “(h) REGULATIONS.—The Secretary of Defense,
24 after consultation with the other administering Secre-

1 taries, shall prescribe regulations to carry out this section.

2 Such regulations shall include the following provisions.

3 “(1) ACCESS TO HEALTH CARE.—A covered
4 beneficiary enrolled in the TRICARE Select Option
5 shall have access to primary care and specialty care
6 services from facilities of the uniformed services or
7 network providers in the applicable area within spe-
8 cific timeliness standards that are at least com-
9 parable to those of leading health care systems in
10 the United States.

11 “(2) URGENT CARE SERVICES.—In imple-
12 menting the requirements of paragraph (1), the Sec-
13 retary shall make special provisions for appropriate
14 access to urgent care services.

15 “(3) TRANSPARENCY OF PERFORMANCE
16 METRICS.—As part of the administration of the
17 TRICARE Select Option and the TRICARE Choice
18 Option under this section, the Secretary shall pub-
19 lish on a publically available Internet website of the
20 Department of Defense data on all measures the
21 Secretary considers appropriate that are used by the
22 Department to assess patient safety, quality of care,
23 patient satisfaction, and health outcomes. Such
24 measures shall include appropriate measures for
25 each military medical treatment facility. The pub-

lished measures shall be updated no less frequently than quarterly.

“(4) PORTABILITY OF ENROLLMENT.—As part of the administration of the enrollment options under this section, the Secretary shall ensure that the enrollment status of covered beneficiaries is portable between or among TRICARE program regions of the United States and that effective procedures are in place for automatic electronic transfer of information between or among contractors responsible for administration in such regions and prompt communication with such beneficiaries. Each covered beneficiary enrolled in the TRICARE Select Option who has relocated the beneficiary’s primary residence to a new area in which enrollment in the TRICARE Select Option is available shall be able to obtain a new primary health care manager or provider within ten days of the relocation and associated request for such manager or provider.

“(5) VALUE-BASED INCENTIVES.—As part of the administration of the TRICARE Select Option and the TRICARE Choice Option under this section, the Secretary shall develop and implement value-based incentives to promote improvement in the quality of care, the experience of care, the health of

1 beneficiaries, and the cost-effectiveness of the
 2 TRICARE program. The Secretary shall ensure an
 3 ongoing process of evidence-based assessment and
 4 improvement of such incentives.

5 “(6) OPEN SEASON ENROLLMENT.—In the ad-
 6 ministration of this section, the Secretary shall pro-
 7 vide covered beneficiaries an annual open season en-
 8 rollment period and opportunities during other peri-
 9 ods for enrollment modifications under appropriate
 10 circumstances.

11 “(7) ADDITIONAL PROVISIONS FOR EFFECTIVE
 12 AND EFFICIENT ADMINISTRATION.—The Secretary
 13 may establish such other provisions as the Secretary
 14 determines appropriate for the effective and efficient
 15 administration of the TRICARE program, including
 16 provisions on any matter not specifically addressed
 17 in this chapter or any other law.

18 “(i) DEFINITIONS.—In this section:

19 “(1) The term ‘network provider’ means a
 20 health care provider who has met the requirements
 21 established by the Secretary to become a preferred
 22 provider.

23 “(2) The term ‘out-of-network provider’ means
 24 a health care provider, other than a provider re-
 25 ferred to in paragraph (1), who has met the require-

1 ments established by the Secretary to be an author-
2 ized provider.”.

3 (c) TRANSITION RULES FOR LAST QUARTER OF CAL-
4 NDAR YEAR 2017.—With respect to cost-sharing require-
5 ments applicable under sections 1079, 1086, or 1097 of
6 title 10, United States Code, to a covered beneficiary
7 under such sections during the period October 1, 2017,
8 through December 31, 2017:

9 (1) Any enrollment fee shall be one-fourth of
10 the amount in effect during fiscal year 2017.

11 (2) Any deductible amount applicable during
12 fiscal year 2017 shall apply for the 15-month period
13 of October 1, 2016, through December 31, 2017.

14 (3) Any catastrophic cap applicable during fis-
15 cal year 2017 shall apply for the 15-month period of
16 October 1, 2016, through December 31, 2017.

17 (d) CONFORMING AMENDMENTS TO TITLE 10,
18 UNITED STATES CODE.—Title 10, United States Code is
19 amended as follows:

20 (1) Section 1072 is amended by striking para-
21 graph (7) and inserting the following:

22 “(7) The term ‘TRICARE program’ means the
23 various programs carried out by the Secretary of
24 Defense under this chapter and any other provision
25 of law providing for the furnishing of medical and

1 dental care and health benefits to members and
2 former members of the uniformed services and their
3 dependents. It includes the following health plan op-
4 tions:

5 “(A) TRICARE Select (a managed care
6 option).

7 “(B) TRICARE Choice (a self-managed
8 option).

9 “(C) TRICARE-for-Life.

10 “(D) TRICARE Second Payer.”.

11 (2) Section 1074(c)(2) is amended by striking
12 “TRICARE Prime” and inserting “TRICARE Se-
13 lect”.

14 (3) Section 1076d is amended by striking
15 “TRICARE Standard” each place it appears (in-
16 cluding in the heading of such section) and inserting
17 “TRICARE Reserve Select”.

18 (4) Section 1076e is amended by striking
19 “TRICARE Standard” each place it appears (in-
20 cluding in the heading of such section) and inserting
21 “TRICARE Retired Reserve”.

22 (5) Section 1076e is further amended by strik-
23 ing “TRICARE Retired Reserve Coverage at age
24 60” (as inserted by paragraph (4)) and inserting
25 “TRICARE coverage at age 60”.

1 (6) Section 1079 is amended—

2 (A) by amending subsection (b) to read:

3 “(b) Section 1075 of this title shall apply to health
4 care services under this section.”;

5 (B) by striking subsection (c);

6 (C) by striking the designation of para-
7 graph (1) and striking paragraphs (2) through
8 (5); and

9 (D) by amending subsection (p)(1) by
10 striking “known as TRICARE Prime”.

11 (7) Section 1079a is amended—

12 (A) by striking “**CHAMPUS**” in the
13 heading and inserting “**TRICARE pro-**
14 **gram**”;

15 (B) by inserting after “amounts collected”
16 the following: “(including interagency transfers
17 of funds or obligational authority and similar
18 transactions)”; and

19 (C) by striking “the Civilian Health and
20 Medical Program of the Uniformed Services”
21 and inserting “the TRICARE program”.

22 (8) Section 1086(b) is amended to read as fol-
23 lows:

24 “(b) Section 1075 of this title shall apply to health
25 care services under this section.”.

1 (9) Section 1097(e) is amended to read as fol-
2 lows:

3 “(e) CHARGES FOR HEALTH CARE.—Section 1075 of
4 this title applies to health care services under this sec-
5 tion.”.

6 (10) Section 1097a is repealed.

7 (e) CLERICAL AMENDMENTS.—The table of sections
8 at the beginning of chapter 55 of title 10, United States
9 Code, is amended—

10 (1) by inserting after the item relating to sec-
11 tion 1074n the following new item:

“1075. TRICARE program: cost-sharing requirements.”;

12 (2) in the item relating to section 1076d, by
13 striking “TRICARE Standard” and inserting
14 “TRICARE Reserve Select”;

15 (3) in the item relating to section 1076e, by
16 striking “TRICARE Standard” and inserting
17 “TRICARE Retired Reserve”;

18 (4) in the item relating to section 1079a, by
19 striking “CHAMPUS” and inserting “TRICARE
20 program”; and

21 (5) by striking the item relating to section
22 1097a.

23 (f) EFFECTIVE DATES.—

1 (1) IN GENERAL.—Except as provided in para-
 2 graph (2), this section and the amendments made by
 3 this section shall take effect on January 1, 2018.

4 (2) TRANSITION RULES.—Subsection (c) shall
 5 take effect on October 1, 2017.

6 **SEC. 702. REVISIONS TO COST-SHARING REQUIREMENTS**
 7 **FOR TRICARE FOR LIFE AND THE PHARMACY**
 8 **BENEFITS PROGRAM.**

9 (a) TRICARE FOR LIFE ENROLLMENT FEE.—

10 (1) ANNUAL ENROLLMENT FEE FOR CERTAIN
 11 BENEFICIARIES.—Section 1086(d)(3) of title 10,
 12 United States Code, is amended—

13 (A) by redesignating subparagraph (C) as
 14 subparagraph (D); and

15 (B) by inserting after subparagraph (B)
 16 the following new subparagraph (C):

17 “(C)(i) A person described in paragraph
 18 (2) (except as provided in clauses (vi) and (vii))
 19 shall be required to pay an annual enrollment
 20 fee as a condition of eligibility for health care
 21 benefits under this section. Such enrollment fee
 22 shall be an amount (rounded to the nearest dol-
 23 lar) equal to the applicable percentage (speci-
 24 fied in clause (ii)) of the annual retired pay of
 25 the member or former member upon whom the

1 covered beneficiary's eligibility is based, except
 2 that the amount of such enrollment fee shall
 3 not be in excess of the applicable maximum en-
 4 rollment fee (specified in clause (iii)). In the
 5 case of enrollment for a period less than a full
 6 calendar year, the enrollment fee shall be a pro-
 7 rated amount of the full-year enrollment fee.

8 “(ii) The applicable percentage of retired
 9 pay shall be determined in accordance with the
 10 following table:

“For:	The applicable percentage for a family group of two or more persons is:	The applicable percentage for an individual is:
2017	0.50%	0.25%
2018	1.00%	0.50%
2019	1.50%	0.75%
2020 and after	2.00%	1.00%.

11 “(iii) For any year 2016 through 2019, the
 12 applicable maximum enrollment fee for a family
 13 group of two or more persons shall be deter-
 14 mined in accordance with the following table:

“For:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-7 or above is:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-6 or below is:
2017	\$200	\$150
2018	\$400	\$300
2019	\$600	\$450
2020	\$800	\$600.

“(iv) For any year after 2020, the applicable maximum enrollment fee shall be annually indexed by the National Health Expenditures per capita rate, as established by the Secretary of Health and Human Services, rounded to the nearest multiple of \$1.

“(v) The applicable maximum enrollment fee for an individual shall be one-half the corresponding maximum fee for a family group of two or more persons (as determined under clauses (iii) and (iv)).

“(vi) Clause (i) does not apply to—

“(I) a dependent of a member of the uniformed services who dies while on active duty;

“(II) a member retired under chapter 61 of this title; or

1 “(III) a dependent of such a
2 member.

3 “(vii) Clause (i) does not apply to a
4 person who, before January 1, 2017, met
5 the conditions described in paragraph (2)
6 (A) and (B).”.

7 (2) EFFECTIVE DATE.—Subparagraph (C) of
8 section 1086(d)(3) of title 10, United States Code,
9 as added by paragraph (1), shall take effect on Jan-
10 uary 1, 2017.

11 (b) TRICARE PHARMACY PROGRAM COST-SHARING
12 AMOUNTS.—Paragraph (6) of section 1074g(a) of such
13 title is amended to read as follows:

14 “(6)(A) In the case of any of the calendar years
15 2017 through 2025 the cost sharing referred to in
16 paragraph (5) shall be payment by an eligible cov-
17 ered beneficiary of amounts determined in accord-
18 ance with the following table:

“For:	The cost sharing amount for a 30-day supply of a retail generic is:	The cost sharing amount for a 30-day supply of a retail formulary is:	The cost sharing amount for a 90-day supply of a mail order generic is:	The cost sharing amount for a 90-day supply of a mail order formulary is:	The cost amount for a 90-day supply of a mail order non-formulary is:
2017	\$10	\$28	\$0	\$28	\$54
2018	\$10	\$30	\$0	\$30	\$58
2019	\$10	\$32	\$0	\$32	\$62

“For:	The cost sharing amount for a 30-day supply of a retail generic is:	The cost sharing amount for a 30-day supply of a retail formulary is:	The cost sharing amount for a 90-day supply of a mail order generic is:	The cost sharing amount for a 90-day supply of a mail order formulary is:	The cost amount for a 90-day supply of a mail order non-formulary is:
2020	\$11	\$34	\$1	\$34	\$66
2021	\$11	\$36	\$11	\$36	\$70
2022	\$11	\$38	\$11	\$38	\$75
2023	\$12	\$40	\$12	\$40	\$80
2024	\$13	\$42	\$13	\$42	\$85
2025	\$14	\$45	\$14	\$45	\$90.

“(B) For any year after 2025, the cost sharing referred to in paragraph (5) shall be payment by an eligible covered beneficiary of amounts equal to the cost-sharing amounts for the previous year, adjusted by an amount, if any, as determined by the Secretary to reflect changes in the costs of pharmaceutical agents and prescription dispensing, rounded to the nearest dollar.

“(C) Notwithstanding subparagraphs (A) and (B), the cost-sharing amounts referred to in paragraph (5) for any year after 2016 shall be the cost-sharing amounts, if any, under this section as of January 1, 2016, in the case of—

1 “(i) a dependent of a member of the
 2 uniformed services who dies while on active
 3 duty;

4 “(ii) a member retired under chapter
 5 61 of this title; or

6 “(iii) a dependent of such a mem-
 7 ber.”.

8 (c) AUTHORITY TO ADJUST PAYMENTS INTO THE
 9 MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.—
 10 Section 1116 of such title is amended—

11 (1) in subsection (a)(1), by striking “subsection
 12 (c), which” and inserting “subsection (c)(1), which
 13 (together with any amount paid into the Fund under
 14 subsection (c)(4))”; and

15 (2) in subsection (c)—

16 (A) by striking “The Secretary” and in-
 17 serting “(1) Except as provided in paragraph
 18 (2), the Secretary”; and

19 (B) by adding at the end the following new
 20 paragraphs:

21 “(2) If for any fiscal year the Secretary of De-
 22 fense determines at the beginning of that fiscal year
 23 that the amount that would otherwise be required to
 24 be certified under paragraph (1) for that fiscal year
 25 would not be accurate if there were to be enacted

1 during the current session of Congress a significant
2 change in law then under active consideration by
3 Congress that upon enactment would reduce the
4 amount otherwise required to be certified under
5 paragraph (1) for that fiscal year, the Secretary may
6 certify to the Secretary of the Treasury under para-
7 graph (1) a reduced amount for that fiscal year tak-
8 ing into consideration the amount of the reduction
9 for that fiscal year that would occur upon enactment
10 of such change in law.

11 “(3) Not later than 120 days after the begin-
12 ning of a fiscal year for which a certification under
13 paragraph (1) is submitted pursuant to paragraph
14 (2), the Secretary of Defense—

15 “(A) shall notify the Secretary of the
16 Treasury whether since the beginning of the fis-
17 cal year a significant change in law has been
18 enacted which if in effect at the beginning of
19 the fiscal year would have resulted in a revised
20 amount certified under paragraph (1) without
21 regard to paragraph (2); and

22 “(B) based upon any such change in law
23 since the beginning of the fiscal year, shall cer-
24 tify a final amount for the fiscal year.

1 “(4) If a final amount certified under para-
 2 graph (3) for any fiscal year is greater than the
 3 amount certified pursuant to paragraph (2) for that
 4 fiscal year, the Secretary of the Treasury shall
 5 promptly pay into the Fund from the General Fund
 6 of the Treasury the difference between those
 7 amounts.

8 “(5) In this subsection, the term ‘under active
 9 consideration by Congress’, with respect to a bill or
 10 joint resolution in the Senate or House of Rep-
 11 resentatives, means that the bill or joint resolution—

12 “(A) has been passed by either House of
 13 Congress; or

14 “(B) has been reported by the Committee
 15 on Armed Services of the Senate or House or
 16 Representatives to its respective House and re-
 17 ferred to the appropriate calendar.”.

18 **SEC. 703. REQUIREMENT FOR MEDICARE PARTICIPATING**
 19 **PHYSICIAN OR SUPPLIER TO ACCEPT**
 20 **TRICARE AND VETERANS AFFAIRS PARTICI-**
 21 **PATING RATES.**

22 Section 1842(h)(1) of the Social Security Act (42
 23 U.S.C. 1395u(h)(1)) is amended by adding at the end the
 24 following new sentence: “Any physician or supplier who
 25 voluntarily enters into an agreement with the Secretary

1 to become a participating physician or supplier shall be
 2 deemed to have agreed to be a participating provider of
 3 medical care or services under any health plan contracted
 4 for under section 1079 or 1086 of title 10, United States
 5 Code, or under section 1781 of title 38, United States
 6 Code, in accordance with the payment methodology and
 7 amounts prescribed under joint regulations prescribed by
 8 the Secretary, the Secretary of Defense, and the Secretary
 9 of Homeland Security pursuant to sections 1079 and 1086
 10 of title 10, United States Code, and regulations prescribed
 11 by the Secretary of Veterans Affairs pursuant to section
 12 1781 of title 38, United States Code.”.

13 **SEC. 704. EXPANSION OF TRICARE-COVERED PREVENTIVE**
 14 **HEALTH CARE SERVICES.**

15 (a) EXPANSION OF PREVENTIVE HEALTH CARE
 16 SERVICES.—Section 1074d of title 10, United States
 17 Code, is amended—

18 (1) by redesignating subsection (b) as sub-
 19 section (c); and

20 (2) by inserting after subsection (a) the fol-
 21 lowing new subsection:

22 “(b) ADDITIONAL PREVENTIVE HEALTH CARE
 23 SERVICES.—(1) In addition to the preventive services pro-
 24 vided under subsection (a), persons entitled to medical
 25 care under this chapter shall also be entitled, to the extent

1 practicable, to the coverage of preventive health services
 2 comparable to the coverage required to be provided by a
 3 group health plan and a health insurance issuer offering
 4 group or individual health insurance coverage under sec-
 5 tion 2713 of the Public Health Service Act (42 U.S.C.
 6 300gg-13). Such entitlement shall supersede any other-
 7 wise applicable exclusions to the contrary.

8 “(2) Persons entitled to medical care under this chap-
 9 ter shall also be entitled to other evidence-based preventive
 10 health care services and screenings, as may be prescribed
 11 in regulations by the Secretary of Defense.

12 “(3) The Secretary shall prescribe regulations to—

13 “(A) waive all copayments under sections 1074g,
 14 1079(b), and 1086(b) of this title for preventive services
 15 provided pursuant to this subsection for all beneficiaries
 16 who would otherwise pay copayments; and

17 “(B) ensure that a beneficiary pays nothing for such
 18 preventive services during a year without regard to wheth-
 19 er the beneficiary has paid the amount necessary to cover
 20 the beneficiary’s deductible for the year.”.

21 (b) CONFORMING AMENDMENT.—Section 1077(a) of
 22 title 10, United States Code, is amended by adding at the
 23 end the following new paragraph:

24 “(18) The additional preventive health services
 25 described in section 1074d(b) of this title.”.

1 (c) EXPANDED WELL CHILD CARE AND ACCESS TO
 2 HEALTH PROMOTION AND DISEASE PREVENTION VIS-
 3 ITS.—Section 1079(a)(2) of title 10, United States Code,
 4 is amended by striking “schedule of immunizations” and
 5 all that follows through subparagraph (B) and inserting
 6 “schedule of immunizations, health promotion and disease
 7 prevention visits and immunizations (including the preven-
 8 tive care and screenings required pursuant to section
 9 1074d(b) of this title) may be provided to dependents.”.

10 (d) EFFECTIVE DATE.—The amendments made by
 11 this section shall take effect on October 1, 2017. The Sec-
 12 retary of Defense may issue an interim final rule or take
 13 such other action as necessary to ensure implementation
 14 of such amendments on such date.

15 **SEC. 705. TRICARE BENEFICIARY ELIGIBILITY FOR PAR-**
 16 **TICIPATION IN THE FEDERAL DENTAL AND**
 17 **VISION INSURANCE PROGRAMS.**

18 (a) ELIGIBILITY.—

19 (1) DENTAL BENEFITS.—Section 8951 of title
 20 5, United States Code, is amended—

21 (A) in paragraph (3), by striking “para-
 22 graph (1) or (2)” and inserting “paragraph (1),
 23 (2), or (8)”; and

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

1 “(8) The term ‘covered TRICARE-eligible indi-
 2 vidual’ means an individual entitled to dental care
 3 under chapter 55 of title 10, pursuant to section
 4 1076c of such title, that the Secretary of Defense
 5 determines should be a covered TRICARE-eligible
 6 individual for purposes of this chapter.”.

7 (2) VISION BENEFITS.—Section 8981 of title 5,
 8 United States Code, is amended—

9 (A) in paragraph (3), by striking “para-
 10 graph (1) or (2)” and inserting “paragraph (1),
 11 (2), or (8)”; and

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

14 “(8) The term ‘covered TRICARE-eligible indi-
 15 vidual’ means an individual entitled to medical care
 16 under chapter 55 of title 10, pursuant to section
 17 1076d, 1076e, 1079(a), 1086(c), or 1086(d) of such
 18 title, that the Secretary of Defense determines
 19 should be a covered TRICARE-eligible individual for
 20 purposes of this chapter, but excluding individuals
 21 covered under section 1110b of such title.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) DENTAL BENEFITS.—Section 8958(c) of
 24 title 5, United States Code, is amended—

1 (A) in paragraph (1), by striking “or” at
2 the end;

3 (B) in paragraph (2), by striking the pe-
4 riod and inserting “; or”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(3) in the case of a covered TRICARE-eligible
8 individual, be withheld from—

9 “(A) the pay (including retired pay) of the
10 appropriate eligible member of the uniformed
11 services; or

12 “(B) the annuity paid to such individual
13 due to the death of an eligible member of the
14 uniformed services.”.

15 (2) VISION BENEFITS.—Section 8988(c) of title
16 5, United States Code, is amended—

17 (A) in paragraph (1), by striking “or” at
18 the end;

19 (B) in paragraph (2), by striking the pe-
20 riod and inserting “; or”; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(3) in the case of a covered TRICARE-eligible
24 individual, be withheld from—

1 “(A) the pay of the appropriate eligible
2 member of the uniformed services; or

3 “(B) the annuity paid to such individual
4 due to the death of an eligible member of the
5 uniformed services.”.

6 (3) PLAN FOR DENTAL INSURANCE FOR CER-
7 TAIN RETIREES, SURVIVING SPOUSES, AND OTHER
8 DEPENDENTS.—Subsection (a) of section 1076c of
9 title 10, United States Code, is amended to read as
10 follows:

11 “(a) REQUIREMENT FOR PLAN.—(1) The Secretary
12 of Defense shall establish a dental insurance plan for retir-
13 ees of the uniformed services, certain unremarried sur-
14 viving spouses, and dependents in accordance with this
15 section.

16 “(2) The Secretary may satisfy the requirement
17 under paragraph (1) by entering into an agreement with
18 the Office of Personnel Management to allow eligible bene-
19 ficiaries to enroll in an insurance plan through the Federal
20 Employees Health Benefit Plan that provides benefits
21 similar to those benefits required to be provided under
22 subsection (d).”.

1 **SEC. 706. REDUCTION OF ADMINISTRATIVE COSTS RELAT-**
 2 **ING TO AUTOMATIC RENEWAL OF ENROLL-**
 3 **MENTS IN TRICARE PRIME.**

4 Section 1097a(b) of title 10, United States Code, is
 5 amended—

6 (1) by striking “(1)” before “An enrollment”;

7 and

8 (2) by striking paragraph (2).

9 **Subtitle B—Health Care**
 10 **Administration**

11 **SEC. 711. UNIFORMED SERVICES UNIVERSITY OF THE**
 12 **HEALTH SCIENCES SUPPORT OF UNDER-**
 13 **GRADUATE AND OTHER MEDICAL EDU-**
 14 **CATION AND TRAINING PROGRAMS FOR MILI-**
 15 **TARY MEDICAL PERSONNEL.**

16 (a) LOCATION AND HEADQUARTERS OF UNIVER-
 17 SITY.—Section 2112(a) of title 10, United States Code,
 18 is amended to read as follows:

19 “(a)(1) There is a Uniformed Services University of
 20 the Health Sciences (in this chapter referred to as the
 21 ‘University’) with authority to grant appropriate certifi-
 22 cates and certifications, undergraduate degrees, and ad-
 23 vanced degrees. The University shall be so organized as
 24 to graduate not less than 100 medical students annually.

1 “(2) The headquarters of the University shall be at
 2 a site or sites selected by the Secretary of Defense within
 3 25 miles of the District of Columbia.”.

4 (b) TECHNICAL AMENDMENTS TO REPEAL EXPIRED
 5 PROVISION.—Section 2112a of such title is amended by
 6 striking subsections (a) and (b) and inserting the fol-
 7 lowing: “The University may not be closed.”.

8 (c) ADMINISTRATION.—Section 2113 of such title is
 9 amended—

10 (1) in subsection (d)—

11 (A) in the first sentence by striking “lo-
 12 cated in or near the District of Columbia”;

13 (B) in the third sentence, by striking “in
 14 or near the District of Columbia”; and

15 (C) by striking the fifth sentence; and

16 (2) in subsection (e)(3), by inserting after “pro-
 17 grams” the following: “, including certificate and
 18 certification and undergraduate degree programs,”.

19 **SEC. 712. LICENSURE REQUIREMENTS FOR DEPARTMENT**
 20 **OF DEFENSE VETERINARY PROFESSIONALS.**

21 (a) LICENSURE REQUIREMENTS.—Chapter 55 of title
 22 10, United States Code, is amended by inserting after sec-
 23 tion 1094a the following new section:

1 **“§ 1094b. Licensure requirement for veterinary pro-**
2 **fessionals**

3 “(a) Notwithstanding any law regarding the licensure
4 of veterinary care and service providers, a veterinary pro-
5 fessional described in subsection (b) or (c) may practice
6 the veterinary profession or professions of the veterinary
7 professional at any location in any State, the District of
8 Columbia, or a Commonwealth, territory, or possession of
9 the United States, regardless of where such veterinary
10 professional or the patient are located, so long as the prac-
11 tice is within the scope of the authorized Federal duties.

12 “(b) A veterinary professional referred to in sub-
13 section (a) as being described in this subsection is a mem-
14 ber of the armed forces, civilian employee of the Depart-
15 ment of Defense, or other veterinary professional
16 credentialed and privileged at a Federal veterinary institu-
17 tion or location specially designated by the Secretary for
18 this purpose who—

19 “(1) has a current license to practice veterinary
20 care and services; and

21 “(2) is performing authorized duties for the De-
22 partment of Defense.

23 “(c) A veterinary professional referred to in sub-
24 section (a) as being described in this subsection is a mem-
25 ber of the National Guard who—

1 “(1) has a current license to practice veterinary
2 care and services; and

3 “(2) is performing training or duty under sec-
4 tion 502(f) of title 32, United States Code, in re-
5 sponse to an actual or potential disaster or emer-
6 gency.

7 “(d) In this section:

8 “(1) The term ‘license’ means a grant of per-
9 mission by an official agency of a State, the District
10 of Columbia, or a Commonwealth, territory, or pos-
11 session of the United States to provide veterinary
12 care independently as a veterinary professional.

13 “(2) The term ‘veterinary professional’ means a
14 veterinarian certified as such by a certification rec-
15 ognized by the Secretary of Defense.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 55 of such title is amended
18 by inserting after the item relating to section 1094a the
19 following new item:

 “1094b. Licensure requirement for veterinary professionals.”.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **SEC. 801. REVISION TO AUTHORITIES RELATING TO DE-**
6 **PARTMENT OF DEFENSE TEST RESOURCE**
7 **MANAGEMENT CENTER.**

8 (a) DUTIES OF DIRECTOR.—Subsection (c)(1)(B) of
9 section 196 of title 10, United States Code, is amended
10 by striking “of the Major Range and Test Facility Base
11 including with respect to the expansion, divestment, con-
12 solidation, or curtailment of activities,” and inserting
13 “that comprise the Major Range and Test Facility Base
14 and other facilities and resources used to support the ac-
15 quisition programs of the Department of Defense”.

16 (b) STRATEGIC PLAN.—Subsection (d)(2)(E) of such
17 section is amended—

18 (1) by striking “plans and business case anal-
19 yses” and inserting “implementation plans and anal-
20 yses”;

21 (2) by striking “modification of” and inserting
22 “changes to”; and

23 (3) by striking “period,” and all that follows
24 and inserting “period.”.

1 (c) CERTIFICATION OF BUDGETS.—Subsection (e) of
2 such section is amended—

3 (1) in paragraph (2)(A), by striking “such pro-
4 posed budgets” and inserting “the proposed budget
5 year plus one succeeding year”; and

6 (2) in paragraph (3)—

7 (A) by striking “The Secretary” and in-
8 serting “If the Director does not certify any one
9 or more of the proposed budgets for the budget
10 year plus one succeeding year, the Secretary”;
11 and

12 (B) by striking “those proposed budgets
13 which the Director has not certified under para-
14 graph (2)(A) to be adequate” and inserting
15 “those budgets”.

16 (d) APPROVAL OF CERTAIN MODIFICATIONS.—Sub-
17 section (f) of such section is amended—

18 (1) in the subsection heading, by striking
19 “MODIFICATIONS” and inserting “CHANGES”;

20 (2) in paragraph (1)—

21 (A) by inserting “, without the Director’s
22 approval,” after “may not implement”;

23 (B) by striking “modification of” and in-
24 serting “change to”; and

1 (C) by striking “of the Department,” and
 2 all that follows and inserting “that comprise the
 3 Major Range and Test Facility Base and other
 4 facilities and resources used to support the ac-
 5 quisition programs of the Department of De-
 6 fense. The Secretary or the head, as the case
 7 may be, shall submit to the Director an imple-
 8 mentation plan and analysis which supports
 9 such change. Such analysis shall include cost
 10 considerations.”; and

11 (3) in paragraph (2)—

12 (A) by striking “each business case anal-
 13 ysis” and inserting “each implementation plan
 14 and analysis”; and

15 (B) by striking “paragraph (1)(B)” and
 16 inserting “paragraph (1)”.

17 (e) DEFINITIONS.—Subsection (i) of such section is
 18 amended to read as follows:

19 “(i) DEFINITIONS.—In this section:

20 “(1) “The term ‘Major Range and Test Facility
 21 Base’ means the test and evaluation facilities and
 22 resources that are designated by the Secretary of
 23 Defense as facilities and resources comprising the
 24 Major Range and Test Facility Base.

25 “(2) The term ‘significant change’ means—

1 “(A) any action that will limit or preclude
2 a test and evaluation capability from fully per-
3 forming its intended purpose;

4 “(B) any action that affects the ability of
5 the Department to conduct test and evaluation
6 in a timely or cost-effective manner; or

7 “(C) any expansion or addition that devel-
8 ops a new significant test capability.”.

9 **SEC. 802. WAIVER OF NOTIFICATION WHEN ACQUIRING**
10 **TACTICAL MISSILES AND MUNITIONS ABOVE**
11 **THE BUDGETED QUANTITY.**

12 Section 2308(c) of title 10, United States Code, is
13 amended by adding at the end the following new sentence:
14 “However, no such notification is required when the acqui-
15 sition of a higher quantity of an end item is for an end
16 item under a primary tactical missile program or a muni-
17 tion program.”.

18 **SEC. 803. EXTENSION OF SPECIAL EMERGENCY PROCURE-**
19 **MENT AUTHORITY.**

20 Section 1903(a) of title 41, United States Code, is
21 amended—

22 (1) by striking “or” at the end of paragraph
23 (1);

24 (2) by striking the period at the end of para-
25 graph (2) and inserting a semicolon; and

1 (3) by adding at the end the following new
2 paragraphs:

3 “(3) in support of a request from the Secretary
4 of State or the Administrator of the Agency for
5 International Development to facilitate the provision
6 of international disaster assistance pursuant to the
7 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et
8 seq.); or

9 “(4) in support of an emergency or major dis-
10 aster (as those terms are defined in section 102 of
11 the Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 5122)).”.

13 **SEC. 804. REVISION TO EFFECTIVE DATE APPLICABLE TO**
14 **PRIOR EXTENSION OF APPLICABILITY OF**
15 **THE SENIOR EXECUTIVE BENCHMARK COM-**
16 **PENSATION AMOUNT FOR PURPOSES OF AL-**
17 **LOWABLE COST LIMITATIONS UNDER DE-**
18 **FENSE CONTRACTS.**

19 (a) **REPEAL OF RETROACTIVE APPLICABILITY.**—Sec-
20 tion 803(c) of the National Defense Authorization Act for
21 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485)
22 is amended by striking “amendments made by” and all
23 that follows and inserting “amendments made by this sec-
24 tion shall apply with respect to costs of compensation in-

1 curred after January 1, 2012, under contracts entered
2 into on or after December 31, 2011.”.

3 (b) APPLICABILITY.—The amendment made by sub-
4 section (a) shall take effect as of December 31, 2011, and
5 shall apply as if included in the National Defense Author-
6 ization Act for Fiscal Year 2012 as enacted.

7 **SEC. 805. PROGRAM FRAUD CIVIL REMEDIES STATUTE FOR**
8 **THE DEPARTMENT OF DEFENSE AND THE NA-**
9 **TIONAL AERONAUTICS AND SPACE ADMINIS-**
10 **TRATION.**

11 (a) PURPOSE.—The purpose of this section is to pro-
12 vide the Secretary of Defense and the Administrator of
13 the National Aeronautics and Space Administration with
14 an effective administrative remedy to obtain recompense
15 for the Department of Defense and the National Aero-
16 nautics and Space Administration for losses resulting from
17 the submission to the Department or the Administration,
18 respectively, of false, fictitious, or fraudulent claims and
19 statements.

20 (b) PROGRAM FRAUD CIVIL REMEDIES.—

21 (1) IN GENERAL.—Chapter IV of subtitle A of
22 title 10, United States Code, is amended by insert-
23 ing after chapter 163 the following new chapter:

1 **“CHAPTER 164—ADMINISTRATIVE REM-**
 2 **EDIES FOR FALSE CLAIMS AND STATE-**
 3 **MENTS**

“Sec.

“2751. Applicability of chapter; definitions.

“2752. False claims and statements; liability.

“2753. Hearing and determinations.

“2754. Payment; interest on late payments.

“2755. Judicial review.

“2756. Collection of civil penalties and assessments.

“2757. Right to administrative offset.

“2758. Limitations.

“2759. Effect on other laws.

4 **“§ 2751. Applicability of chapter; definitions**

5 “(a) **APPLICABILITY OF CHAPTER.**—This chapter ap-
 6 plies to the following agencies:

7 “(1) The Department of Defense.

8 “(2) The National Aeronautics and Space Ad-
 9 ministration.

10 “(b) **DEFINITIONS.**—In this chapter:

11 “(1) **HEAD OF AN AGENCY.**—The term ‘head of
 12 an agency’ means the Secretary of Defense and the
 13 Administrator of the National Aeronautics and
 14 Space Administration.

15 “(2) **CLAIM.**—The term ‘claim’ means any re-
 16 quest, demand, or submission—

17 “(A) made to the head of an agency for
 18 property, services, or money (including money
 19 representing grants, loans, insurance, or bene-
 20 fits);

1 “(B) made to a recipient of property, serv-
2 ices, or money received directly or indirectly
3 from the head of an agency or to a party to a
4 contract with the head of an agency—

5 “(i) for property or services if the
6 United States—

7 “(I) provided such property or
8 services;

9 “(II) provided any portion of the
10 funds for the purchase of such prop-
11 erty or services; or

12 “(III) will reimburse such recipi-
13 ent or party for the purchase of such
14 property or services; or

15 “(ii) for the payment of money (in-
16 cluding money representing grants, loans,
17 insurance, or benefits) if the United
18 States—

19 “(I) provided any portion of the
20 money requested or demanded; or

21 “(II) will reimburse such recipi-
22 ent or party for any portion of the
23 money paid on such request or de-
24 mand; or

1 “(C) made to the head of an agency which
2 has the effect of decreasing an obligation to pay
3 or account for property, services, or money.

4 “(3) KNOWS OR HAS REASON TO KNOW.—The
5 term ‘knows or has reason to know’, for purposes of
6 establishing liability under section 2752 of this title,
7 means that a person, with respect to a claim or
8 statement—

9 “(A) has actual knowledge that the claim
10 or statement is false, fictitious, or fraudulent;

11 “(B) acts in deliberate ignorance of the
12 truth or falsity of the claim or statement; or

13 “(C) acts in reckless disregard of the truth
14 or falsity of the claim or statement, and no
15 proof of specific intent to defraud is required.

16 “(4) RESPONSIBLE OFFICIAL.—The term ‘re-
17 sponsible official’ means a designated debarring and
18 suspending official of the agency named in sub-
19 section (a).

20 “(5) RESPONDENT.—The term ‘respondent’
21 means a person who has received notice from a re-
22 sponsible official asserting liability under section
23 2752 of this title.

24 “(6) STATEMENT.—The term ‘statement’
25 means any representation, certification, affirmation,

1 document, record, or an accounting or bookkeeping
2 entry made

3 “(A) with respect to a claim or to obtain
4 the approval or payment of a claim (including
5 relating to eligibility to make a claim); or

6 “(B) with respect to (including relating to
7 eligibility for)—

8 “(i) a contract with, or a bid or pro-
9 posal for a contract with the head of an
10 agency; or

11 “(ii) a grant, loan, or benefit from the
12 head of an agency.

13 “(c) CLAIMS.—For purposes of paragraph (2) of sub-
14 section (b)—

15 “(1) each voucher, invoice, claim form, or other
16 individual request or demand for property, services,
17 or money constitutes a separate claim;

18 “(2) each claim for property, services, or money
19 is subject to this chapter regardless of whether such
20 property, services, or money is actually delivered or
21 paid; and

22 “(3) a claim shall be considered made, pre-
23 sented, or submitted to the head of an agency, re-
24 cipient, or party when such claim is actually made
25 to an agent, fiscal intermediary, or other entity act-

1 ing for or on behalf of such authority, recipient, or
2 party.

3 “(d) STATEMENTS.—For purposes of paragraph (6)
4 of subsection (b)—

5 “(1) each written representation, certification,
6 or affirmation constitutes a separate statement; and

7 “(2) a statement shall be considered made, pre-
8 sented, or submitted to the head of an agency when
9 such statement is actually made to an agent, fiscal
10 intermediary, or other entity acting for or on behalf
11 of such authority.

12 **“§ 2752. False claims and statements; liability**

13 “(a) FALSE CLAIMS.—Any person who makes, pre-
14 sents, or submits, or causes to be made, presented, or sub-
15 mitted, to the head of an agency a claim that the person
16 knows or has reason to know—

17 “(1) is false, fictitious, or fraudulent;

18 “(2) includes or is supported by any written
19 statement which asserts a material fact this is false,
20 fictitious, or fraudulent;

21 “(3) includes or is supported by any written
22 statement that—

23 “(A) omits a material fact;

24 “(B) is false, fictitious, or fraudulent as a
25 result of such omission; and

1 “(C) the person making, presenting, or
2 submitting such statement has a duty to in-
3 clude such material fact; or

4 “(4) is for payment for the provision of prop-
5 erty or services which the person has not provided
6 as claimed,
7 shall, in addition to any other remedy that may be pre-
8 scribed by law, be subject to a civil penalty of not more
9 than \$5,000 for each such claim. Such person shall also
10 be subject to an assessment of not more than twice the
11 amount of such claim, or the portion of such claim which
12 is determined by the responsible official to be in violation
13 of the preceding sentence.

14 “(b) FALSE STATEMENTS.—Any person who makes,
15 presents, submits, or causes to be made, presented, or sub-
16 mitted, a written statement in conjunction with a procure-
17 ment program or acquisition of an agency named in sec-
18 tion 2751(a) of this title that—

19 “(1) the person knows or has reason to know—

20 “(A) asserts a material fact that is false,
21 fictitious, or fraudulent; or

22 “(B)(i) omits a material fact; and

23 “(ii) is false, fictitious, or fraudulent as a
24 result of such omission;

1 “(2) in the case of a statement described in
2 subparagraph (B) of paragraph (1), is a statement
3 in which the person making, presenting, or submit-
4 ting such statement has a duty to include such ma-
5 terial fact; and

6 “(3) contains or is accompanied by an express
7 certification or affirmation of the truthfulness and
8 accuracy of the contents of the statement,
9 shall be subject to, in addition to any other remedy that
10 may be prescribed by law, a civil penalty of not more than
11 \$5,000 for each such statement.

12 **“§ 2753. Hearing and determinations**

13 “(a) TRANSMITTAL OF NOTICE TO ATTORNEY GEN-
14 ERAL.—If a responsible official determines that there is
15 adequate evidence to believe that a person is liable under
16 section 2752 of this title, the responsible official shall
17 transmit to the Attorney General, or any other officer or
18 employee of the Department of Justice designated by the
19 Attorney General, a written notice of the intention of such
20 official to initiate an action under this section. The notice
21 shall include the following:

22 “(1) A statement of the reasons for initiating
23 an action under this section.

24 “(2) A statement specifying the evidence which
25 supports liability under section 2752 of this title.

1 “(3) A description of the claims or statements
2 for which liability under section 2752 of this title is
3 alleged.

4 “(4) An estimate of the penalties and assess-
5 ments that will be demanded under section 2752 of
6 this title.

7 “(5) A statement of any exculpatory or miti-
8 gating circumstances which may relate to such
9 claims or statements.

10 “(b) STATEMENT FROM ATTORNEY GENERAL.—

11 “(1) Within 90 days after receipt of a notice
12 from a responsible official under subsection (a), the
13 Attorney General, or any other officer or employee
14 of the Department of Justice designated by the At-
15 torney General, shall transmit a written statement
16 to the responsible official which specifies—

17 “(A) that the Attorney General, or any
18 other officer or employee of the Department of
19 Justice designated by the Attorney General, ap-
20 proves or disapproves initiating an action under
21 this section based on the allegations of liability
22 stated in such notice; and

23 “(B) in any case in which the initiation of
24 an action under this section is disapproved, the
25 reasons for such disapproval.

1 “(2) If at any time after the initiation of an ac-
2 tion under this section the Attorney General, or any
3 other officer or employee of the Department of Jus-
4 tice designated by the Attorney General, transmits
5 to a responsible official a written determination that
6 the continuation of any action under this section
7 may adversely affect any pending or potential crimi-
8 nal or civil action, such action shall be immediately
9 stayed and may be resumed only upon written au-
10 thorization from the Attorney General, or any other
11 officer or employee of the Department of Justice
12 designated by the Attorney General.

13 “(c) LIMITATION ON AMOUNT OF CLAIM THAT MAY
14 BE PURSUED UNDER THIS SECTION.—No action shall be
15 initiated under this section, nor shall any assessment be
16 imposed under this section, if the total amount of the
17 claim determined by the responsible official to violate sec-
18 tion 2752(a) of this title exceeds \$500,000. The \$500,000
19 threshold does not include penalties or any assessment
20 permitted under 2752(a) of this title greater than the
21 amount of the claim determined by the responsible official
22 to violate such section.

23 “(d) PROCEDURES FOR RESOLVING CLAIMS.—(1)
24 Upon receiving approval under subsection (b) to initiate
25 an action under this section, the responsible official shall

1 mail, by registered or certified mail, or other similar com-
2 mercial means, or shall deliver, a notice to the person al-
3 leged to be liable under section 2752 of this title. Such
4 notice shall specify the allegations of liability against such
5 person, specify the total amount of penalties and assess-
6 ments sought by the United States, advise the person of
7 the opportunity to submit facts and arguments in opposi-
8 tion to the allegations set forth in the notice, advise the
9 person of the opportunity to submit offers of settlement
10 or proposals of adjustment, and advise the person of the
11 procedures of the agency named in section 2751(a) of this
12 title governing the resolution of actions initiated under
13 this section.

14 “(2) Within 30 days after receiving a notice
15 under paragraph (1), or any additional period of
16 time granted by the responsible official, the respond-
17 ent may submit in person, in writing, or through a
18 representative, facts and arguments in opposition to
19 the allegations set forth in the notice, including any
20 additional information that raises a genuine dispute
21 of material fact.

22 “(3) If the respondent fails to respond within
23 30 days, or any additional time granted by the re-
24 sponsible official, the responsible official may issue a
25 written decision disposing of the matters raised in

1 the notice. Such decision shall be based on the
2 record before the responsible official. If the respon-
3 sible official concludes that the respondent is liable
4 under section 2752 of this title, the decision shall in-
5 clude the findings of fact and conclusions of law
6 which the responsible official relied upon in deter-
7 mining that the respondent is liable, and the amount
8 of any penalty or assessment or both the responsible
9 official has determined to be imposed on the re-
10 spondent. Any such determination shall be based on
11 a preponderance of the evidence. The responsible of-
12 ficial shall promptly send to the respondent a copy
13 of the decision by registered or certified mail, or
14 other similar commercial means, or shall hand de-
15 liver a copy of the decision.

16 “(4) If the respondent makes a timely submis-
17 sion in response to the first notice, and the respon-
18 sible official determines that the respondent has not
19 raised any genuine dispute of material fact, the re-
20 sponsible official may issue a written decision dis-
21 posing of the matters raised in the notice. Such deci-
22 sion shall be based on the record before the respon-
23 sible official. If the responsible official concludes
24 that the respondent is liable under section 2752 of
25 this title, the decision shall include the findings of

1 fact and conclusions of law which the responsible of-
2 ficial relied upon in determining that the respondent
3 is liable, and the amount of any penalty or assess-
4 ment the responsible official has determined to be
5 imposed on the respondent. Any such determination
6 shall be based on a preponderance of the evidence.
7 The responsible official shall promptly send to the
8 respondent a copy of the decision by registered or
9 certified mail, or other similar commercial means, or
10 shall hand deliver a copy of the decision.

11 “(5) If the respondent makes a timely submis-
12 sion in response to the first notice, and the respon-
13 sible official determines that the respondent has
14 raised a genuine dispute of material fact, the respon-
15 sible official shall commence a hearing to resolve the
16 genuinely disputed material facts by mailing by reg-
17 istered or certified mail, or other similar commercial
18 means, or by hand delivery of, a notice informing
19 the respondent of—

20 “(A) the time, place, and nature of the
21 hearing;

22 “(B) the legal authority under which the
23 hearing is to be held;

1 “(C) the material facts determined by the
2 responsible official to be genuinely in dispute
3 that will be the subject of the hearing; and

4 “(D) a description of the procedures for
5 the conduct of the hearing.

6 “(6) The responsible official and any person
7 against whom liability is asserted under this chapter
8 may agree to a compromise or settle an action at
9 any time. Any compromise or settlement must be in
10 writing.

11 “(e) RESPONDENT ENTITLED TO COPY OF THE
12 RECORD.—At any time after receiving a notice under
13 paragraph (1) of subsection (d), the respondent shall be
14 entitled to a copy of the entire record before the respon-
15 sible official.

16 “(f) HEARINGS.—Any hearing commenced under this
17 section shall be conducted by the responsible official, or
18 a fact-finder designated by the responsible official, solely
19 to resolve genuinely disputed material facts identified by
20 the responsible official and set forth in the notice to the
21 respondent.

22 “(g) PROCEDURES FOR HEARINGS.—(1) Each hear-
23 ing shall be conducted under procedures prescribed by the
24 head of the agency. Such procedures shall include the fol-
25 lowing:

1 “(A) The provision of written notice of the
2 hearing to the respondent, including written notice
3 of—

4 “(i) the time, place, and nature of the
5 hearing;

6 “(ii) the legal authority under which the
7 hearing is to be held;

8 “(iii) the material facts determined by the
9 responsible official to be genuinely in dispute
10 that will be the subject of the hearing; and

11 “(iv) a description of the procedures for
12 the conduct of the hearing.

13 “(B) The opportunity for the respondent
14 to present facts and arguments through oral or
15 documentary evidence, to submit rebuttal evi-
16 dence, and to conduct such cross-examination
17 as may be required to resolve any genuinely dis-
18 puted material facts identified by the respon-
19 sible official.

20 “(C) The opportunity for the respondent to
21 be accompanied, represented, and advised by
22 counsel or such other qualified representative as
23 the Secretary may specify in such regulations.

1 “(2) For the purpose of conducting hearings under
2 this section, the responsible official is authorized to admin-
3 ister oaths or affirmations.

4 “(3) Hearings shall be held at the responsible offi-
5 cial’s office, or at such other place as may be agreed upon
6 by the respondent and the responsible official.

7 “(h) DECISION FOLLOWING HEARING.—The respon-
8 sible official shall issue a written decision within 60 days
9 after the conclusion of the hearing. That decision shall set
10 forth specific findings of fact resolving the genuinely dis-
11 puted material facts that were the subject of the hearing.
12 The written decision shall also dispose of the matters
13 raised in the notice required under paragraph (1) of sub-
14 section (d). If the responsible official concludes that the
15 respondent is liable under section 2752 of this title, the
16 decision shall include the findings of fact and conclusions
17 of law which the responsible official relied upon in deter-
18 mining that the respondent is liable, and the amount of
19 any penalty or assessment to be imposed on the respond-
20 ent. Any decisions issued under this subparagraph shall
21 be based on the record before the responsible official and
22 shall be supported by a preponderance of the evidence.
23 The responsible official shall promptly send to the re-
24 spondent a copy of the decision by registered or certified

1 mail, or other similar commercial means, or shall hand
2 deliver a copy of the decision.

3 **“§ 2754. Payment; interest on late payments**

4 “(a) PAYMENT OF ASSESSMENTS AND PENALTIES.—

5 A respondent shall render payment of any assessment and
6 penalty imposed by a responsible official, or any amount
7 otherwise agreed to as part of a settlement or adjustment,
8 not later than the date—

9 “(1) that is 30 days after the date of the re-
10 ceipt by the respondent of the responsible official’s
11 decision; or

12 “(2) as otherwise agreed to by the respondent
13 and the responsible official.

14 “(b) INTEREST.—If there is an unpaid balance as of
15 the date determined under paragraph (1), interest shall
16 accrue from that date on any unpaid balance. The rate
17 of interest charged shall be the rate in effect as of that
18 date that is published by the Secretary of the Treasury
19 under section 3717 of title 31.

20 “(c) TREATMENT OF RECEIPTS.—All penalties, as-
21 sessments, or interest paid, collected, or otherwise recov-
22 ered under this chapter shall be deposited into the Treas-
23 ury as miscellaneous receipts as provided in section 3302
24 of title 31.

1 **“§ 2755. Judicial review**

2 “A decision by a responsible official under section
3 2753(d) or 2753(h) of this title shall be final. Any such
4 final decision is subject to judicial review only under chap-
5 ter 7 of title 5.

6 **“§ 2756. Collection of civil penalties and assessments**

7 “(a) JUDICIAL ENFORCEMENT OF CIVIL PENALTIES
8 AND ASSESSMENTS.—The Attorney General shall be re-
9 sponsible for judicial enforcement of any civil penalty or
10 assessment imposed under this chapter.

11 “(b) CIVIL ACTIONS FOR RECOVERY.—Any penalty
12 or assessment imposed in a decision by a responsible offi-
13 cial, or amounts otherwise agreed to as part of a settle-
14 ment or adjustment, along with any accrued interest, may
15 be recovered in a civil action brought by the Attorney Gen-
16 eral. In any such action, no matter that was raised or that
17 could have been raised in a proceeding under this chapter
18 or pursuant to judicial review under section 2755 of this
19 title may be raised as a defense, and the determination
20 of liability and the determination of amounts of penalties
21 and assessments shall not be subject to review.

22 “(c) JURISDICTION OF UNITED STATES DISTRICT
23 COURTS.—The district courts of the United States shall
24 have jurisdiction of any action commenced by the United
25 States under subsection (b).

1 “(d) JOINING AND CONSOLIDATING ACTIONS.—Any
2 action under subsection (b) may, without regard to venue
3 requirements, be joined and consolidated with or asserted
4 as a counterclaim, cross-claim, or setoff by the United
5 States in any other civil action which includes as parties
6 the United States, and the person against whom such ac-
7 tion may be brought.

8 “(e) JURISDICTION OF UNITED STATES COURT OF
9 FEDERAL CLAIMS.—The United States Court of Federal
10 Claims shall have jurisdiction of any action under sub-
11 section (b) to recover any penalty or assessment, or
12 amounts otherwise agreed to as part of a settlement or
13 adjustment, along with any accrued interest, if the cause
14 of action is asserted by the United States as a counter-
15 claim in a matter pending in such court. The counterclaim
16 need not relate to the subject matter of the underlying
17 claim.

18 **“§ 2757. Right to administrative offset**

19 “The amount of any penalty or assessment that has
20 been imposed by a responsible official, or any amount
21 agreed upon in a settlement or compromise, along with
22 any accrued interest, may be collected by administrative
23 offset.

1 **“§ 2758. Limitations**

2 “(a) LIMITATION ON PERIOD FOR INITIATION OF AD-
 3 MINISTRATIVE ACTION.—An action under section 2752 of
 4 this title with respect to a claim or statement shall be com-
 5 menced within six years after the date on which such claim
 6 or statement is made, presented, or submitted.

7 “(b) LIMITATION PERIOD FOR INITIATION OF CIVIL
 8 ACTION FOR RECOVERY OF ADMINISTRATIVE PENALTY
 9 OR ASSESSMENT.—A civil action to recover a penalty or
 10 assessment under section 2756 of this title shall be com-
 11 menced within three years after the date of the decision
 12 of the responsible official imposing the penalty or assess-
 13 ment.

14 **“§ 2759. Effect on other laws**

15 “(a) RELATIONSHIP TO TITLE 44 AUTHORITIES.—
 16 This chapter does not diminish the responsibility of the
 17 head of an agency to comply with the provisions of chapter
 18 35 of title 44, relating to coordination of Federal informa-
 19 tion policy.

20 “(b) RELATIONSHIP TO TITLE 31 AUTHORITIES.—
 21 The procedures set forth in this chapter apply to the agen-
 22 cies named in section 2751(a) of this title in lieu of the
 23 procedures under chapter 38 of title 31, relating to admin-
 24 istrative remedies for false claims and statements.

25 “(c) RELATIONSHIP TO OTHER AUTHORITIES.—Any
 26 action, inaction, or decision under this chapter shall be

1 based solely upon the information before the responsible
 2 official and shall not limit or restrict any agency of the
 3 Government from instituting any other action arising out-
 4 side this chapter, including suspension or debarment,
 5 based upon the same information. Any action, inaction or
 6 decision under this chapter shall not restrict the ability
 7 of the Attorney General to bring judicial action, based
 8 upon the same information as long as such action is not
 9 otherwise prohibited by law.”.

10 (2) CLERICAL AMENDMENT.—The tables of
 11 chapters at the beginning of subtitle A, and at the
 12 beginning of part IV of subtitle A, of such title are
 13 each amended by inserting after the item relating to
 14 chapter 163 the following new item:

“164. Administrative Remedies for False Claims and Statements 2751”.

15 (c) CONFORMING AMENDMENTS.—Section
 16 3801(a)(1) of title 31, United States Code, is amended—

17 (1) by inserting “(other than the Department of
 18 Defense)” in subparagraph (A) after “executive de-
 19 partment”;

20 (2) by striking subparagraph (B);

21 (3) by redesignating subparagraph (C) as sub-
 22 paragraph (B) and by inserting “(other than the
 23 National Aeronautics and Space Administration)” in
 24 that subparagraph after “not an executive depart-
 25 ment”; and

1 (4) by redesignating subparagraphs (D), (E),
2 and (F) as subparagraphs (C), (D), and (E), respec-
3 tively.

4 (d) EFFECTIVE DATE.—Chapter 164 of title 10,
5 United States Code, as added by subsection (b), and the
6 amendments made by subsection (c), shall apply to any
7 claim or statement made, presented, or submitted on or
8 after the date of the enactment of this Act.

9 **SEC. 806. DISTRIBUTION SUPPORT AND SERVICES FOR**
10 **WEAPON SYSTEMS CONTRACTORS.**

11 (a) AUTHORITY.—The Secretary of Defense may
12 make available storage and distribution services support
13 to a contractor in support of the performance by the con-
14 tractor of a contract for the production, modification,
15 maintenance, or repair of a weapon system that is entered
16 into by an official of the Department of Defense.

17 (b) SUPPORT CONTRACTS.—Any storage and dis-
18 tribution services to be provided under this section to a
19 contractor in support of the performance of a contract de-
20 scribed in subsection (a) shall be provided under a sepa-
21 rate contract that is entered into by the Director of the
22 Defense Logistics Agency with that contractor. The re-
23 quirements of section 2208(h) of title 10, United States
24 Code, and the regulations prescribed pursuant to such sec-

1 tion shall apply to the contract between the Director of
2 the Defense Logistics Agency and the contractor.

3 (c) SCOPE OF SUPPORT AND SERVICES.—The stor-
4 age and distribution support services that may be provided
5 under this section in support of the performance of a con-
6 tract described in subsection (a) are storage and distribu-
7 tion of materiel and repair parts necessary for the per-
8 formance of that contract.

9 (d) REGULATIONS.—Before exercising the authority
10 under this section, the Secretary of Defense shall prescribe
11 in regulations such requirements, conditions, and restric-
12 tions as the Secretary determines appropriate to ensure
13 that storage and distribution services are provided under
14 this section only when it is in the best interests of the
15 United States to do so. The regulations shall include, at
16 a minimum, the following:

17 (1) A requirement for the solicitation of offers
18 for a contract described in subsection (a), for which
19 storage and distribution services are to be made
20 available under this section, to include—

21 (A) a statement that the storage and dis-
22 tribution services are to be made available
23 under the authority of this section to any con-
24 tractor awarded the contract, but only on a

1 basis that does not require acceptance of the
2 support and services; and

3 (B) a description of the range of the stor-
4 age and distribution services that are to be
5 made available to the contractor.

6 (2) A requirement for the rates charged a con-
7 tractor for storage and distribution services provided
8 to a contractor under this section to reflect the full
9 cost to the United States of the resources used in
10 providing the support and services, including the
11 costs of resources used, but not paid for, by the De-
12 partment of Defense.

13 (3) With respect to a contract described in sub-
14 section (a) that is being performed for a department
15 or agency outside the Department of Defense, a pro-
16 hibition, in accordance with applicable contracting
17 procedures, on the imposition of any charge on that
18 department or agency for any effort of Department
19 of Defense personnel or the contractor to correct de-
20 ficiencies in the performance of such contract.

21 (4) A prohibition on the imposition of any
22 charge on a contractor for any effort of the con-
23 tractor to correct a deficiency in the performance of
24 storage and distribution services provided to the con-
25 tractor under this section.

1 (e) RELATIONSHIP TO TREATY OBLIGATIONS.—The
 2 Secretary shall ensure that the exercise of authority under
 3 this section does not conflict with any obligation of the
 4 United States under any treaty or other international
 5 agreement.

6 **SEC. 807. TIMELINESS RULES FOR FILING BID PROTESTS**
 7 **AT THE UNITED STATES COURT OF FEDERAL**
 8 **CLAIMS.**

9 (a) JURISDICTION.—Paragraph (1) of section
 10 1491(b) of title 28, United States Code, is amended—

11 (1) in the first sentence, by striking “Both the”
 12 and all that follows through “shall have” and insert-
 13 ing “The United States Court of Federal Claims
 14 shall have”; and

15 (2) in the second sentence—

16 (A) by striking “Both the” and all that fol-
 17 lows through “shall have” and inserting “The
 18 United States Court of Federal Claims shall
 19 have”; and

20 (B) by striking “is awarded.” and insert-
 21 ing “is awarded, but such jurisdiction is subject
 22 to time limits as follows:

23 “(A) A protest based upon alleged impro-
 24 prieties in a solicitation that are apparent be-
 25 fore bid opening or the time set for receipt of

1 initial proposals shall be filed before bid open-
2 ing or the time set for receipt of initial pro-
3 posals. In the case of a procurement where pro-
4 posals are requested, alleged improprieties that
5 do not exist in the initial solicitation but that
6 are subsequently incorporated into the solicita-
7 tion shall be protested not later than the next
8 closing time for receipt of proposals following
9 the incorporation. A protest that meets these
10 time limitations that was previously filed with
11 the Comptroller General may not be reviewed.

12 “(B) A protest other than one covered by
13 subparagraph (A) shall be filed not later than
14 10 days after the basis of the protest is known
15 or should have been known (whichever is ear-
16 lier), with the exception of a protest challenging
17 a procurement conducted on the basis of com-
18 petitive proposals under which a debriefing is
19 requested and, when requested, is required. In
20 such a case, with respect to any protest the
21 basis of which is known or should have been
22 known either before or as a result of the de-
23 briefing, the initial protest shall not be filed be-
24 fore the debriefing date offered to the protester,

1 but shall be filed not later than 10 days after
2 the date on which the debriefing is held.

3 “(C) If a timely agency-level protest was
4 previously filed, any subsequent protest to the
5 United States Court of Federal Claims that is
6 filed within 10 days of actual or constructive
7 knowledge of initial adverse agency action shall
8 be considered, if the agency-level protest was
9 filed in accordance with subparagraphs (A) and
10 (B), unless the contracting agency imposes a
11 more stringent time for filing the protest, in
12 which case the agency’s time for filing shall
13 control. In a case where an alleged impropriety
14 in a solicitation is timely protested to a con-
15 tracting agency, any subsequent protest to the
16 United States Court of Federal Claims shall be
17 considered timely if filed within the 10-day pe-
18 riod provided by this subparagraph, even if filed
19 after bid opening or the closing time for receipt
20 of proposals.

21 “(D) A protest untimely on its face shall
22 be dismissed. A protester shall include in its
23 protest all information establishing the timeli-
24 ness of the protest; a protester shall not be per-
25 mitted to introduce for the first time in a mo-

1 tion for reconsideration information necessary
2 to establish that the protest was timely. Under
3 no circumstances may the United States Court
4 of Federal Claims consider a protest that is un-
5 timely because it was first filed with the Gov-
6 ernment Accountability Office.”.

7 (b) AVAILABLE RELIEF.—Paragraph (2) of such sec-
8 tion is amended by inserting “monetary relief shall not
9 be available if injunctive relief is or has been granted,
10 and” after “except that”.

11 (c) AGENCY DECISIONS OVERRIDING STAY OF CON-
12 TRACT AWARD OR PERFORMANCE.—Such section is fur-
13 ther amended—

14 (1) by redesignating paragraphs (5) and (6) as
15 paragraphs (6) and (7), respectively; and

16 (2) by inserting after paragraph (4) the fol-
17 lowing new paragraph (5):

18 “(5) The United States Court of Federal
19 Claims shall have jurisdiction to render judgment on
20 an action by an interested party challenging an
21 agency’s decision to override a stay of contract
22 award or contract performance that would otherwise
23 be required by section 3553 of title 31.”.

24 (d) CONFORMING AMENDMENTS.—

1 (1) IN GENERAL.—Section 3556 of title 31,
2 United States Code, is amended—

3 (A) by inserting “instead of with the
4 Comptroller General” before the period at the
5 end of the first sentence; and

6 (B) by striking the second sentence.

7 (2) SECTION HEADING AMENDMENT.—The
8 heading of such section is amended by striking “;
9 **matter included in agency record**”.

10 (e) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to any cause of action filed 180
12 days or more after the date of the enactment of this Act.

13 **SEC. 808. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**
14 **ITY TO FACILITATE THE DEFENSE AGAINST**
15 **OR RECOVERY FROM A CYBER ATTACK.**

16 Section 1903(a)(2) of title 41, United States Code,
17 is amended by inserting “cyber,” before “nuclear,”.

18 **SEC. 809. MODIFICATION OF AUTHORITY FOR THE CIVILIAN**
19 **ACQUISITION WORKFORCE PERSONNEL DEM-**
20 **ONSTRATION PROJECT.**

21 Section 1762 of title 10, United States Code, is
22 amended—

23 (1) in subsection (c), by striking “120,000” and
24 inserting “150,000”; and

1 (2) in subsection (g), by striking “December
2 31, 2020” and inserting “December 31, 2022”.

3 **SEC. 810. PURPOSES FOR WHICH THE DEPARTMENT OF DE-**
4 **FENSE ACQUISITION WORKFORCE DEVELOP-**
5 **MENT FUND MAY BE USED.**

6 (a) IN GENERAL.—Subsection (e)(4) of section 1705
7 of title 10, United States Code, is amended by striking
8 “other than for the purpose of” and all that follows and
9 inserting “other than for the purpose of—

10 “(A) providing advanced training to De-
11 partment of Defense employees; and

12 “(B) support of human capital and talent
13 management of the acquisition workforce, in-
14 cluding benchmarking studies, assessments, and
15 requirements planning.”.

16 (b) TECHNICAL AMENDMENTS.—Such section is fur-
17 ther amended—

18 (1) in subsection (d)(2)(C), by striking “in
19 each” and inserting “in such”;

20 (2) in subsection (f)—

21 (A) by striking “Not later than 120 days
22 after the end of each fiscal year” and inserting
23 “Not later than February 1 each year”; and

1 (B) by striking “such fiscal year” the first
 2 place it appears and inserting “the preceding
 3 fiscal year”; and

4 (3) in subsection (g)(1)—

5 (A) by striking “of of” and inserting “of”;
 6 and

7 (B) by striking “, as defined in subsection
 8 (h),”.

9 **SEC. 811. CLOSEOUT OF OLD CONTRACTS.**

10 (a) Notwithstanding any other provision of law, the
 11 Secretary of the Navy may close out contracts described
 12 in subsection (b) through the issuance of one or more
 13 modifications to existing Department of the Navy con-
 14 tracts without completing further reconciliation audits or
 15 corrective actions other than those described in this sec-
 16 tion. To accomplish close out of such contracts—

17 (1) remaining contract balances may be offset
 18 with balances in other contract line items within a
 19 contract regardless of the year or type of appropria-
 20 tion previously or currently obligated to fund each
 21 contract line item and regardless of whether either
 22 appropriation has closed; and

23 (2) remaining contract balances may be offset
 24 with balances on other contracts regardless of the
 25 year or type of appropriation previously or currently

1 obligated to fund each contract and regardless of
2 whether either appropriation has closed.

3 (b) The contracts covered by this section are con-
4 tracts to design, construct, repair, or support the con-
5 struction or repair of Navy submarines that—

6 (1) were entered into between fiscal years 1974
7 and 1998; and

8 (2) have no further supply or services
9 deliverables due under the terms and conditions of
10 the contract;

11 (3) The Secretary of the Navy has established
12 the total final contract value for each contract; and

13 (4) The Secretary of the Navy has determined
14 the final allowable cost for each contract that may
15 have a negative or positive unliquidated obligation
16 balance for which it would be difficult to determine
17 the year or type of appropriation because—

18 (A) the records have been destroyed or
19 lost; or

20 (B) the records are available but the Con-
21 tracting Officer in collaboration with the Certi-
22 fying Official has determined that a discrepancy
23 is of a de minimis value such that the time and
24 effort required to determine the cause of an

1 out-of-balance condition is disproportionate to
2 the amount of the discrepancy.

3 (c) The contracts identified in subsection (b) may be
4 closed out—

5 (1) upon receipt of \$581,803 from the con-
6 tractor to be deposited into the Treasury as Mis-
7 cellaneous Receipts and without seeking further
8 amounts from the contractor; or

9 (2) without payment to the contractor of any
10 amounts that may be due under any such contracts.

11 (d) In any case where this authority is exercised, the
12 cognizant payment or accounting offices may adjust and
13 close any open finance and accounting records.

14 (e) No liability will attach to any accounting, certi-
15 fying, or payment official or contracting officer for any
16 adjustments or close out made pursuant to this authority.

17 **SEC. 812. CONTRACT CLOSEOUT AUTHORITY.**

18 (a) Notwithstanding any other provision of law or
19 regulation, the Secretary of Defense may close out a con-
20 tract or group of contracts as described in subsection (b)
21 through the issuance of one or more modifications to exist-
22 ing Department of Defense contracts without completing
23 a reconciliation audit or other corrective action as more
24 specifically described in subsection (c) and the regulations

1 promulgated by the Secretary pursuant to subsection (f).

2 To accomplish closeout of such contracts—

3 (1) remaining contract balances may be offset
4 with balances in other contract line items within a
5 contract regardless of the year or type of appropria-
6 tion previously or currently obligated to fund each
7 contract line item and regardless of whether either
8 appropriation has closed; and

9 (2) remaining contract balances may be offset
10 with balances on other contracts regardless of the
11 year or type of appropriation previously or currently
12 obligated to fund each contract and regardless of
13 whether either appropriation has closed;

14 (b) Contracts covered by this section are contracts
15 or a group of contracts between the Department of De-
16 fense and a defense contractor that—

17 (1) were entered into prior to fiscal year 2000;

18 (2) have no further supplies or services
19 deliverables due under the terms and conditions of
20 the contract; and

21 (3) are determined by the Secretary of Defense
22 to be not otherwise reconcilable because—

23 (A) the records have been destroyed or
24 lost; or

1 (B) the records are available but the Sec-
2 retary of Defense has determined that the time
3 or effort required to determine the exact
4 amount owed to the government or amount
5 owed to the contractor is disproportionate to
6 the amount at issue.

7 (c) Any contract or contracts covered by this section
8 may be closed out through a negotiated settlement with
9 the contractor.

10 (d) In any case where this authority is exercised, the
11 cognizant payment or accounting offices may adjust and
12 close any open finance and accounting records.

13 (e) No liability will attach to any accounting, certi-
14 fying, or payment official or contracting officer for any
15 adjustments or closeout made pursuant to this authority.

16 (f) The Secretary of Defense shall prescribe regula-
17 tions for the administration of the authority under this
18 section.

19 **SEC. 813. SIMPLIFICATION OF THE PROCESS FOR PREPA-**
20 **RATION AND EVALUATION OF PROPOSALS**
21 **FOR CERTAIN SERVICE CONTRACTS.**

22 (a) CONTRACTING UNDER TITLE 41, UNITED
23 STATES CODE.—Section 3306(c) of title 41, United States
24 Code, is amended—

1 (1) in paragraph (1), by inserting “except as
2 provided in paragraph (3),” in subparagraphs (B)
3 and (C) after the subparagraph designation; and

4 (2) by adding at the end the following new
5 paragraphs:

6 “(3) EXCEPTIONS FOR CERTAIN INDEFINITE
7 DELIVERY, INDEFINITE QUANTITY MULTIPLE-AWARD
8 CONTRACTS AND CERTAIN FEDERAL SUPPLY SCHED-
9 ULE CONTRACTS.—If the head of an agency issues
10 a solicitation for multiple task or delivery order con-
11 tracts under section 4103 of this title, or a Federal
12 supply schedule contract under section 501(b) of
13 title 40 and section 152(3) of this title, for the same
14 or similar services and intends to make a contract
15 award to each qualifying offeror—

16 “(A) cost or price to the Federal Govern-
17 ment need not, at the Government’s discretion,
18 be considered under subparagraph (B) of para-
19 graph (1) as an evaluation factor for the con-
20 tract award; and

21 “(B) if, pursuant to subparagraph (A),
22 cost or price to the Federal Government is not
23 considered as an evaluation factor for the con-
24 tract award—

1 “(i) the disclosure requirement of sub-
 2 paragraph (C) of paragraph (1) shall not
 3 apply; and

4 “(ii) cost or price to the Federal Gov-
 5 ernment shall be considered in conjunction
 6 with the issuance of a task or delivery
 7 order under any contract resulting from
 8 the solicitation that is awarded pursuant to
 9 section 501(b) of title 40 and section
 10 152(3) of this title.

11 “(4) QUALIFYING OFFEROR DEFINED.—In
 12 paragraph (3), the term ‘qualifying offeror’ means
 13 an offeror that—

14 “(A) is determined to be a responsible
 15 source;

16 “(B) submits a proposal that conforms to
 17 the requirements of the solicitation; and

18 “(C) the contracting officer has no reason
 19 to believe would likely offer other than fair and
 20 reasonable pricing.”.

21 (b) CONTRACTING UNDER TITLE 10, UNITED
 22 STATES CODE.—Section 2305(a)(3) of title 10, United
 23 States Code, is amended—

1 (1) in subparagraph (A), by inserting “(except
2 as provided in subparagraph (C))” in clauses (ii)
3 and (iii) after “shall”; and

4 (2) by adding at the end the following new sub-
5 paragraphs:

6 “(C) If the head of an agency issues a so-
7 licitation for multiple task or delivery order con-
8 tracts under section 2304a(d)(1)(B) of this title
9 for the same or similar services and intends to
10 make a contract award to each qualifying offer-
11 or—

12 “(i) cost or price to the Federal Gov-
13 ernment need not, at the Government’s
14 discretion, be considered under clause (ii)
15 of subparagraph (A) as an evaluation fac-
16 tor for the contract award; and

17 “(ii) if, pursuant to clause (i), cost or
18 price to the Federal Government is not
19 considered as an evaluation factor for the
20 contract award—

21 “(I) the disclosure requirement of
22 clause (iii) of subparagraph (A) shall
23 not apply; and

24 “(II) cost or price to the Federal
25 Government shall be considered in

1 conjunction with the issuance pursu-
 2 ant to section 2304c(b) of this title of
 3 a task or delivery order under any
 4 contract resulting from the solicita-
 5 tion.

6 “(D) In subparagraph (C), the term ‘quali-
 7 fying offeror’ means an offeror that—

8 “(i) is determined to be a responsible
 9 source;

10 “(ii) submits a proposal that conforms
 11 to the requirements of the solicitation; and

12 “(iii) the contracting officer has no
 13 reason to believe would likely offer other
 14 than fair and reasonable pricing.”.

15 **SEC. 814. MICRO-PURCHASE THRESHOLD APPLICABLE TO**
 16 **GOVERNMENT PROCUREMENTS.**

17 (a) INCREASE IN THRESHOLD.—Section 1902 of title
 18 41, United States Code, is amended—

19 (1) in subsection (a), by striking “\$3,000” and
 20 inserting “\$10,000”; and

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

24 (b) OMB GUIDANCE.—The Director of the Office of
 25 Management and Budget shall update the guidance in Cir-

1 cular A-123, Appendix B, as appropriate, to ensure that
2 agencies—

3 (1) follow sound acquisition practices when
4 making purchases using the Government purchase
5 card; and

6 (2) maintain internal controls that reduce the
7 risk of fraud, waste, and abuse in Government
8 charge card programs.

9 (c) CONVENIENCE CHECKS.—A convenience check
10 may not be used for an amount in excess of one half of
11 the micro-purchase threshold under section 1902(a) of
12 title 41, United States Code, or a lower amount set by
13 the head of the agency, and use of convenience checks
14 shall comply with controls prescribed in OMB Circular A-
15 123, Appendix B.

16 **SEC. 815. PILOT PROGRAMS FOR AUTHORITY TO ACQUIRE**
17 **INNOVATIVE COMMERCIAL ITEMS USING**
18 **GENERAL SOLICITATION COMPETITIVE PRO-**
19 **CEDURES.**

20 (a) AUTHORITY.—

21 (1) IN GENERAL.—The head of an agency may
22 carry out a pilot program, to be known as a “com-
23 mercial solutions opening pilot program”, under
24 which innovative commercial items may be acquired
25 through a competitive selection of proposals result-

ing from a general solicitation and the peer review
of such proposals.

(2) HEAD OF AN AGENCY.—In this section, the
term “head of an agency” means the following:

(A) The Secretary of Defense.

(B) The Secretary of Homeland Security.

(C) The Administrator of General Services.

(3) APPLICABILITY OF SECTION.—This section
applies to the following agencies:

(A) The Department of Defense.

(B) The Department of Homeland Security.

(C) The General Services Administration.

(b) TREATMENT AS COMPETITIVE PROCEDURES.—

Use of general solicitation competitive procedures for the
pilot program under subsection (a) shall be considered—

(1) in the case of the Department of Defense,
to be use of competitive procedures for purposes of
chapter 137 of title 10, United States Code; and

(2) in the case of the Department of Homeland
Security and the General Services Administration, to
be use of competitive procedures for purposes
divison C of title 41, United States Code (as defined
in section 152 of such title).

1 (c) LIMITATION.—The head of an agency may not
2 enter into a contract under the pilot program for an
3 amount in excess of \$10,000,000.

4 (d) GUIDANCE.—The head of an agency shall issue
5 guidance for the implementation of the pilot program
6 under this section within that agency. Such guidance shall
7 be issued in consultation with the Office of Management
8 and Budget and shall be posted for access by the public.

9 (e) REPORT REQUIRED.—

10 (1) IN GENERAL.—Not later than three years
11 after the date of the enactment of this Act, the head
12 of an agency shall submit to the congressional com-
13 mittees specified in paragraph (3) a report on the
14 activities the agency carried out under the pilot pro-
15 gram.

16 (2) ELEMENTS OF REPORT.—Each report
17 under this subsection shall include the following:

18 (A) An assessment of the impact of the
19 pilot program on competition.

20 (B) In the case of the Department of De-
21 fense, an assessment of the ability under the
22 pilot program to attract proposals from non-
23 traditional defense contractors (as defined in
24 section 2302(9) of title 10, United States
25 Code).

1 (C) A comparison of acquisition timelines
2 for—

3 (i) procurements made using the pilot
4 program; and

5 (ii) procurements made using other
6 competitive procedures that do not use
7 general solicitations.

8 (D) A recommendation on whether the au-
9 thority for the pilot program should be made
10 permanent.

11 (3) The congressional committees specified in
12 this paragraph are the following:

13 (A) With respect to the Department of De-
14 fense, the Committee on Armed Services of the
15 Senate and the Committee on Armed Services
16 of the House of Representatives.

17 (B) With respect to the Department of
18 Homeland Security and the General Services
19 Administration, the Committee on Homeland
20 Security and Governmental Affairs of the Sen-
21 ate and the Committee on Oversight and Gov-
22 ernment Reform of the House of Representa-
23 tives.

24 (e) DEFINITION.—In this section, the term “innova-
25 tive” means—

1 (1) any new technology, process, or method, in-
 2 cluding research and development; or

3 (2) any new application of an existing tech-
 4 nology, process, or method.

5 (f) TERMINATION.—The authority to enter into a
 6 contract under a pilot program under this section termi-
 7 nates on September 30, 2022.

8 **SEC. 816. INCREASE IN SIMPLIFIED ACQUISITION THRESH-**
 9 **OLD.**

10 Section 134 of title 41, United States Code, is
 11 amended by striking “\$100,000” and inserting
 12 “\$500,000”.

13 **SEC. 817. CATEGORY MANAGEMENT.**

14 (a) GUIDANCE.—The Office of Management and
 15 Budget shall issue guidance to support the implementation
 16 of category management by executive agencies. The guid-
 17 ance shall address, at a minimum, the following:

18 (1) Principles and practices for—

19 (A) addressing common agency needs for
 20 goods and services through the use of data ana-
 21 lytics, application of best-in-class practices, and
 22 an understanding of market and agency cost
 23 drivers and other relevant considerations;

24 (B) reducing duplication of contract vehi-
 25 cles for the same or similar requirements;

1 (C) collecting and interagency sharing of
2 pricing data, contract terms and conditions, and
3 other information as appropriate;

4 (D) strengthening demand management
5 practices; and

6 (E) meeting other policy objectives
7 achieved through Federal contracting, includ-
8 ing—

9 (i) ensuring that small businesses,
10 qualified HUBZone small business con-
11 cerns, small businesses owned and con-
12 trolled by socially and economically dis-
13 advantaged individuals, service-disabled
14 veteran-owned small businesses, and small
15 businesses owned and controlled by women
16 are provided with the maximum practicable
17 opportunities, as available to other poten-
18 tial contractors, to participate in Federal
19 acquisitions; and

20 (ii) strengthening sustainability and
21 accessibility requirements in Federal acqui-
22 sitions.

23 (2) The roles and responsibilities of the Office
24 of Management and Budget, the General Services
25 Administration, and other agencies, as appropriate,

1 in furthering category management principles and
2 practices.

3 (3) Metrics for measuring results achieved
4 through application of category management prin-
5 ciples and practices.

6 (b) RESPONSIBILITIES OF AGENCY CHIEF ACQUISI-
7 TION OFFICERS.—Section 1702(b)(3) of title 41, United
8 States Code, is amended—

9 (1) by redesignating subparagraphs (D), (E),
10 (F), and (G) as subparagraphs (E), (F), (G), and
11 (H), respectively; and

12 (2) by inserting after subparagraph (C) the fol-
13 lowing new subparagraph (D):

14 “(D) establishing and overseeing a cat-
15 egory management program for the agency’s
16 spend in consultation with the agency Chief In-
17 formation Officer, the agency Chief Financial
18 Officer, and other agency officials, as appro-
19 priate;”.

20 **SEC. 818. INNOVATION SET ASIDE PILOT PROGRAM.**

21 (a) IN GENERAL.—The Director of the Office of
22 Management and Budget may, in consultation with the
23 Administrator of the Small Business Administration, con-
24 duct a pilot program to increase the participation of new,

1 innovative entities in Federal contracting through the use
2 of innovation set-asides.

3 (b) AUTHORITY.—(1) Notwithstanding the competi-
4 tion requirements in chapter 33 of title 41, United States
5 Code, and the set-aside requirements in section 15 of the
6 Small Business Act (15 U.S.C. 644), a Federal agency,
7 with the concurrence of the Director, may set aside a con-
8 tract award to one or more new entrant contractors. The
9 Director shall consult with the Administrator prior to pro-
10 viding concurrence.

11 (2) Notwithstanding any law addressing compli-
12 ance requirements for Federal contracts—

13 (A) except as provided in subparagraph
14 (B), a contract award to a new entrant con-
15 tractor under the pilot program shall be subject
16 to the same relief afforded under section 1905
17 of title 41, United States Code, to contracts the
18 value of which is not greater than the simplified
19 acquisition threshold; and

20 (B) for up to five pilots, the Director may
21 authorize an agency to make an award to a new
22 entrant contractor subject to the same compli-
23 ance requirements that apply to a contractor re-
24 ceiving an award from the Secretary of Defense

1 under section 2371 of title 10 United States
2 Code.

3 (c) CONDITIONS FOR USE.—The authority provided
4 in subsection (b) may be used under the following condi-
5 tions:

6 (1)(A) The agency has a requirement for new
7 methods, processes, or technologies, which may in-
8 clude research and development, or new applications
9 of existing methods, processes or technologies, to im-
10 prove quality, reduce costs, or both; or

11 (B) Based on market research, the agency has
12 determined that the requirement cannot be easily
13 provided through an existing Federal contract;

14 (2) The agency intends either to make an
15 award to a small business concern or to give special
16 consideration to a small business concern before
17 making an award to other than a small business;
18 and

19 (3) The length of the resulting contract will not
20 exceed 2 years.

21 (d) NUMBER OF PILOTS.—The Director may author-
22 ize the use of up to 25 innovation set-asides acquisitions.

23 (e) AWARD AMOUNT.—

24 (1) Except as provided in paragraph (2), the
25 amount of an award under the pilot program under

1 this section may not exceed \$2,000,000 (including
2 any options).

3 (2) The Director may authorize not more than
4 5 set-asides with an award amount greater than
5 \$2,000,000 but not greater than \$5,000,000 (includ-
6 ing any options).

7 (f) GUIDANCE AND REPORTING.—

8 (1) The Director shall issue guidance, as nec-
9 essary, to implement the pilot program under this
10 section.

11 (2) Within 3 years after the date of the enact-
12 ment of this Act, the Director, in consultation with
13 the Administrator shall submit to Congress a report
14 on the pilot program under this section. The report
15 shall include the following:

16 (A) The number of awards (or orders
17 under the Schedule) made under the authority
18 of this section.

19 (B) For each award (or order)—

20 (i) the agency that made the award
21 (or order);

22 (ii) the amount of the award (or
23 order); and

24 (iii) a brief description of the award
25 (or order), including the nature of the re-

1 requirement and the innovation produced
 2 from the award (or expected if contract
 3 performance is not completed).

4 (g) SUNSET.—The authority to award an innovation
 5 set-aside under this section shall terminate on December
 6 31, 2020.

7 (h) DEFINITION.—For purposes of this section, the
 8 term “new entrant contractor”, with respect to any con-
 9 tract under the program, means an entity that has not
 10 been awarded a Federal contract within the 5-year period
 11 ending on the date on which a solicitation for that contract
 12 is issued under the program.

13 **SEC. 819. CODIFICATION AND ENHANCEMENT OF AUTHOR-**
 14 **IZED USE OF FUNDS IN JOINT IMPROVISED**
 15 **EXPLOSIVE DEVICE DEFEAT FUND.**

16 (a) REDESIGNATION OF FUND.—The fund of the De-
 17 partment of Defense known as the “Joint Improvised Ex-
 18 plosive Device Defeat Fund” is redesignated as the “Joint
 19 Improvised-Threat Defeat Fund”.

20 (b) CODIFICATION OF AUTHORITY AND EXPANSION
 21 OF AUTHORIZED USE OF FUNDS.—

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

1 **“§ 2283. Joint Improvised-Threat Defeat Fund: au-**
 2 **thorized uses**

3 “(a) USE OF FUNDS.—Funds made available to the
 4 Secretary of Defense for the Joint Improvised-Threat De-
 5 feat Fund (in this section referred to as the ‘Fund’) for
 6 any fiscal year shall be available to investigate, develop,
 7 and provide equipment, supplies, services, training, facili-
 8 ties, personnel, and funds to assist armed forces in the
 9 defeat of improvised threats as specified by the Secretary
 10 of Defense.

11 “(b) TRANSFER AUTHORITY.—

12 “(1) TRANSFERS AUTHORIZED.—Amounts
 13 available in the Fund may be transferred from the
 14 Fund to any of the following accounts and funds of
 15 the Department of Defense to accomplish the pur-
 16 poses provided in subsection (a):

17 “ (A) Military personnel accounts.

18 “(B) Operation and maintenance accounts.

19 “(C) Procurement accounts.

20 “(D) Research, development, test, and
 21 evaluation accounts.

22 “(E) Defense working capital funds.

23 “(2) ADDITIONAL TRANSFER AUTHORITY.—The
 24 transfer authority provided by paragraph (1) is in
 25 addition to any other transfer authority available to
 26 the Department of Defense.

1 “(3) ADVANCE NOTICE TO CONGRESSIONAL
2 COMMITTEES.—Funds may not be transferred from
3 the Fund under paragraph (1) until five days after
4 the date on which the Secretary of Defense submits
5 to the congressional defense committees notice in
6 writing of the details of the proposed transfer.

7 “(4) TRANSFERS BACK TO THE FUND.—Upon
8 determination that all or part of the funds trans-
9 ferred from the Fund under paragraph (1) are not
10 necessary for the purpose provided, such funds may
11 be transferred back to the Fund.

12 “(5) EFFECT ON AUTHORIZATION AMOUNTS.—
13 A transfer of an amount to an account under the
14 authority in paragraph (1) shall be deemed to in-
15 crease the amount authorized for such account by an
16 amount equal to the amount transferred.

17 “(c) INTERDICTION OF IMPROVISED EXPLOSIVE DE-
18 VICE PRECURSOR MATERIALS.—

19 “(1) AVAILABILITY OF FUNDS.—Of the funds
20 made available for the Fund for any fiscal year, up
21 to \$15,000,000 may be used by the Secretary of De-
22 fense to provide assistance in the form of training,
23 equipment, supplies, and services to ministries and
24 other governmental entities of any country that the
25 Secretary of Defense, with the concurrence of the

1 Secretary of State, has identified as critical for
2 countering the movement of precursor materials for
3 improvised explosive devices. Any such assistance
4 shall be provided for the purpose of countering the
5 movement of such precursor materials.

6 “(2) PROVISION THROUGH OTHER UNITED
7 STATES AGENCIES.—If agreed upon by the Secretary
8 of Defense and the head of another department or
9 agency of the United States, the Secretary of De-
10 fense may transfer funds available under paragraph
11 (1) to the head of such department or agency for the
12 provision by such department or agency of assist-
13 ance described in that paragraph to ministries and
14 other government entities of a country identified
15 under that paragraph.

16 “(3) ADVANCE NOTICE TO CONGRESSIONAL
17 COMMITTEES.—Funds may not be used under the
18 authority in paragraph (1) with respect to any coun-
19 try until 15 days after the date on which the Sec-
20 retary of Defense submits to the congressional com-
21 mittees specified in subsection (e) a notice (prepared
22 in coordination with the Secretary of State) of the
23 following:

24 “(A) The country identified pursuant to
25 paragraph (1).

1 “(B) The amount of funds to be used with
2 respect to that country and the training, equip-
3 ment, supplies, and services to be provided
4 using such funds.

5 “(C) Evaluation of the effectiveness of ef-
6 forts by that country to counter the movement
7 of precursor materials for improvised explosive
8 devices.

9 “(d) TRAINING OF FOREIGN SECURITY FORCES TO
10 DEFEAT IMPROVISED THREATS.—

11 “(1) AVAILABILITY OF FUNDS.—Of the funds
12 made available for the Fund for any fiscal year, up
13 to \$15,000,000 may be used by the Secretary of De-
14 fense to provide training, basic equipment, and serv-
15 ices to foreign security forces to defeat improvised
16 threats under authority provided the Secretary of
17 Defense under any other provision of law.

18 “(2) CONSTRUCTION OF AVAILABILITY OF
19 FUNDS.—Paragraph (1) is not authority itself for
20 the provision of training, basic equipment, and serv-
21 ices described in that paragraph.

22 “(e) SPECIFIED CONGRESSIONAL COMMITTEES.—
23 The congressional committees specified in this subsection
24 are the following:

1 “(1) The Committee on Armed Services, the
2 Committee on Foreign Relations, and the Committee
3 on Appropriations of the Senate.

4 “(2) The Committee on Armed Services, the
5 Committee on Foreign Affairs and the Committee on
6 Appropriations of the House of Representatives.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of such chapter is amended
9 by adding at the end the following new item:

“2283. Joint Improvised-Threat Defeat Fund: authorized uses.”.

10 (c) CONFORMING REPEALS.—The following provi-
11 sions of law are repealed:

12 (1) Section 1514 of the John Warner National
13 Defense Authorization Act for Fiscal Year 2007
14 (Public Law 109–364; 120 Stat. 2439), as most re-
15 cently amended by section 1532(b) of the National
16 Defense Authorization Act for Fiscal Year 2014
17 (Public Law 113–66; 127 Stat. 939).

18 (2) Section 1533 of the National Defense Au-
19 thorization Act for Fiscal Year 2016 (Public Law
20 114–92; 129 Stat. 1092).

1 **SEC. 820. REPEAL OF PROHIBITION ON PERFORMANCE OF**
 2 **NON-DEFENSE AUDITS BY DEFENSE CON-**
 3 **TRACT AUDIT AGENCY.**

4 Section 893 of the National Defense Authorization
 5 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
 6 952) is amended by striking subsections (a) and (d).

7 **SEC. 821. AUTHORITY FOR DISCLOSURE OF CERTAIN SEN-**
 8 **SITIVE INFORMATION TO DEPARTMENT OF**
 9 **DEFENSE CONTRACTORS PERFORMING**
 10 **UNDER A DEPARTMENT OF DEFENSE FEDER-**
 11 **ALLY FUNDED RESEARCH AND DEVELOP-**
 12 **MENT CENTER CONTRACT.**

13 (a) **AUTHORITY.**—Chapter 3 of title 10, United
 14 States Code, is amended by inserting after section 129d
 15 the following new section:

16 **“§ 129e. Disclosure to Department of Defense contrac-**
 17 **tors performing under a Department of**
 18 **Defense federally funded research and**
 19 **development center contract**

20 **“(a) DISCLOSURE AUTHORITY.**—Subject to sub-
 21 section (b), an officer or employee of the Department of
 22 Defense may disclose sensitive information to a Depart-
 23 ment of Defense contractor performing under a Depart-
 24 ment of Defense federally funded research and develop-
 25 ment center contract if the disclosure is for the sole pur-
 26 pose of the performance of administrative, technical or

1 professional services under and within the scope of the
2 contract.

3 “(b) CONDITIONS ON DISCLOSURE.—Sensitive infor-
4 mation may be disclosed under subsection (a) with respect
5 to a contract described in that subsection only if the con-
6 tractor agrees to and acknowledges in such contract—

7 “(1) that sensitive information furnished to the
8 contractor under the authority of this section will be
9 accessed and used only for the purposes stated in
10 the contract;

11 “(2) that the contractor will take all pre-
12 cautions necessary to prevent disclosure of the sen-
13 sitive information furnished to anyone not author-
14 ized access to the information in order to perform
15 such contract;

16 “(3) that such sensitive information furnished
17 under the authority of this section shall not be used
18 by the contractor to compete against a third party
19 for Government or non-Government contracts; and

20 “(4) that the violation of paragraph (1), (2), or
21 (3) is a basis for the Government to terminate the
22 contract for default or to pursue other such rem-
23 edies as permitted under the contract or by law.

24 “(c) DEFINITION.—In this section, the term ‘sen-
25 sitive information’ means confidential commercial, finan-

1 cial, or proprietary information, technical data, contract
 2 performance, contract performance evaluation, manage-
 3 ment, and administration data, or other privileged infor-
 4 mation owned by other defense contractors that is exempt
 5 from public disclosure under section 552(b)(4) of title 5
 6 or which would otherwise be prohibited from disclosure
 7 under section 1832 or 1905 of title 18.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of such chapter is amended by inserting
 10 after the item relating to section 129d the following new
 11 item:

“129e. Disclosure to Department of Defense contractors performing under a De-
 partment of Defense federally funded research and develop-
 ment center contract.”.

12 **TITLE IX—DEPARTMENT OF DE-** 13 **FENSE ORGANIZATION AND** 14 **MANAGEMENT**

15 **SEC. 901. 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
 22 and implement a comprehensive strategy to optimize
 23 management practices across the defense com-
 24 missary system and the exchange system that reduce

1 reliance of those systems on appropriated funding
2 without reducing benefits to the patrons of those
3 systems or the revenue generated by non-
4 appropriated fund entities or instrumentalities of the
5 Department of Defense for the morale, welfare, and
6 recreation of members of the armed forces.

7 “(B) The Secretary shall ensure that savings
8 generated due to such optimization practices are
9 shared by the defense commissary system and the
10 exchange system through contracts or agreements
11 that appropriately reflect the participation of the
12 systems in the development and implementation of
13 such practices.”.

14 (b) AUTHORIZATION TO SUPPLEMENT APPROPRIA-
15 TIONS THROUGH BUSINESS OPTIMIZATION.—Section
16 2483(c) of such title is amended by adding at the end the
17 following new sentence: “Such appropriated amounts may
18 also be supplemented with additional funds derived from
19 improved management practices implemented pursuant to
20 sections 2481(c)(3) and 2487(c) of this title and the alter-
21 native pricing program implemented pursuant to section
22 2484(i) of this title.”.

23 (c) ALTERNATIVE PRICING PILOT PROGRAM.—Sec-
24 tion 2484 of such title is amended by adding at the end
25 the following new subsections:

1 “(i) ALTERNATIVE PRICING PROGRAM.—(1) The
2 Secretary is authorized to establish an alternative pricing
3 program pursuant to which prices may be established in
4 response to market conditions and customer demand, in
5 accordance with the requirements of this subsection. Not-
6 withstanding the amount of the uniform surcharge as-
7 sessed in subsection (d), the Secretary may provide for
8 an alternative surcharge of not more than 5 percent of
9 sales proceeds under such alternative pricing program to
10 be made available for the purposes specified in subsection
11 (h).

12 “(2) Before establishing an alternative pricing pro-
13 gram under this subsection, the Secretary shall establish
14 the following:

15 “(A) Specific, measurable benchmarks for suc-
16 cess in the provision of high quality grocery mer-
17 chandise, discount savings to patrons, and levels of
18 customer satisfaction while achieving savings for the
19 Department of Defense.

20 “(B) A baseline of overall savings to patrons
21 achieved by commissary stores prior to the initiation
22 of the alternative pricing program, based on a com-
23 parison of prices charged by those stores on a re-
24 gional basis with prices charged by relevant local

1 competitors for a representative market basket of
2 goods.

3 “(3) The Secretary shall ensure that the defense com-
4 missary system implements the alternative pricing pro-
5 gram by conducting price comparisons using the method-
6 ology established for paragraph (2)(B) and adjusting pric-
7 ing as necessary to ensure that pricing in the alternative
8 pricing program achieves overall savings to patrons that
9 are reasonably consistent with the baseline savings estab-
10 lished for the relevant region pursuant to such paragraph.

11 “(j) CONVERSION TO NONAPPROPRIATED FUND EN-
12 TITY OR INSTRUMENTALITY.—(1) If the Secretary deter-
13 mines that the alternative pricing program has met the
14 benchmarks for success established pursuant to subsection
15 (i)(2)(A) and the savings requirements established pursu-
16 ant to subsection (i)(3) over a period of at least six
17 months, the Secretary may convert the defense com-
18 missary system to a nonappropriated fund entity or in-
19 strumentality, with operating expenses financed in whole
20 or in part by receipts from the sale of products and the
21 sale of services. Upon such conversion, appropriated funds
22 shall be transferred to the defense commissary system only
23 in accordance with paragraph (2) or section 2491 of this
24 title. The requirements of section 2483 shall not apply to

1 the defense commissary system operating as a non-
2 appropriated fund entity or instrumentality.

3 “(2) If the Secretary determines that the defense
4 commissary system operating as a nonappropriated fund
5 entity or instrumentality is likely to incur a loss in any
6 fiscal year as a result of compliance with the savings re-
7 quirement established in subsection (i), the Secretary shall
8 authorize a transfer of appropriated funds available for
9 such purpose to the commissary system in an amount suf-
10 ficient to offset the anticipated loss. Any funds so trans-
11 ferred shall be considered to be nonappropriated funds for
12 such purpose.

13 “(3) The Secretary of Defense may identify positions
14 of employees in the defense commissary system who are
15 paid with appropriated funds whose status may be con-
16 verted to the status of an employee of a nonappropriated
17 fund entity or instrumentality. The status and conversion
18 of such employees shall be addressed as provided in section
19 2491(c) for employees in morale, welfare, and recreation
20 programs. No individual who is an employee of the defense
21 commissary system as of the date of the enactment of this
22 subsection shall suffer any loss of or decrease in pay as
23 a result of the conversion.”.

24 (d) ESTABLISHMENT OF COMMON BUSINESS PRAC-
25 TICES.—Section 2487 of such title is amended—

1 (1) by redesignating subsection (c) as sub-
2 section (d); and

3 (2) by inserting after subsection (b) the fol-
4 lowing new subsection (c):

5 “(c) COMMON BUSINESS PRACTICES.—(1) Notwith-
6 standing subsections (a) and (b), the Secretary of Defense
7 may establish common business processes, practices, and
8 systems—

9 “(A) to exploit synergies between the operations
10 of the defense commissary system and the exchange
11 system; and

12 “(B) to optimize the operations of the defense
13 retail systems as a whole and the benefits provided
14 by the commissaries and exchanges.

15 “(2) The Secretary may authorize the defense com-
16 missary system and the exchange system to enter into con-
17 tracts or other agreements—

18 “(A) for products and services that are shared
19 by the defense commissary system and the exchange
20 system; and

21 “(B) for the acquisition of supplies, resale
22 goods, and services on behalf of both the defense
23 commissary system and the exchange system.

24 “(3) For the purpose of a contract or agreement au-
25 thorized under paragraph (2), the Secretary may—

1 “(A) use funds appropriated pursuant to sec-
2 tion 2483 of this title to reimburse a non-
3 appropriated fund entity or instrumentality for the
4 portion of the cost of a contract or agreement en-
5 tered by the nonappropriated fund entity or instru-
6 mentality that is attributable to the defense com-
7 missary system; and

8 “(B) authorize the defense commissary system
9 to accept reimbursement from a nonappropriated
10 fund entity or instrumentality for the portion of the
11 cost of a contract or agreement entered by the de-
12 fense commissary system that is attributable to the
13 nonappropriated fund entity or instrumentality.”.

14 (e) 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 fol-
17 lowing new sentence: “Any reference in this chapter to ‘the
18 exchange system’ shall be treated as referring to each sep-
19 arate administrative entity within the Department of De-
20 fense through which the Secretary of Defense has imple-
21 mented the requirement under this subsection for a world-
22 wide system of exchange stores.”.

23 (f) OPERATION OF DEFENSE COMMISSARY SYSTEM
24 AS A NONAPPROPRIATED FUND ENTITY.—In the event
25 that the 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
 4 may—

5 (1) provide for the transfer of commissary as-
 6 sets, including inventory and available funds, to the
 7 nonappropriated fund entity or instrumentality; and

8 (2) ensure that revenues accruing to the de-
 9 fense commissary system are appropriately credited
 10 to the nonappropriated fund entity or instrumen-
 11 tality.

12 (g) CONFORMING CHANGE.—Section 2643(b) of such
 13 title is amended by adding at the end the following new
 14 sentence: “Such appropriated funds may be supplemented
 15 with additional funds derived from improved management
 16 practices implemented pursuant to sections 2481(c)(3)
 17 and 2487(c) of this title.”

18 **SEC. 902. REVISION TO AUTHORITY OF THE SECRETARY OF**
 19 **DEFENSE RELATING TO PROTECTION OF THE**
 20 **PENTAGON RESERVATION AND OTHER DE-**
 21 **PARTMENT OF DEFENSE FACILITIES IN THE**
 22 **NATIONAL CAPITAL REGION.**

23 (a) LAW ENFORCEMENT AUTHORITY.—Subsection
 24 (b) of section 2674 of title 10, United States Code, is
 25 amended—

1 (1) by redesignating paragraph (2) as para-
2 graph (5);

3 (2) by striking the matter in such subsection
4 preceding such paragraph and inserting the fol-
5 lowing:

6 “(b) LAW ENFORCEMENT AUTHORITIES AND PER-
7 SONNEL.—(1) The Secretary shall protect the buildings,
8 grounds, and property located in the National Capital Re-
9 gion that are occupied by, or under the jurisdiction, cus-
10 tody, or control of, the Department of Defense, and the
11 persons on that property.

12 “(2) The Secretary may designate military or civilian
13 personnel to perform law enforcement functions and mili-
14 tary, civilian, or contract personnel to perform security
15 functions for such buildings, grounds, property, and per-
16 sons, including, with regard to civilian personnel des-
17 ignated under this section, duty in areas outside the prop-
18 erty referred to in paragraph (1) to the extent necessary
19 to protect that property and persons on that property.
20 Subject to the authorization of the Secretary, any such
21 military or civilian personnel so designated may exercise
22 the authorities listed in subsection (c) (1)–(5) of section
23 2672 of this title.

24 “(3) The powers granted under paragraph (2) to
25 military and civilian personnel designated under that para-

1 graph shall be exercised in accordance with guidelines pre-
2 scribed by the Secretary of Defense and approved by the
3 Attorney General.

4 “(4) Nothing in this subsection shall be construed
5 to—

6 “(A) preclude or limit the authority of any De-
7 fense Criminal Investigative Organization or any
8 other Federal law enforcement agency;

9 “(B) restrict the authority of the Secretary of
10 Homeland Security under the Homeland Security
11 Act of 2002 (6 U.S.C. 101 et seq.) or the authority
12 of the Administrator of General Services, including
13 the authority to promulgate regulations affecting
14 property under the custody and control of that Sec-
15 retary or the Administrator, respectively;

16 “(C) expand or limit section 21 of the Internal
17 Security Act of 1950 (50 U.S.C. 797);

18 “(D) affect chapter 47 of this title (the Uni-
19 form Code of Military Justice);

20 “(E) restrict any other authority of the Sec-
21 retary of Defense or the Secretary of a military de-
22 partment; or

23 “(F) restrict the authority of the Director of
24 the National Security Agency under section 11 of

1 the National Security Agency Act of 1959 (50
2 U.S.C. 3609).”.

3 (b) RATES OF BASIC PAY FOR CIVILIAN LAW EN-
4 FORCEMENT PERSONNEL.—Paragraph (5) of such sub-
5 section, as redesignated by subsection (a)(1) of this sec-
6 tion, is amended by inserting “, whichever is greater” be-
7 fore the period at the end.

8 (c) CODIFICATION OF AUTHORITY TO PROVIDE
9 PHYSICAL PROTECTION AND PERSONAL SECURITY WITH-
10 IN THE UNITED STATES TO CERTAIN SENIOR LEADERS
11 IN THE DEPARTMENT OF DEFENSE AND OTHER SPECI-
12 FIED PERSONS.—

13 (1) NEW SECTION.—Chapter 41 of title 10,
14 United States Code, is amended by inserting after
15 section 713 a new section 714 consisting of—

16 (A) a heading as follows:

17 **“§ 714. Senior leaders of the Department of Defense**
18 **and other specified persons: authority to**
19 **provide protection within the United**
20 **States”;**

21 and

22 (B) a text consisting of the text of sub-
23 sections (a) through (d) of section 1074 of the
24 National Defense Authorization Act for Fiscal

1 Year 2008 (Public Law 110–181; 10 U.S.C.
2 113 note).

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by adding at the end the following new item:

“714. Senior leaders of the Department of Defense and other specified persons:
 authority to provide protection within the United States.”.

6 (3) REPEAL OF CODIFIED PROVISION.—Section
7 1074 of the National Defense Authorization Act for
8 Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
9 113 note) is repealed.

10 (4) CONFORMING AND STYLISTIC AMENDMENTS
11 DUE TO CODIFICATION.—Section 714 of title 10,
12 United States Code, as added by paragraph (1), is
13 amended as follows:

14 (A) Subsections (a), (b)(1), and (d)(1) are
15 amended by striking “Armed Forces” and in-
16 serting “armed forces”.

17 (B) Subsection (c) is amended by striking
18 “section:” and all that follows through “Forces’
19 and” and inserting “section, the terms ‘quali-
20 fied members of the armed forces’ and”.

21 (C) Subsection (d)(2) is amended by strik-
22 ing “, United States Code”.

1 (5) AMENDMENTS FOR CONSISTENCY WITH
2 TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such sec-
3 tion is further amended—

4 (A) in subsection (a)—

5 (i) by striking “Chiefs of the Serv-
6 ices” in paragraph (6) and inserting
7 “Members of the Joint Chiefs of Staff in
8 addition to the Chairman and Vice Chair-
9 man”

10 (ii) by striking paragraph (7); and

11 (iii) by redesignating paragraph (8) as
12 paragraph (7); and

13 (B) in subsection (b)(1), by striking
14 “through (8)” and inserting “through (7)”.

15 (6) AMENDMENTS FOR CONSISTENCY WITH
16 TITLE 10 USAGE AS TO “MILITARY MEMBER”.—Sub-
17 section (b)(2)(A) of such section is amended—

18 (A) by striking “, military member,”; and

19 (B) by inserting after “of the Department
20 of Defense” the following: “or member of the
21 Army, Navy, Air Force, or Marine Corps”.

1 **SEC. 903. REORGANIZATION AND REDESIGNATION OF OF-**
2 **FICE OF FAMILY POLICY AND OFFICE OF**
3 **COMMUNITY SUPPORT FOR MILITARY FAMI-**
4 **LIES WITH SPECIAL NEEDS.**

5 (a) OFFICE OF FAMILY POLICY.—

6 (1) REDESIGNATION AS OFFICE OF MILITARY
7 FAMILY READINESS POLICY.—Section 1781(a) of
8 title 10, United States Code, is amended—

9 (A) by striking “Office of Family Policy”
10 and inserting “Office of Military Family Readiness
11 Policy”; and

12 (B) by striking “Director of Family Pol-
13 icy” and inserting “Director of Military Family
14 Readiness Policy”.

15 (2) REQUIREMENT FOR DIRECTOR TO BE MEM-
16 BER OF THE SENIOR EXECUTIVE SERVICE OR A GEN-
17 ERAL OF FLAG OFFICER.—Such section is further
18 amended by adding at the end the following new
19 sentence: “The Director shall be a member of the
20 Senior Executive Service or a general officer or flag
21 officer.”.

22 (3) INCLUSION OF DIRECTOR ON MILITARY
23 FAMILY READINESS COUNCIL.—Section
24 1781a(b)(1)(E) of such title is amended by striking
25 “Office of Community Support for Military Families

1 with Special Needs” and inserting “Office of Military
2 Family Readiness Policy”.

3 (4) CONFORMING AMENDMENT.—Section
4 131(b)(7)(F) of such title is amended by striking
5 “Director of Family Policy” and inserting “Director
6 of Military Family Readiness Policy”.

7 (5) REVISED SECTION HEADING.—

8 (A) REVISED HEADING.—The heading of
9 section 1781 of such title is amended to read as
10 follows:

11 **“§ 1781. Office of Military Family Readiness Policy”.**

12 (B) CLERICAL AMENDMENT.—The item re-
13 lating to section 1781 in the table of sections
14 at the beginning of chapter 88 of such title is
15 amended to read as follows:

“1781. Office of Military Family Readiness Policy.”.

16 (b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY
17 FAMILIES WITH SPECIAL NEEDS.—

18 (1) REORGANIZATION UNDER THE OFFICE OF
19 MILITARY FAMILY READINESS POLICY.—Subsection
20 (a) of section 1781c of such title is amended by
21 striking “Office of the Under Secretary of Defense
22 for Personnel and Readiness” and inserting “Office
23 of Military Readiness Policy”.

24 (2) REDESIGNATION AS OFFICE OF SPECIAL
25 NEEDS.—Such section is further amended—

1 (A) in subsection (a), by striking “Office
 2 of Community Support for Military Families
 3 with Special Needs” and inserting “Office of
 4 Special Needs”; and

5 (B) in the heading, by striking “**Office**
 6 **of Community Support for Military**
 7 **Families with Special Needs**” and in-
 8 serting “**Office of Special Needs**”.

9 (3) REPEAL OF REQUIREMENT FOR HEAD OF
 10 OFFICE TO BE MEMBER OF SENIOR EXECUTIVE
 11 SERVICE OR A GENERAL OR FLAG OFFICER.—Such
 12 section is further amended by striking subsection
 13 (c).

14 (4) CLERICAL AMENDMENT.—The item relating
 15 to section 1781c in the table of sections at the be-
 16 ginning of chapter 88 of such title is amended to
 17 read as follows:

“1781c. Office of Special Needs.”.

18 **SEC. 904. CHANGE OF PERIOD FOR CHAIRMAN OF THE**
 19 **JOINT CHIEFS OF STAFF REVIEW OF THE**
 20 **UNIFIED COMMAND PLAN TO NOT LESS THAN**
 21 **EVERY FOUR YEARS.**

22 Section 161(b)(1) of title 10, United States Code, is
 23 amended by striking “two years” and inserting “four
 24 years”.

1 **SEC. 905. CLARIFICATION OF AUTHORITY, DIRECTION, AND**
 2 **CONTROL OVER THE INFORMATION ASSUR-**
 3 **ANCE DIRECTORATE OF THE NATIONAL SE-**
 4 **CURITY AGENCY.**

5 Section 142(b)(1) of title 10, United States Code, is
 6 amended—

7 (1) in subparagraph (B), by striking the semi-
 8 colon and inserting “; and”;

9 (2) in subparagraph (C), by striking “; and”
 10 and inserting a period; and

11 (3) by striking subparagraph (D).

12 **SEC. 906. REDUCTION IN THE MINIMUM NUMBER OF NAVY**
 13 **CARRIER AIR WINGS AND CARRIER AIR WING**
 14 **HEADQUARTERS REQUIRED TO BE MAIN-**
 15 **TAINED.**

16 (a) CODIFICATION AND REDUCTION.—Section 5062
 17 of title 10, United States Code, is amended by adding at
 18 the end the following new subsection:

19 “(e) The Secretary of the Navy shall ensure that the
 20 Navy maintains—

21 “(1) a minimum of 9 carrier air wings; and

22 “(2) for each such carrier air wing, a dedicated
 23 and fully staffed headquarters.”.

24 (b) REPEAL OF SUPERSEDED SECTION.—Section
 25 1093 of the National Defense Authorization Act for Fiscal
 26 Year 2012 (10 U.S.C. 5062 note) is repealed.

1 **SEC. 907. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEM-**
 2 **BERS AT JOINT SPECIAL OPERATIONS UNI-**
 3 **VERSITY.**

4 Section 1595(c) of title 10, United States Code, is
 5 amended by adding at the end the following new para-
 6 graph:

7 “(5) The Joint Special Operations University.”.

8 **SEC. 908. MODIFICATIONS TO REQUIREMENTS FOR AC-**
 9 **COUNTING FOR MEMBERS OF THE ARMED**
 10 **FORCES AND DEPARTMENT OF DEFENSE CI-**
 11 **VILIAN EMPLOYEES LISTED AS MISSING.**

12 (a) LIMITATION OF DPAA TO MISSING PERSONS
 13 FROM PAST CONFLICTS.—Section 1501(a) of title 10,
 14 United States Code, is amended—

15 (1) in paragraph (1)(A), by inserting “from
 16 past conflicts” after “matters relating to missing
 17 persons”;

18 (2) in paragraph (2)—

19 (A) by striking subparagraph (A);

20 (B) by redesignating subparagraphs (B),
 21 (C), (D), (E), and (F) as subparagraphs (A),
 22 (B), (C), (D), and (E), respectively; and

23 (C) by inserting “from past conflicts” after
 24 “missing persons” each place it appears;

25 (3) in paragraph (4)—

1 (A) by striking “for personal recovery (in-
 2 cluding search, rescue, escape, and evasion)
 3 and”; and

4 (B) by inserting “from past conflicts”
 5 after “missing persons”; and

6 (4) by striking paragraph (5).

7 (b) ACTION UPON DISCOVERY OR RECEIPT OF IN-
 8 FORMATION.—Section 1505(c) of such title is amended by
 9 striking “designated Agency Director” in paragraphs (1),
 10 (2), and (3) and inserting “Secretary of Defense”.

11 (c) DEFINITION OF “ACCOUNTED FOR”.—Section
 12 1513(3)(B) of such title is amended by inserting “to the
 13 extent practicable” after “are recovered”.

14 **TITLE X—GENERAL PROVISIONS**

15 **Subtitle A—Financial Matters**

16 **SEC. 1001. LIQUIDATION OF UNPAID CREDITS ACCRUED AS** 17 **A RESULT OF TRANSACTIONS UNDER A** 18 **CROSS-SERVICING AGREEMENT.**

19 (a) LIQUIDATION OF UNPAID CREDITS.—Section
 20 2345 of title 10, United States Code, is amended by add-
 21 ing at the end the following new subsection:

22 “(c)(1) Any credits of the United States accrued as
 23 a result of the provision of logistic support, supplies, and
 24 services under the authority of this subchapter that re-
 25 main unliquidated more than 18 months after the date

1 of delivery of the logistic support, supplies, or services
2 may, at the option of the Secretary of Defense, with the
3 concurrence of the Secretary of State, be liquidated by off-
4 setting the credits against any amount owed by the De-
5 partment of Defense, pursuant to a transaction or trans-
6 actions concluded under the authority of this subchapter,
7 to the government or international organization to which
8 the logistic support, supplies, or services were provided by
9 the United States.

10 “(2) The amount of any credits offset pursuant to
11 paragraph (1) shall be credited as specified in section
12 2346 of this title as if it were a receipt of the United
13 States.”.

14 (b) EFFECTIVE DATE.—Subsection (c) of section
15 2345 of title 10, United States Code, as added by sub-
16 section (a), shall apply with respect to credits accrued by
17 the United States which (1) were accrued prior to, and
18 remain unpaid as of, the date of the enactment of this
19 Act, or (2) are accrued after the date of the enactment
20 of this Act.

21 **SEC. 1002. SPECIAL AUTHORITY FOR THE DEPARTMENT OF**
22 **DEFENSE TO REINVEST TRAVEL REFUNDS.**

23 (a) REFUNDS FOR OFFICIAL TRAVEL.—Subchapter
24 I of chapter 8 of title 37, United States Code, is amended
25 by adding at the end the following new section:

1 **“§ 456. Managed travel program refunds**

2 “(a) CREDIT OF REFUNDS.—The Secretary of De-
3 fense may credit refunds attributable to Department of
4 Defense managed travel programs as a direct result of of-
5 ficial travel to such operation and maintenance or re-
6 search, development, test, and evaluation accounts of the
7 Department of Defense as designated by the Secretary
8 that are available for obligation for the fiscal year in which
9 the refund or amount is collected.

10 “(b) USE OF REFUNDS.—Refunds credited under
11 subsection (a) may only be used for official travel or oper-
12 ations and efficiency improvements for improved financial
13 management of official travel.

14 “(c) DEFINITIONS.—In this section:

15 “(1) MANAGED TRAVEL PROGRAM.—The term
16 ‘managed travel program’ includes air, rental car,
17 train, bus, dining, lodging, and travel management,
18 but does not include rebates or refunds attributable
19 to the use of the Government travel card, the Gov-
20 ernment Purchase Card, or Government travel ar-
21 ranged by Government Contracted Travel Manage-
22 ment Centers.

23 “(2) REFUND.—The term ‘refund’ includes
24 miscellaneous receipts credited to the Department
25 identified as a refund, rebate, repayment, or other
26 similar amounts collected.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by inserting
 3 after the item relating to section 455 the following new
 4 item:

“456. Managed travel program refunds.”.

5 (c) CLARIFICATION ON RETENTION OF TRAVEL PRO-
 6 MOTIONAL ITEMS.—Section 1116(a) of the National De-
 7 fense Authorization Act for Fiscal Year 2002 (5 U.S.C.
 8 5702 note) is amended—

9 (1) by striking “DEFINITION.—In this section,
 10 the term” and inserting the following: “DEFINI-
 11 TIONS.—In this section:”

12 “(1) The term”; and

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

15 “(2) The term ‘general public’ includes the
 16 Federal Government or an agency.”.

17 **SEC. 1003. AUTHORITY FOR USE OF AMOUNTS RECOVERED**
 18 **FOR DAMAGE TO GOVERNMENT PROPERTY.**

19 (a) EXTENSION TO PERSONAL PROPERTY.—The first
 20 sentence of section 2782 of title 10, United States Code,
 21 is amended by striking “real property” both places it ap-
 22 pears and inserting “property”.

23 (b) AVAILABILITY OF RECOVERED FUNDS.—The sec-
 24 ond sentence of such section is amended—

1 (1) by striking “In such amounts as are pro-
 2 vided in advance in appropriation Acts, amounts”
 3 and inserting “Amounts”;

4 (2) by inserting “merged with, and” before
 5 “available for use”;

6 (3) by inserting “and for the same period”
 7 after “same purposes”; and

8 (4) by inserting a comma after “circumstances
 9 as”.

10 (c) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of such
 12 section is amended by striking “**real**”.

13 (2) TABLE OF SECTIONS.—The item relating to
 14 such section in the table of sections at the beginning
 15 of chapter 165 of such title is amended to read as
 16 follows:

“2782. Damage to property: disposition of amounts recovered.”.

17 **Subtitle B—Counter-Drug** 18 **Activities**

19 **SEC. 1011. EXTENSION OF DEPARTMENT OF DEFENSE AU-**
 20 **THORITY TO PROVIDE SUPPORT FOR**
 21 **COUNTER-DRUG ACTIVITIES AND ACTIVITIES**
 22 **TO COUNTER TRANSNATIONAL ORGANIZED**
 23 **CRIME.**

24 Subsection (a) of section 1004 of the National De-
 25 fense Authorization Act for Fiscal Year 1991 (Public Law

1 101–510; 10 U.S.C. 374 note), is amended by striking
2 “During fiscal years 2012 through 2017” and inserting
3 “During fiscal years 2012 through 2019”.

4 **SEC. 1012. EXTENSION OF AUTHORITY TO PROVIDE ADDI-**
5 **TIONAL SUPPORT FOR COUNTER-DRUG AC-**
6 **TIVITIES OF CERTAIN FOREIGN GOVERN-**
7 **MENTS.**

8 (a) EXTENSION OF AUTHORITY.—Subsection (a)(2)
9 of section 1033 of the National Defense Authorization Act
10 for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
11 1881), as most recently amended by section 1012 of the
12 National Defense Authorization Act for Fiscal Year 2016
13 (Public Law 114–92; 129 Stat. 963), is further amended
14 by striking “expires September 30, 2017” and inserting
15 “shall be available through the end of fiscal year 2019”.

16 (b) REDUCTION IN WAITING PERIOD FOR OBLIGA-
17 TION OR EXPENDITURE OF FUNDS AFTER NOTIFICATION
18 OF CONGRESS.—Subsection (f)(2)(B) of such section is
19 amended by striking “60 days” and inserting “15 days”.

1 **SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
 2 **FIED COUNTER-DRUG AND COUNTERTER-**
 3 **RORISM CAMPAIGN IN COLOMBIA AND OF**
 4 **NUMERICAL LIMITATION ON ASSIGNMENT OF**
 5 **UNITED STATES PERSONNEL IN COLOMBIA.**

6 Section 1021 of the Ronald W. Reagan National De-
 7 fense Authorization Act for Fiscal Year 2005 (Public Law
 8 108–375; 118 Stat. 2042), as most recently amended by
 9 section 1011 of the National Defense Authorization Act
 10 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
 11 XXX), is further amended—

12 (1) in subsection (a)(1), by striking “2017” and
 13 inserting “2021”; and

14 (2) in subsection (c), by striking “2017” and
 15 inserting “2021”.

16 **Subtitle C—Transportation Matters**

17 **SEC. 1021. AUTHORITY TO MAKE PRO RATA ANNUAL PAY-**
 18 **MENTS UNDER OPERATING AGREEMENTS**
 19 **FOR VESSELS PARTICIPATING IN MARITIME**
 20 **SECURITY FLEET.**

21 Section 53106(d) of title 46, United States Code, is
 22 amended—

23 (1) by striking “and” at the end of paragraph
 24 (2);

25 (2) by striking the period at the end of para-
 26 graph (3) and inserting “; and”; and

1 (3) by adding at the end following new para-
2 graph:

3 “(4) may make a pro rata reduction in payment
4 in the event sufficient funds have not been appro-
5 priated to pay the full annual payment authorized in
6 subsection (a).”.

7 **SEC. 1022. AUTHORITY TO EXTEND CERTAIN AGE RESTRIC-**
8 **TIONS RELATING TO VESSELS PARTICI-**
9 **PATING IN THE MARITIME SECURITY FLEET.**

10 (a) AUTHORITY.—

11 (1) IN GENERAL.—Section 53102 of title 46,
12 United States Code, is amended by adding at the
13 end the following new subsection:

14 “(g) AUTHORITY FOR EXTENSION OF MAXIMUM
15 SERVICE AGE FOR A PARTICIPATING FLEET VESSEL.—
16 The Secretary of Defense, in conjunction with the Sec-
17 retary of Transportation, may, for a particular partici-
18 pating fleet vessel, extend the maximum age restrictions
19 under section 53101(5)(A)(ii) and section 53106(c)(3) for
20 a period of up to 5 years if the Secretaries jointly deter-
21 mine that it is in the national interest to do so.”.

22 (2) CONFORMING AMENDMENT.—The heading
23 of subsection (f) of such section is amended to read
24 as follows: “AUTHORITY FOR WAIVER OF AGE RE-

1 STRICTION FOR ELIGIBILITY FOR A VESSEL TO BE
2 INCLUDED IN THE FLEET.—”.

3 (b) REPEAL OF REDUNDANT AGE LIMITATION.—

4 Section 53106(c)(3) of such title is amended—

5 (1) by striking “or (C);” at the end of subpara-
6 graph (A) and inserting “; or”;

7 (2) by striking “; or” at the end of subpara-
8 graph (B) and inserting a period; and

9 (3) by striking subparagraph (C).

10 **SEC. 1023. EXTENSION OF AUTHORITY OF SECRETARY OF**
11 **TRANSPORTATION TO ISSUE NON-PREMIUM**
12 **AVIATION INSURANCE.**

13 Section 44310(b) of title 49, United States Code, is
14 amended by striking “December 31, 2018” and inserting
15 “December 31, 2019”.

16 **SEC. 1024. EXPANDED AUTHORITY FOR TRANSPORTATION**
17 **BY THE DEPARTMENT OF DEFENSE OF NON-**
18 **DEPARTMENT OF DEFENSE PERSONNEL AND**
19 **CARGO.**

20 (a) TRANSPORTATION OF ALLIED AND CIVILIAN
21 PERSONNEL AND CARGO.—Subsection (c) of section 2649
22 of title 10, United States Code, is amended—

23 (1) in the subsection heading, by striking
24 “PERSONNEL” and inserting “AND CIVILIAN PER-
25 SONNEL AND CARGO”;

1 (2) by striking “Until January 6, 2016, when”
2 and inserting “When”; and

3 (3) by striking “allied forces or civilians”, and
4 inserting “allied and civilian personnel and cargo”.

5 (b) COMMERCIAL INSURANCE.—Such section is fur-
6 ther amended by adding at the end the following new sub-
7 section:

8 “(d) COMMERCIAL INSURANCE.—The Secretary may
9 enter into a contract or other arrangement with one or
10 more commercial providers to make insurance products
11 available to non-Department of Defense shippers using the
12 Defense Transportation System to insure against the loss
13 or damage of the shipper’s cargo. Any such contract or
14 arrangement shall provide that—

15 “(1) any insurance premium is collected by the
16 commercial provider;

17 “(2) any claim for loss or damage is processed
18 and paid by the commercial provider;

19 “(3) the commercial provider agrees to hold the
20 United States harmless and waive any recourse
21 against the United States for amounts paid to an in-
22 sured as a result of a claim; and

23 “(4) the contract between the commercial pro-
24 vider and the insured shall contain a provision
25 whereby the insured waives any claim against the

1 United States for loss or damage that is within the
 2 scope of enumerated risks covered by the insurance
 3 product.”.

4 (c) CONFORMING CROSS-REFERENCE AMEND-
 5 MENTS.—Subsection (b) of such section is amended by
 6 striking “this section” both places it appears and inserting
 7 “subsection (a)”.

8 **SEC. 1025. MODIFICATIONS TO NATIONAL DEFENSE SEA-**
 9 **LIFT FUND REQUIREMENTS.**

10 (a) TWO-YEAR SUSPENSION OF LIMITATION ON
 11 FUNDS AVAILABLE FOR NATIONAL DEFENSE SEALIFT
 12 PURPOSES.—Subsection (c)(3) of section 2218 of title 10,
 13 United States Code, is amended to read as follows:

14 “(3) Amounts may be obligated or expended for
 15 a purpose set forth in subparagraph (b) or (d) of
 16 paragraph (1) only from—

17 “(A) funds appropriated for any of fiscal
 18 years 2017 through 2018 that are otherwise
 19 available for such purpose; or

20 “(B) funds deposited in the Fund pursu-
 21 ant to subsection (d)(1).”.

22 (b) TWO-YEAR SUSPENSION OF REQUIREMENT TO
 23 DEPOSIT FUNDS FOR NATIONAL DEFENSE SEALIFT PUR-
 24 POSES IN THE NATIONAL DEFENSE SEALIFT FUND.—
 25 Subsection (d)(1) of such section is amended by inserting

1 “for a fiscal year after fiscal year 2018” after “appro-
2 priated to the Department of Defense”.

3 (c) APPLICABILITY OF “BUY AMERICAN” AND
4 OTHER RESTRICTIONS.—Subsection (c) of such section is
5 further amended by adding at the end the following new
6 paragraph:

7 “(4) Funds appropriated for the Department of
8 Defense for fiscal years 2017 through 2018 that are
9 available—

10 “(A) for the installation and maintenance
11 of defense features for national defense pur-
12 poses on privately owned and operated vessels
13 may be obligated and expended for such pur-
14 pose only for vessels that are constructed in the
15 United States and documented under the laws
16 of the United States; and

17 “(B) for expenses for maintaining the Na-
18 tional Defense Reserve Fleet under section 11
19 of the Merchant Ship Sales Act of 1946 (50
20 U.S.C. App. 1744), and the costs of acquisition
21 of vessels, and alteration and conversion of ves-
22 sels in (or to be placed in the fleet), may be ob-
23 ligated and expended for such purposes only for
24 vessels built in United States shipyards or ves-
25 sels authorized for inclusion in the National De-

1 fense Reserve Fleet and only in accordance with
 2 section 1424(b) of the National Defense Au-
 3 thorization Act for Fiscal Year 1991 (10 U.S.C.
 4 7291 note).”.

5 (d) CONFORMING AMENDMENT.—Subsection (f)(2)
 6 of such section is amended by striking “Public Law 101–
 7 510 (104 Stat. 1683)” and inserting “the National De-
 8 fense Authorization Act for Fiscal Year 1991 (10 U.S.C.
 9 7291 note)”.

10 (e) EFFECTIVE DATE.—The amendments made by
 11 this section shall not apply with respect to funds appro-
 12 priated for a fiscal year before fiscal year 2017.

13 **SEC. 1026. DURATION OF AUTHORIZATION OF DOMICILE-**
 14 **TO-DUTY TRANSPORTATION FOR DEFENSE**
 15 **PERSONNEL DESIGNATED TO BE PROVIDED**
 16 **SUCH TRANSPORTATION WHEN ESSENTIAL**
 17 **TO THE CONDUCT OF OFFICIAL BUSINESS.**

18 (a) DESIGNATION OF ELIGIBLE PERSONNEL.—Sec-
 19 tion 2637 of title 10, United States Code, is amended—

20 (1) by inserting“ (a) AREAS OUTSIDE THE
 21 UNITED STATES.—” before “The Secretary of De-
 22 fense”;

23 (2) by striking the last sentence of subsection
 24 (a), as designated by paragraph (1); and

1 (3) by adding at the end the following new sub-
2 sections:

3 “(b) DOMICILE-TO-DUTY TRANSPORTATION.—In the
4 application of section 1344 of title 31 to the Department
5 of Defense, an authorization made pursuant to subsection
6 (b)(9) of such section, and an extension of such an author-
7 ization made pursuant to subsection (d)(2) of such sec-
8 tion, may be effective for a period not to exceed one year
9 (notwithstanding the otherwise applicable time periods
10 specified in such section).

11 “(c) REGULATIONS.—Transportation under sub-
12 section (a) and the implementation of subsection (b) shall
13 be provided in accordance with regulations prescribed by
14 the Secretary of Defense.”.

15 (b) CLERICAL AMENDMENTS.—

16 (1) SECTION HEADING.—The heading of such
17 section is amended to read as follows:

18 **“2637. “Transportation in certain areas outside the**
19 **United States; transportation between**
20 **residence and place of work”.**

21 (2) TABLE OF SECTIONS.—The item relating to
22 such section in the table of sections at the beginning
23 of chapter 157 of such title is amended to read as
24 follows:

“2637. Transportation in certain areas outside the United States; transportation
between residence and place of work.”.

1 (c) CONFORMING CROSS-REFERENCE AMEND-
 2 MENT.—Section 1344(c) of title 31, United States Code,
 3 is amended by striking “section 2637” and inserting “sec-
 4 tion 2637(a)”.

5 **Subtitle D—Miscellaneous**
 6 **Authorities and Limitations**

7 **SEC. 1031. EXEMPTION OF INFORMATION ON MILITARY**
 8 **TACTICS, TECHNIQUES, AND PROCEDURES**
 9 **FROM RELEASE UNDER FREEDOM OF INFOR-**
 10 **MATION ACT.**

11 (a) EXEMPTION.—Subsection (a) of section 130e of
 12 title 10, United States Code, is amended—

13 (1) in the matter preceding paragraph (1), by
 14 inserting “or information related to military tactics,
 15 techniques, and procedures” after “security informa-
 16 tion”;

17 (2) by striking paragraph (1) and inserting the
 18 following:

19 “(1) The information is—

20 “(A) Department of Defense critical infra-
 21 structure security information; or

22 “(B) related to a military tactic, technique,
 23 or procedure, including a military rule of en-
 24 gagement;”;

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

3 (4) by inserting after paragraph (1) the fol-
4 lowing new paragraph (2):

5 “(2) the public disclosure of the information
6 could reasonably be expected to risk impairment of
7 the effective operation of Department of Defense by
8 providing an advantage to an adversary or potential
9 adversary; and”.

10 (b) DEFINITIONS.—Subsection (c) of such section is
11 amended—

12 (1) by striking “DEFINITION.—In this section,
13 the” and inserting the following: “DEFINITIONS.—In
14 this section:

15 “(1) DEPARTMENT OF DEFENSE CRITICAL IN-
16 FRASTRUCTURE SECURITY INFORMATION.—The”;
17 and

18 (2) by adding at the end the following new
19 paragraphs:

20 “(2) TACTIC.—The term ‘tactic’ means the em-
21 ployment and ordered arrangement of forces in rela-
22 tion to each other.

23 “(3) TECHNIQUE.—The term ‘technique’ means
24 non-prescriptive way or method used to perform a
25 mission, function, or task.

1 “(4) RULE OF ENGAGEMENT.—The term ‘rule
2 of engagement’ means a directive issued by a com-
3 petent military authority that delineates the cir-
4 cumstances and limitations under which the armed
5 forces will initiate or continue combat engagement
6 with other forces encountered.”.

7 (c) DELEGATION AND TRANSPARENCY.—Such sec-
8 tion is further amended—

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

10 (2) by redesignating subsection (e) as sub-
11 section (d) and in that subsection—

12 (A) by striking “, or the Secretary’s des-
13 ignee,”; and

14 (B) by striking “through the Office of the
15 Director of Administration and Management”
16 and inserting “in accordance with guidelines
17 prescribed by the Secretary”.

18 (d) CITATION FOR PURPOSES OF OPEN FOIA ACT
19 OF 2009.—Such section is further amended—

20 (1) in subsection (a), as amended by subsection
21 (a) of this section, by striking “pursuant to section
22 552(b)(3) of title 5” in the matter preceding para-
23 graph (1); and

24 (2) by adding at the end the following new sub-
25 section:

1 “(e) CITATION FOR PURPOSES OF OPEN FOIA ACT
 2 OF 2009.—This section is a statute that specifically ex-
 3 empts certain matters from disclosure under section 552
 4 of title 5, as described in subsection (b)(3) of that sec-
 5 tion.”.

6 (e) SECTION HEADING AND CLERICAL AMEND-
 7 MENT.—

8 (1) The heading of such section is amended to
 9 read as follows:

10 **“§ 130e. Nondisclosure of information: critical infra-**
 11 **structure; military tactics, techniques,**
 12 **and procedures”.**

13 (2) The item relating to such section in the
 14 table of sections at the beginning of chapter 3 of
 15 such title is amended to read as follows:

“130e. Nondisclosure of information: critical infrastructure; military tactics,
 techniques, and procedures.”.

16 **SEC. 1032. EXPANSION OF COVERAGE OF PERSONS WHO**
 17 **MAY BE ASSISTED UNDER PROGRAM TO PRO-**
 18 **VIDE POST-ISOLATION SUPPORT ACTIVITIES**
 19 **FOR CERTAIN RECOVERED ISOLATED PER-**
 20 **SONNEL.**

21 Section 1056a(c)(2) of title 10, United States Code,
 22 is amended—

23 (1) by striking “(whether as an individual or a
 24 group)”;

1 (2) by inserting “other United States Govern-
2 ment” after “military activity or” ; and

3 (3) by inserting “or other individual determined
4 by the Secretary of Defense” before the period at
5 the end.

6 **SEC. 1033. MODIFICATION TO AND EXTENSION OF AUTHOR-**
7 **IZATION OF NON-CONVENTIONAL ASSISTED**
8 **RECOVERY CAPABILITIES.**

9 (a) MODIFICATION TO AUTHORIZED ACTIVITIES.—
10 Subsection (c) of section 943 of the Duncan Hunter Na-
11 tional Defense Authorization Act for Fiscal Year 2009
12 (Public Law 110–417; 122 Stat. 4578), as most recently
13 amended by section 1271 of the National Defense Author-
14 ization Act for Fiscal Year 2016 (Public Law 114–92),
15 is amended by inserting “and other individuals as deter-
16 mined by the Secretary of Defense” before the period at
17 the end of the first sentence.

18 (b) EXTENSION OF AUTHORITY.—Subsection (h) of
19 such section is amended by striking “2018” and inserting
20 “2021”.

21 **SEC. 1034. PROTECTION AGAINST MISUSE OF NAVAL SPE-**
22 **CIAL WARFARE COMMAND INSIGNIA.**

23 (a) IN GENERAL.—Chapter 663 of title 10, United
24 States Code, is amended by adding at the end the fol-
25 lowing new section:

1 **“§ 7882. Protection against misuse of insignia of**
2 **Naval Special Warfare Command**

3 “(a) COVERED NAVAL SPECIAL WARFARE INSIGNIA
4 DEFINED.—In this section, the term covered ‘Naval Spe-
5 cial Warfare insignia’ means any of the following:

6 “(1) The Naval Special Warfare Insignia com-
7 prising or consisting of the design of an eagle hold-
8 ing an anchor, trident, and flint-lock pistol.

9 “(2) The Special Warfare Combatant Craft
10 Crewman Insignia comprising or consisting of the
11 design of the bow and superstructure of a Special
12 Operations Craft on a crossed flint-lock pistol and
13 enlisted cutlass, on a background of ocean swells.

14 “(3) Any colorable imitation of the insignia re-
15 ferred to in paragraphs (1) and (2), in a manner
16 which could reasonably be interpreted or construed
17 as conveying the false impression that an advertise-
18 ment, solicitation, business activity, or product is in
19 any manner approved, endorsed, sponsored, or au-
20 thorized by, or associated with, the United States
21 Government, the Department of Defense, or the De-
22 partment of the Navy.

23 “(b) PROTECTION AGAINST MISUSE.—Subject to
24 subsection (c), no person may use any covered Naval Spe-
25 cial Warfare insignia in connection with any promotion,
26 good, service, or other commercial activity when a par-

1 ticular use would be likely to suggest a false affiliation,
2 connection, or association with, endorsement by, or ap-
3 proval of, the United States, the Department of Defense,
4 or the Department of the Navy.

5 “(c) EXCEPTION.—Subsection (b) shall not apply to
6 the use of a covered Naval Special Warfare insignia for
7 purposes such as criticism, comment, news reporting,
8 analysis, research, or scholarship.

9 “(d) TREATMENT OF DISCLAIMERS.—Any deter-
10 mination of whether a person has violated this section
11 shall be made without regard to any use of a disclaimer
12 of affiliation, connection, or association with, endorsement
13 by, or approval of the United States Government, the De-
14 partment of Defense, the Department of the Navy, or any
15 subordinate organization thereof to the extent consistent
16 with international obligations of the United States.

17 “(e) ENFORCEMENT.—Whenever it appears to the
18 Attorney General that any person is engaged in, or is
19 about to engage in, an act or practice that constitutes or
20 will constitute conduct prohibited by this section, the At-
21 torney General may initiate a civil proceeding in a district
22 court of the United States to enjoin such act or practice,
23 and such court may take such injunctive or other action
24 as is warranted to prevent the act, practice, or conduct.

1 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
 2 tion shall be construed to limit the authority of the Sec-
 3 retary of the Navy to register any symbol, name, phrase,
 4 term, acronym, or abbreviation otherwise capable of reg-
 5 istration under the provisions of the Act of July 5, 1946,
 6 popularly known as the Lanham Act or the Trademark
 7 Act of 1946 (15 U.S.C. 1051 et seq.).”.

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

“7882. Protection against misuse of Naval Special Warfare Command insignia.”.

11 **SEC. 1035. AUTHORITY TO ASSIST OTHER AGENCIES TO EX-**
 12 **PEDITE REVIEW OF PROPOSED DEPARTMENT**
 13 **OF DEFENSE ACTIONS UNDER THE ENDAN-**
 14 **GERED SPECIES ACT.**

15 (a) ASSISTANCE AUTHORIZED.—For any action by
 16 the Department of Defense that requires a section 7 con-
 17 sultation, the Secretary of Defense may transfer funds
 18 from accounts available for operation and maintenance
 19 and may detail personnel on a nonreimbursable basis to
 20 the head of the appropriate service to support such con-
 21 sultation.

22 (b) CONDITIONS.—The Secretary may provide funds
 23 or detail personnel under this section only if—

1 (1) the Secretary determines that it is in the in-
2 terest of national defense to complete a section 7
3 consultation for an action by the Department of De-
4 fense within a particular time period;

5 (2) the head of the appropriate service provides
6 to the Secretary notice that the appropriate service
7 does not have available funds or adequate personnel
8 to complete such section 7 consultation within such
9 time period; and

10 (3) the Secretary enters into an agreement with
11 the head of the appropriate service that specifies the
12 funds or personnel that the Secretary will provide to
13 such service and requires that such funds or per-
14 sonnel be used only to contribute toward carrying
15 out the section 7 consultation within such time pe-
16 riod.

17 (c) CREDITING OF FUNDS.—Funds received by the
18 head of the appropriate service pursuant to subsection (a)
19 may be credited to appropriations available to such service
20 for salaries and expenses. Subject to subsection (b), funds
21 so credited shall be merged with and be available for the
22 same purposes and for the same time period as the appro-
23 priations account to which such funds are credited.

24 (d) LIMITATIONS.—

1 (1) USE OF FUNDS.—Funds or personnel pro-
2 vided to the head of the appropriate service under
3 subsection (a) may be used only to support activities
4 that directly and meaningfully contribute to carrying
5 out the section 7 consultation for which such funds
6 or personnel are provided.

7 (2) MAXIMUM AMOUNT OF FUNDS AVAILABLE
8 TO TRANSFER IN A FISCAL YEAR.—The Secretary
9 may not provide funds or personnel under this sec-
10 tion in excess of an aggregate value of \$1,000,000
11 in any fiscal year.

12 (e) SUNSET.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the authority to transfer funds or detail
15 personnel under this section shall terminate on De-
16 cember 31, 2022.

17 (2) EXCEPTION.—With respect to any section 7
18 consultation initiated prior to the date specified in
19 paragraph (1) and for which the Secretary began
20 transferring funds or detailing personnel under this
21 section before such date, the Secretary may continue
22 to transfer funds and detail personnel in accordance
23 with this section.

24 (f) DEFINITIONS.—In this section:

1 (1) HEAD OF THE APPROPRIATE SERVICE.—

2 The term “head of the appropriate service” has the
3 meaning given the term “Secretary” in section 3 of
4 the Endangered Species Act of 1973 (16 U.S.C.
5 1532).

6 (2) SECTION 7 CONSULTATION.—The term
7 “section 7 consultation” means consultation or con-
8 ference by the Department of Defense with the Sec-
9 retary (as defined in section 3 of the Endangered
10 Species Act of 1973 (16 U.S.C. 1532)) under sec-
11 tion 7 of such Act (16 U.S.C. 1536).

12 **TITLE XI—CIVILIAN PERSONNEL** 13 **MATTERS**

14 **Subtitle A—General Matters**

15 **SEC. 1101. AUTHORITY TO PROVIDE ADDITIONAL ALLOW-** 16 **ANCES AND BENEFITS FOR DEFENSE CLAN-** 17 **DESTINE SERVICE EMPLOYEES.**

18 Section 1603 of title 10, United States Code, is
19 amended by adding at the end the following new sub-
20 section:

21 “(c) ADDITIONAL ALLOWANCES AND BENEFITS FOR
22 EMPLOYEES OF THE DEFENSE CLANDESTINE SERV-
23 ICE.—In addition to the authority to provide compensation
24 under subsection (a), the Secretary of Defense may pro-
25 vide an employee in a defense intelligence position who is

1 assigned to the Defense Clandestine Service allowances
 2 and benefits under paragraph (1) of section 9904 of title
 3 5 without regard to the limitations in that section

4 “(1) that the employee be assigned to activities
 5 outside the United States; or

6 “(2) that the activities to which the employee is
 7 assigned be in support of Department of Defense ac-
 8 tivities abroad.”.

9 **SEC. 1102. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
 10 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
 11 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
 12 **FICIAL DUTY IN A COMBAT ZONE.**

13 Paragraph (2) of section 1603(a) of the Emergency
 14 Supplemental Appropriations Act for Defense, the Global
 15 War on Terror, and Hurricane Recovery, 2006 (Public
 16 Law 109–234; 120 Stat. 443), as added by section 1102
 17 of the Duncan Hunter National Defense Authorization
 18 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
 19 4616) and as most recently amended by section 1102 of
 20 the National Defense Authorization Act for Fiscal Year
 21 2016 (Public Law 114–92; 129 Stat. zzz), is further
 22 amended by striking “2017” and inserting “2018”.

1 **SEC. 1103. TWO-YEAR EXTENSION OF AUTHORITY TO WAIVE**
 2 **ANNUAL LIMITATION PREMIUM PAY AND AG-**
 3 **GREGATE LIMITATION ON PAY FOR FEDERAL**
 4 **CIVILIAN EMPLOYEES WORKING OVERSEAS.**

5 Section 1101(a) of the Duncan Hunter National De-
 6 fense Authorization Act for Fiscal Year 2009 (Public Law
 7 110–417; 122 Stat. 4615), as most recently amended by
 8 section 1108 of the National Defense Authorization Act
 9 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
 10 1027), is amended by striking “through 2016” and insert-
 11 ing “through 2018”.

12 **SEC. 1104. AUTHORITY FOR ADVANCEMENT OF PAY FOR**
 13 **CERTAIN EMPLOYEES RELOCATING WITHIN**
 14 **THE UNITED STATES AND ITS TERRITORIES.**

15 (a) COVERAGE.—Subsection (a) of section 5524a of
 16 title 5, United States Code, is amended—

17 (1) by inserting “(1)” after “(a)”; and

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

20 “(2) The head of each agency may provide for
 21 the advance payment of basic pay, covering not more
 22 than 6 pay periods, to an employee who is assigned
 23 to a position in the agency that is located—

24 “(A) outside of the employee’s current
 25 commuting area; and

1 “(B) in an area not covered by section
2 5927.”.

3 (b) CONFORMING AMENDMENTS.—Subsection (b) of
4 such section is amended—

5 (1) in paragraph (1), by inserting “or assigned”
6 after “appointed”; and

7 (2) in paragraph (2)(B)—

8 (A) by inserting “or assignment” after
9 “appointment”; and

10 (B) by inserting “or assigned” after “ap-
11 pointed”.

12 (c) CLERICAL AMENDMENTS.—

13 (1) SECTION HEADING.—The heading of such
14 section is amended to read as follows:

15 **“§ 5524a. Advance payments for new appointees and**
16 **for certain current employees relocating**
17 **within the United States and its terri-**
18 **tories”.**

19 (2) TABLE OF SECTIONS.—The item relating to
20 such section in the table of sections at the beginning
21 of chapter 55 of such title is amended to read as fol-
22 lows:

“5524a. Advance payments for new appointees and for certain current employ-
ees relocating within the United States and its territories.”.

1 (d) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on the date that is one year
 3 after the date of the enactment of this Act.

4 **SEC. 1105. INCREASE IN MAXIMUM AMOUNT OF VOL-**
 5 **UNTARY SEPARATION INCENTIVE PAY AU-**
 6 **THORIZED FOR CIVILIAN EMPLOYEES.**

7 (a) GOVERNMENT EMPLOYEES GENERALLY.—Sec-
 8 tion 3523(b)(3)(B) of title 5, United States Code, is
 9 amended by striking “\$25,000” and inserting “\$40,000”.

10 (b) DEPARTMENT OF DEFENSE EMPLOYEES.—Sec-
 11 tion 9902(f)(5)(A)(ii) of such title is amended by striking
 12 “\$25,000” and inserting “an amount determined by the
 13 Secretary, not to exceed \$40,000”.

14 **SEC. 1106. EXPANDED FLEXIBILITY IN SELECTING CAN-**
 15 **DIDATES FROM REFERRAL LISTS.**

16 (a) EXPANDED FLEXIBILITY.—Subchapter I of chap-
 17 ter 33 of title 5, United States Code, is amended by strik-
 18 ing sections 3317 and 3318 and inserting the following
 19 new sections:

20 **“§ 3317. Competitive service; certification using nu-**
 21 **merical ratings**

22 “(a)(1) The Director of the Office of Personnel Man-
 23 agement shall certify a sufficient number of names from
 24 the top of the appropriate register or list of eligibles, as
 25 determined pursuant to regulations prescribed under sub-

1 section (b), and provide a certificate with such names to
 2 an appointing authority that has requested a certificate
 3 of eligibles to consider when filling a job in the competitive
 4 service.

5 “(2) Unless otherwise provided for in regulations pre-
 6 scribed under subsection (b), the number of names cer-
 7 tified under paragraph (1) shall be not less than 3.

8 “(b) When an appointing authority, for reasons con-
 9 sidered sufficient by the Director, has three times consid-
 10 ered and passed over a preference eligible who was cer-
 11 tified from a list of eligibles, the Director may discontinue
 12 certifying the preference eligible for appointment. The Di-
 13 rector shall provide to such preference eligible notice of
 14 the intent to discontinue certifying such preference eligible
 15 prior to the discontinuance of certification.

16 “(c) The Director shall prescribe regulations to carry
 17 out the provisions of this section. Such regulations shall
 18 include the establishment of mechanisms for identifying
 19 the eligibles who will be considered for each vacancy. Such
 20 mechanisms may include cut-off scores.

21 **“§ 3318. Competitive service; selection using numer-**
 22 **ical ratings**

23 “(a) An appointing authority shall select for appoint-
 24 ment from the eligibles available for appointment on a cer-
 25 tificate furnished under section 3317(a), unless objection

1 to one or more of the individuals certified is made to, and
2 sustained by, the Director for proper and adequate reason
3 under regulations prescribed by the Director.

4 “(b)(1) During the 240-day period beginning on the
5 date of issuance of a certificate of eligibles under section
6 3317(a), an appointing authority other than the appoint-
7 ing authority requesting the certificate (in this subsection
8 referred to as the ‘other appointing authority’) may select
9 an individual from that certificate in accordance with this
10 subsection for an appointment to a position that is—

11 “(A) in the same occupational series as the po-
12 sition for which the certification of eligibles was
13 issued (in this subsection referred to as the ‘original
14 position’); and

15 “(B) at a similar grade level as the original po-
16 sition.

17 “(2) An appointing authority requesting a certificate
18 of eligibles may share the certificate with another appoint-
19 ing authority only if the announcement of the original po-
20 sition provided notice that the resulting list of eligible can-
21 didates may be used by another appointing authority.

22 “(3) The selection of an individual under paragraph
23 (1)—

24 “(A) shall be made in accordance with sub-
25 section (a); and

1 “(B) subject to paragraph (4), may be made
2 without any additional posting under section 3327.

3 “(4) Before selecting an individual under paragraph
4 (1), and subject to the requirements of any collective bar-
5 gaining obligation of the other appointing authority, the
6 other appointing authority shall—

7 “(A) provide notice of the available position to
8 employees of the other appointing authority;

9 “(B) provide up to 10 business days for em-
10 ployees of the other appointing authority to apply
11 for the position; and

12 “(C) review the qualifications of employees sub-
13 mitting an application.

14 “(5) Nothing in this subsection limits any collective
15 bargaining obligation of an agency under chapter 71.

16 “(c)(1) If an appointing authority proposes to pass
17 over a preference eligible on a certificate to select an indi-
18 vidual who is not a preference eligible, the appointing au-
19 thority shall file written reasons with the Director for
20 passing over the preference eligible. The Director shall
21 make the reasons presented by the appointing authority
22 part of the record of the preference eligible and may re-
23 quire the submission of more detailed information from
24 the appointing authority in support of the passing over
25 of the preference eligible. The Director shall determine the

1 sufficiency or insufficiency of the reasons submitted by the
2 appointing authority, taking into account any response re-
3 ceived from the preference eligible under paragraph (2).
4 When the Director has completed review of the proposed
5 pass over, the Director shall send the findings of the Di-
6 rector to the appointing authority and to the preference
7 eligible. The appointing authority shall comply with the
8 findings.

9 “(2) In the case of a preference eligible described in
10 section 2108(3)(C) who has a compensable service-con-
11 nected disability of 30 percent or more, the appointing au-
12 thority shall, at the same time it notifies the Director
13 under paragraph (1), notify the preference eligible of the
14 proposed pass over, of the reasons therefore, and of the
15 individual’s right to respond to those reasons to the Direc-
16 tor within 15 days of the date of the notification. The Di-
17 rector shall, before completing the review under paragraph
18 (1), require a demonstration by the appointing authority
19 that the notification was timely sent to the preference eli-
20 gible’s last known address.

21 “(3) A preference eligible not described in paragraph
22 (2), or his or her representative, shall be entitled, on re-
23 quest, to a copy of—

24 “(A) the reasons submitted by the appointing
25 authority in support of the proposed pass over; and

1 “(B) the findings of the Director.

2 “(4) In the case of a preference eligible described in
3 paragraph (2), the functions of the Director under this
4 subsection may not be delegated in accordance with sec-
5 tion 1104.

6 “(d) When the names of preference eligibles are on
7 a reemployment list appropriate for the position to be
8 filled, an appointing authority may appoint from a register
9 of eligibles established after examination only an indi-
10 vidual who qualifies as a preference eligible under section
11 2108(3)(C)–(G).”.

12 (b) CONFORMING AMENDMENTS.—Subchapter I of
13 chapter 33 of such title is amended—

14 (1) in section 3319, by amending the heading
15 to read as follows:

16 “§ 3319. **Competitive service; selection using category**
17 **rating**”;

18 and

19 (2) in section 3320 in the first sentence, by
20 striking “sections 3308–3318” and inserting “sec-
21 tions 3308–3319”.

22 (c) TABLE OF SECTIONS AMENDMENTS.—The table
23 of sections at the beginning of such chapter is amended
24 by striking the items relating to sections 3317, 3318, and
25 3319 and inserting the following new items:

“3317. Competitive service; certification using numerical ratings.

“3318. Competitive service; selection using numerical ratings.

“3319. Competitive service; selection using category rating.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date on which the Di-
3 rector issues final regulations to carry out such amend-
4 ments.

5 **SEC. 1107. NONCOMPETITIVE TEMPORARY AND TERM AP-**
6 **POINTMENTS IN THE COMPETITIVE SERVICE.**

7 (a) TEMPORARY AND TERM APPOINTMENTS.—Sub-
8 chapter I of chapter 31 of title 5, United States Code,
9 is amended by adding at the end the following new section:

10 **“§ 3115. Temporary and term appointments**

11 “(a) DEFINITIONS.—In this section:

12 “(1) The term ‘temporary appointment’ means
13 an appointment in the competitive service for a pe-
14 riod of not more than 1 year.

15 “(2) The term ‘term appointment’ means an
16 appointment in the competitive service for a period
17 of more than 1 year but not more than 5 years, un-
18 less a longer period is authorized by the Director of
19 the Office of Personnel Management prior to ap-
20 pointment.

21 “(b) APPOINTMENT.—(1) The head of an agency may
22 make a temporary appointment or term appointment to
23 a position in the competitive service when the need for an
24 employee’s services is not permanent.

1 “(2) EXTENSION.—Under conditions prescribed by
 2 the Director of the Office of Personnel Management, the
 3 head of an agency may extend a temporary appointment
 4 or term appointment made under paragraph (1).

5 “(c) APPOINTMENTS FOR CRITICAL HIRING
 6 NEEDS.—Under conditions prescribed by the Director of
 7 the Office of Personnel Management, the head of an agen-
 8 cy may make a noncompetitive temporary appointment, or
 9 a noncompetitive term appointment for a period of not
 10 more than 18 months, to a position in the competitive
 11 service for which a critical hiring need exists, without re-
 12 gard to the requirements of sections 3327 and 3330. An
 13 appointment made under this subsection may not be ex-
 14 tended.

15 “(d) REGULATIONS.—The Director of the Office of
 16 Personnel Management may prescribe regulations to carry
 17 out this section.”.

18 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 19 sections at the beginning of such chapter is amended by
 20 inserting the following item after the item relating to sec-
 21 tion 3114:

“3115. Temporary and term appointments.”.

22 **SEC. 1108. CLARIFICATION REGARDING ADVERSE ACTIONS.**

23 (a) SUFFICIENCY OF NOTIFICATION.—Chapter 75 of
 24 title 5, United States Code, is amended—

1 (1) in section 7513(b)(1), by inserting “, in-
2 cluding the factual basis for the proposed action
3 with sufficient clarity to reasonably inform the em-
4 ployee of the charge under the circumstances” after
5 “proposed action”; and

6 (2) in section 7543(b)(1), by inserting “, in-
7 cluding the factual basis for the proposed action
8 with sufficient clarity to reasonably inform the em-
9 ployee of the charge under the circumstances” after
10 “proposed action”.

11 (b) APPEALS.—Section 7701(b) of such title is
12 amended—

13 (1) by redesignating paragraph (3) as para-
14 graph (6); and

15 (2) by inserting after paragraph (2) the fol-
16 lowing new paragraphs:

17 “(3) With respect to an appeal from an adverse ac-
18 tion covered by subchapter II or V of chapter 75, the
19 Board shall—

20 “(A) review whether the agency has proved the
21 factual specifications of the charge in light of the
22 circumstances;

23 “(B) in the case of an adverse action covered
24 by subchapter II of such chapter, review whether the

1 proposed adverse action is for such cause as will pro-
2 mote the efficiency of the service;

3 “(C) in the case of an adverse action covered by
4 subchapter V of such chapter, review whether the
5 proposed adverse action is for misconduct, neglect of
6 duty, malfeasance, or failure to accept a directed re-
7 assignment or to accompany a position in a transfer
8 of function; and

9 “(D) not infer any elements of proof from the
10 title, caption, or label of the charge.

11 “(4) An adverse action shall not be overturned or
12 modified due to insufficiency of the charge if the factual
13 basis for the proposed adverse action is stated with suffi-
14 cient clarity so that the employee knew or reasonably
15 should have known what the charge is.

16 “(5) An action under section 4303 shall not be over-
17 turned because of the wording of a performance standard
18 if the employee has been placed on notice in the perform-
19 ance standards or by other means during the applicable
20 minimal appraisal period, including an opportunity period,
21 of the performance necessary to demonstrate acceptable
22 performance, such that the employee knew or reasonably
23 should have known the performance necessary to dem-
24 onstrate acceptable performance.”.

1 (c) JUDICIAL REVIEW; ENFORCEMENT.—Section
2 7123(a)(1) of such title is amended by inserting “unless
3 the person alleges that the order is contrary to law or”
4 before “unless the order”.

5 (d) GRIEVANCE PROCEDURES.—Section 7121 of such
6 title is amended—

7 (1) in subsection (a)(1), by striking “sub-
8 sections (d), (e), and (g)” and inserting “subsections
9 (d) and (f)”;

10 (2) in subsection (c)—

11 (A) in paragraph (4), by striking “; or”
12 and inserting a semicolon;

13 (B) in paragraph (5), by striking the pe-
14 riod and inserting “; or”; and

15 (C) by adding at the end the following new
16 paragraph:

17 “(6) matters covered under sections 4303 and
18 7512 that would otherwise be appealable to the
19 Merit Systems Protection Board.”;

20 (3) by striking subsection (e); and

21 (4) by redesignating subsections (f) through (h)
22 as subsections (e) through (g), respectively.

1 **SEC. 1109. ELIMINATION OF THE FOREIGN EXEMPTION**
2 **PROVISION IN REGARDS TO OVERTIME FOR**
3 **FEDERAL CIVILIAN EMPLOYEES TEMPO-**
4 **RARILY ASSIGNED TO A FOREIGN AREA.**

5 (a) IN GENERAL.—Section 5542 of title 5, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(h) Notwithstanding section 13(f) of the Fair Labor
9 Standards Act (29 U.S.C. 213(f)), an employee who is
10 working at a location in a foreign country, or in a territory
11 under the jurisdiction of the United States covered by
12 such section 13(f), in temporary duty travel status while
13 maintaining an official duty station or worksite in an area
14 of the United States not covered by such section 13(f)
15 shall, for all purposes, not be considered to be exempted
16 from section 7 of such Act on the basis of the employee
17 performing work at such a location.”.

18 (b) FEDERAL WAGE SYSTEM EMPLOYEES.—Section
19 5544 of title 5, United States Code, is amended by adding
20 at the end the following new subsection:

21 “(d) Notwithstanding section 13(f) of the Fair Labor
22 Standards Act (29 U.S.C. 213(f)), an employee whose
23 overtime pay is determined in accordance with subsection
24 (a) who is working at a location in a foreign country, or
25 in a territory under the jurisdiction of the United States
26 covered by such section 13(f), in temporary duty travel

1 status while maintaining an official duty station or work-
 2 site in an area of the United States not covered by such
 3 section 13(f) shall, for all purposes, not be considered to
 4 be exempted from section 7 of such Act on the basis of
 5 the employee performing work at such a location.”.

6 (c) CONFORMING REPEAL.—Section 5542(a) of title
 7 5, United States Code, is amended by striking paragraph
 8 (6).

9 **SEC. 1110. EMPLOYMENT OF RECENT GRADUATES AND**
 10 **STUDENTS.**

11 (a) RECENT GRADUATES.—Subchapter I of chapter
 12 31 of title 5, United States Code, is amended by adding
 13 at the end the following new section:

14 **“§ 3115. Employment of recent graduates**

15 “(a) APPOINTMENT.—In accordance with regulations
 16 prescribed by the Director of the Office of Personnel Man-
 17 agement (in this section referred to as the ‘Director’), and
 18 subject to subsection (b), the head of an agency may ap-
 19 point, without regard to the provisions of chapter 33 gov-
 20 erning appointments in the competitive service, and with-
 21 out regard to section 3320, a qualified candidate to a posi-
 22 tion classified in a professional or administrative occupa-
 23 tional category in accordance with the standards pre-
 24 scribed by the Director.

1 “(b) REQUIREMENTS FOR APPOINTMENT.—An ap-
 2 pointment under paragraph (1) may be made only if the
 3 individual so appointed—

4 “(1)(A) not more than 2 years before the effec-
 5 tive date of the appointment, was awarded a bacca-
 6 laureate or graduate degree from an institution of
 7 higher education (as defined in section 101(a) of the
 8 Higher Education Act of 1965 (20 U.S.C. 1001(a));
 9 or

10 “(B) in the case of an individual who has com-
 11 pleted a period of obligated service in a uniformed
 12 service of 4 years or more, the effective date of the
 13 appointment is not more than 2 years after the date
 14 of the discharge or release of such individual from
 15 such service; and

16 “(2) meets the minimum qualification stand-
 17 ards as prescribed by the Director for the position
 18 to which the individual is being appointed.

19 “(c) LENGTH OF APPOINTMENT.—An appointment
 20 made under subsection (a) shall be an appointment in the
 21 excepted service and shall not exceed 2 years.

22 “(d) TRIAL PERIOD.—An appointment under sub-
 23 section (a) is subject to a 2-year trial period.

24 “(e) CONVERSION.—Upon completion of 2 years of
 25 satisfactory service, an employee appointed under sub-

1 section (a) who is a United States citizen may be con-
 2 verted noncompetitively to a career or career-conditional
 3 appointment in the competitive service.

4 “(f) REGULATIONS.—The Director shall prescribe
 5 regulations for the administration of this section. Such
 6 regulations shall establish caps on the number of individ-
 7 uals appointed under this section within a specific agency
 8 or throughout the Federal Government.”.

9 (b) STUDENTS.—Such subchapter is further amend-
 10 ed by adding at the end the following new section:

11 **“§ 3116. Appointment of students; excepted service**

12 “(a) APPOINTMENT.—In accordance with regulations
 13 prescribed by the Director of the Office of Personnel Man-
 14 agement (in this section referred to as the ‘Director’), the
 15 head of an agency may appoint, without regard to the pro-
 16 visions of chapter 33 governing appointments in the com-
 17 petitive service, and without regard to section 3320, a
 18 qualified student to any position in the excepted service
 19 for which the student is qualified.

20 “(b) CONVERSION.—An individual appointed under
 21 subsection (a) may be converted noncompetitively to a
 22 term, career, or career conditional position in the competi-
 23 tive service if the individual—

24 “(1) is awarded—

1 “(A) a diploma from a home school oper-
2 ated in accordance with the laws of the State
3 in which such home school is located;

4 “(B) a diploma from a high school; or

5 “(C) a degree from an institution of higher
6 education;

7 “(2) completes the required hours of work of
8 the appointment under subsection (a) as prescribed
9 by the Director;

10 “(3) meets the qualification standards of the
11 competitive service position to which the individual
12 will be converted;

13 “(4) receives favorable recommendation for ap-
14 pointment by the employing agency in which the in-
15 dividual served during the appointment under sub-
16 section (a); and

17 “(5) is a United States citizen.

18 “(c) REGULATIONS.—The Director shall prescribe
19 regulations for the administration of this section.

20 “(d) DEFINITIONS.—In this section:

21 “(1) The term ‘high school’ has the meaning
22 given the term in section 8101 of the Elementary
23 and Secondary Education Act of 1965 (20 U.S.C.
24 7801).

1 “(2) The term ‘institution of higher education’
 2 has the meaning given the term in section 101(a) of
 3 the Higher Education Act of 1965 (20 U.S.C.
 4 1001(a)).

5 “(3) The term ‘qualified student’ means a per-
 6 son enrolled or accepted for enrollment by a high
 7 school or an institution of higher education.”.

8 (c) TABLE OF SECTIONS AMENDMENTS.—The table
 9 of sections at the beginning of such chapter is amended
 10 by inserting after the item relating to section 3114 the
 11 following new items:

 “3115. Employment of recent graduates.

 “3116. Appointment of students; excepted service.”.

12 **SEC. 1111. PAID TIME OFF INCENTIVE FOR NEW HIRES IN**
 13 **DIFFICULT-TO-FILL POSITIONS.**

14 (a) IN GENERAL.—Subchapter II of chapter 63 of
 15 title 5, United States Code, is amended by adding at the
 16 end the following new section:

17 **“§ 6329a. Paid time off incentive for new appointees**

18 “(a)(1) This section may be applied to an employee
 19 as defined in section 6301.

20 “(2) An incentive may not be granted under this sec-
 21 tion to an individual who is appointed to—

22 “(A) a position to which an individual is ap-
 23 pointed by the President, by and with the advice and
 24 consent of the Senate;

1 “(B) a position in the Senior Executive Service
2 as a noncareer appointee (as such term is defined
3 under section 3132(a));

4 “(C) a position which has been excepted from
5 the competitive service by reason of its confidential,
6 policy-determining, policy-making, or policy-advo-
7 cating character; or

8 “(D) any other position that is determined to
9 be political in character under regulations prescribed
10 by the Director of the Office of Personnel Manage-
11 ment.

12 “(b) The head of an agency may grant time off, with-
13 out loss of pay or charge to leave, as an incentive under
14 this section, to an individual only if—

15 “(1) the position to which such individual is ap-
16 pointed is likely to be difficult to fill in the absence
17 of such an incentive or such an incentive in combina-
18 tion with an incentive under section 5753; and

19 “(2) the individual is newly appointed as an
20 employee.

21 “(c)(1) Grant of an incentive under this section shall
22 be contingent upon the employee entering into a written
23 service agreement to complete a period of employment
24 with the agency, not longer than 4 years. The Director
25 of the Office of Personnel Management may, by regula-

1 tion, prescribe a minimum service period for the purposes
2 of this section.

3 “(2) The agreement shall include—

4 “(A) the commencement and termination dates
5 of the required service period (or provisions for the
6 determination thereof);

7 “(B) the number of hours of time off; and

8 “(C) other terms and conditions under which
9 the time off incentive is granted, subject to the re-
10 quirements of this section and regulations prescribed
11 by the Director.

12 “(3) The terms and conditions for granting the incen-
13 tive, as specified in the service agreement, shall include—

14 “(A) the conditions under which the agreement
15 may be terminated before the agreed-upon service
16 period has been completed; and

17 “(B) the effect of the termination.

18 “(4) The required service period shall commence
19 upon the commencement of service with the agency unless
20 the service agreement provides for a later commencement
21 date in circumstances and to the extent allowable under
22 regulations prescribed by the Director, such as when there
23 is an initial period of formal basic training.

24 “(5) If an employee fails to complete the terms and
25 conditions of the agreement and is required to repay all

1 or a portion of the value of the paid time off incentive
2 granted and used, repayment shall be accomplished to the
3 extent possible by applying the employee's positive balance
4 of annual leave, time-off awards, credit hours under sec-
5 tion 6122, or compensatory time off under section 5543
6 or 5550b to offset the debt of hours. Any remaining debt
7 of hours shall be converted to a monetary debt.

8 “(d)(1) The time off incentive granted under this sec-
9 tion may not exceed 80 hours of paid time off from duty.

10 “(2) An employee may be granted both a time off
11 incentive under this section and a recruitment bonus
12 under section 5753 in connection with a new appointment.

13 “(3) An employee may not receive payment for un-
14 used hours of a time off incentive under this section under
15 any circumstance. Entitlement to any unused time off
16 under this section shall be permanently forfeited when an
17 employee separates from Federal service, transfers to an-
18 other agency, or, to the extent addressed in the service
19 agreement, moves to a different position in the same agen-
20 cy.

21 “(e) The head of an agency shall establish a plan for
22 the use of any time off incentives before granting any such
23 incentives, subject to regulations prescribed by the Direc-
24 tor of the Office of Personnel Management. The head of
25 an agency shall report on the granting and use of time

1 off incentives as required by the Director of the Office of
2 Personnel Management.

3 “(f) The Director of the Office of Personnel Manage-
4 ment may prescribe regulations to carry out this section.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 6329 the following new
8 item:

“6329a. Paid time off for new appointee.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date that is one year
11 after the date of the enactment of this Act.

12 **Subtitle B—Federal Employees** 13 **Paid Parental Leave**

14 **SEC. 1121. SHORT TITLE.**

15 This subtitle may be cited as the “Federal Employees
16 Paid Parental Leave Act of 2016”.

17 **SEC. 1122. PAID PARENTAL LEAVE UNDER TITLE 5.**

18 (a) AMENDMENTS TO TITLE 5.—Chapter 63 of title
19 5, United States Code, is amended—

20 (1) in section 6381, by amending paragraph
21 (1)(B) to read as follows:

22 “(B) has completed at least 12 months of
23 service as an employee (within the meaning of
24 subparagraph (A)), except that no minimum
25 service is required if the employee is invoking

1 the right to leave under this subchapter based
2 on the birth or placement of a son or daughter,
3 as provided in section 6382(a)(1) (A) or (B);”;
4 and
5 (2) in section 6382—

6 (A) in subsection (a)(1)(B), by inserting
7 before the period “and in order to care for such
8 son or daughter”;

9 (B) in subsection (b)(1), by striking the
10 first sentence and inserting the following: “An
11 employing agency shall accommodate an em-
12 ployee’s leave schedule request under subpara-
13 graph (A) or (B) of subsection (a)(1), including
14 a request to use such leave intermittently or on
15 a reduced leave schedule, to the extent that it
16 does not disrupt unduly agency operations. To
17 the extent that an employee’s requested leave
18 schedule is based on medical necessity related
19 to a serious health condition connected to the
20 birth of a son or daughter, the agency shall
21 handle the scheduling consistent with the treat-
22 ment of employees who are using leave under
23 subparagraph (C) or (D) of subsection (a)(1).”;
24 and

1 (C) by amending subsection (d) to read as
2 follows:

3 “(d)(1)(A) An employee may elect to substitute for
4 any leave without pay under subparagraph (C), (D), or
5 (E) of subsection (a)(1) any of the employee’s accrued or
6 accumulated annual or sick leave under subchapter I, any
7 advanced annual leave under section 6302(d), any ad-
8 vanced sick leave under section 6307(d), any donated an-
9 nual leave under subchapter III or IV, or any other paid
10 time off that the employee is authorized to use, for any
11 part of the 12-week period of leave under such subsection,
12 except that an employing agency may not permit substi-
13 tution of sick leave, advanced sick leave, donated annual
14 leave, or such other paid time off in a situation for which
15 usage of such leave is not normally allowed.

16 “(B) An employee may elect to substitute for leave
17 without pay under subsection (a)(3)—

18 “(i) any annual leave accrued or accumulated
19 by such employee, or advanced to such employee,
20 under subchapter I;

21 “(ii) any sick leave accrued or accumulated by
22 such employee, or advanced to such employee, under
23 subchapter I, notwithstanding the conditions and
24 limitations that normally would apply to an em-

1 ployee using such sick leave under applicable law
2 and regulations; and

3 “(iii) any other paid time off (including donated
4 annual leave under subchapter III or IV) that the
5 employee is authorized to use, except an employee
6 may not use such time off in a situation for which
7 usage of the time off is not normally allowed.

8 “(2) An employee may elect to substitute for any
9 leave without pay under subparagraph (A) or (B) of sub-
10 section (a)(1) any paid leave which is available to such
11 employee for that purpose.

12 “(3) The paid leave that is available to an employee
13 for purposes of paragraph (2) is—

14 “(A) 6 administrative workweeks of paid paren-
15 tal leave under this subparagraph in connection with
16 the birth or placement involved to be used during
17 the 12-month period beginning on the date of birth
18 or placement;

19 “(B) any annual leave accrued or accumulated
20 by such employee, or advanced to such employee,
21 under subchapter I;

22 “(C) any sick leave accrued or accumulated by
23 such employee, or advanced to such employee, under
24 subchapter I, notwithstanding the conditions and
25 limitations that normally would apply to an em-

1 ployee using such sick leave under applicable law
2 and regulations (such as conditions that would oth-
3 erwise prevent sick leave from being used by a par-
4 ent to bond with a newly born or placed child who
5 is healthy); and

6 “(D) any other paid time off (including donated
7 annual leave under subchapter III or IV) that the
8 employee is authorized to use, except an employee
9 may not use such time off in a situation for which
10 usage of the time off is not normally allowed.

11 “(4) An employee may not be required to first use
12 all or any portion of the leave described in subparagraph
13 (B), (C), or (D) of paragraph (3) before being allowed to
14 use the paid parental leave described in subparagraph (A)
15 of paragraph (3).

16 “(5) Paid parental leave under paragraph (3)(A)—

17 “(A) shall be payable from any appropriation or
18 fund available for salaries or expenses for positions
19 within the employing agency;

20 “(B) may not be considered to be annual or va-
21 cation leave for purposes of section 5551 or 5552 or
22 for any other purpose;

23 “(C) if not used by the employee before the end
24 of the 12-month period (as referred to in subsection
25 (a)) to which it relates, may not be available for any

1 subsequent use and may not be converted into a
2 cash payment;

3 “(D) may be granted only to the extent that the
4 employee does not receive a total of more than 6
5 weeks of paid parental leave in any 12-month period
6 beginning on the date of a birth or placement;

7 “(E) may not be granted in excess of a lifetime
8 aggregate total of 30 administrative workweeks
9 based on placements of a foster child for any indi-
10 vidual employee, and may not be granted in connec-
11 tion with temporary foster care placements expected
12 to last less than 1 year;

13 “(F) may not be granted for a child being
14 placed for foster care or adoption if such leave was
15 previously granted to the same employee when the
16 same child was placed with the employee for foster
17 care in the past;

18 “(G) shall be used in increments of hours (or
19 fractions thereof), with 6 administrative workweeks
20 equal to 240 hours for employees with a regular full-
21 time work schedule and converted to a proportional
22 number of hours for employees with part-time, sea-
23 sonal, or uncommon tours of duty; and

1 “(H) may not be used during off-season (non-
2 pay status) periods for employees with seasonal work
3 schedules.

4 “(6) The Director of the Office of Personnel Manage-
5 ment shall prescribe any regulations necessary to carry out
6 this subsection, including—

7 “(A) the manner in which an employee may
8 designate any day or other period as to which such
9 employee wishes to use paid parental leave described
10 in paragraph (3)(A); and

11 “(B) the circumstances under which an em-
12 ployee may retroactively change the type of leave an
13 employee is charged.”.

14 (b) FEDERAL AVIATION ADMINISTRATION AND
15 TRANSPORTATION SECURITY ADMINISTRATION.—The Ad-
16 ministrator of the Federal Aviation Administration and
17 the Administrator of the Transportation Security Admin-
18 istration shall each prescribe procedures and policies to
19 ensure that the rights under this section apply to the em-
20 ployees of each Administration. Such policies and proce-
21 dures shall take effect on the effective date specified in
22 subsection (c).

23 (c) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section shall take effect 1 year after
25 the date of the enactment of this Act.

1 **SEC. 1123. PAID PARENTAL LEAVE FOR CONGRESSIONAL**
2 **EMPLOYEES.**

3 (a) AMENDMENT TO CONGRESSIONAL ACCOUNT-
4 ABILITY ACT.—Section 202 of the Congressional Account-
5 ability Act of 1995 (2 U.S.C. 1312) is amended—

6 (1) in subsection (a)(1), by adding at the end
7 the following: “In applying section 102(a)(1) (A)
8 and (B) of such Act to covered employees, sub-
9 section (d) shall apply.”;

10 (2) by redesignating subsections (d) and (e) as
11 subsections (e) and (f), respectively; and

12 (3) by inserting after subsection (c) the fol-
13 lowing:

14 “(d) SPECIAL RULE FOR PAID PARENTAL LEAVE
15 FOR CONGRESSIONAL EMPLOYEES.—

16 “(1) SUBSTITUTION OF PAID LEAVE.—A cov-
17 ered employee taking leave without pay under sub-
18 paragraph (A) or (B) of section 102(a)(1) of the
19 Family and Medical Leave Act of 1993 (29 U.S.C.
20 2612(a)(1)) may elect to substitute for any such
21 leave any paid leave which is available to such em-
22 ployee for that purpose.

23 “(2) AMOUNT OF PAID LEAVE.—The paid leave
24 that is available to a covered employee for purposes
25 of paragraph (1) is—

1 “(A) 6 administrative workweeks of paid
2 parental leave under this subparagraph in con-
3 nection with the birth or placement involved to
4 be used during the 12-month period beginning
5 on the date of birth or placement;

6 “(B) any additional paid vacation leave
7 provided by the employing office to such em-
8 ployee;

9 “(C) any sick leave available to such em-
10 ployee, notwithstanding the conditions and limi-
11 tations that normally would apply to an em-
12 ployee using such sick leave; and

13 “(D) other paid time off that the employee
14 is authorized to use, except an employee may
15 not use such time off in a situation for which
16 usage of the time off is not normally allowed.

17 “(3) LIMITATION.—An employee may not be re-
18 quired to first use all or any portion of the leave de-
19 scribed in subparagraph (B), (C), or (D) of para-
20 graph (2) before being allowed to use the paid pa-
21 rental leave described in subparagraph (A) of para-
22 graph (2).

23 “(4) ADDITIONAL RULES.—Paid parental leave
24 under paragraph (2)(A)—

1 “(A) shall be payable from any appropria-
 2 tion or fund available for salaries or expenses
 3 for positions within the employing office;

4 “(B) if not used by the covered employee
 5 before the end of the 12-month period (as re-
 6 ferred to in section 102(a)(1) of the Family and
 7 Medical Leave Act of 1993 (29 U.S.C.
 8 2612(a)(1))) to which it relates, may not be
 9 available for any subsequent use and may not
 10 be converted into a cash payment; and

11 “(C) shall be subject to the conditions
 12 specified in subparagraphs (D) through (H) of
 13 section 6382(d)(5) of title 5, United States
 14 Code.”.

15 (b) **EFFECTIVE DATE.**—The amendments made by
 16 this section shall not be effective with respect to any birth
 17 or placement occurring before the end of the 12-month
 18 period beginning on the date of the enactment of this Act.

19 **SEC. 1124. CONFORMING AMENDMENT TO FAMILY AND**
 20 **MEDICAL LEAVE ACT FOR GAO AND LIBRARY**
 21 **OF CONGRESS EMPLOYEES.**

22 (a) **AMENDMENT TO FAMILY AND MEDICAL LEAVE**
 23 **ACT OF 1993.**—Section 102(d) of the Family and Medical
 24 Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by
 25 adding at the end the following:

1 “(3) SPECIAL RULE FOR GAO AND LIBRARY OF
2 CONGRESS EMPLOYEES.—

3 “(A) SUBSTITUTION OF PAID LEAVE.—An
4 employee of an employer described in section
5 101(4)(A)(iv) taking leave under subparagraph
6 (A) or (B) of subsection (a)(1) may elect to
7 substitute for any such leave any paid leave
8 which is available to such employee for that
9 purpose.

10 “(B) AMOUNT OF PAID LEAVE.—The paid
11 leave that is available to an employee of an em-
12 ployer described in section 101(4)(A)(iv) for
13 purposes of subparagraph (A) is—

14 “(i) 6 administrative workweeks of
15 paid parental leave under this subpara-
16 graph in connection with the birth or
17 placement involved to be used during the
18 12-month period beginning on the date of
19 birth or placement;

20 “(ii) any additional paid vacation
21 leave provided by such employer;

22 “(iii) any sick leave available to such
23 employee, notwithstanding the conditions
24 and limitations that normally would apply
25 to an employee using such sick leave; and

1 “(iv) other paid time off that the em-
2 ployee is authorized to use, except an em-
3 ployee may not use such time off in a situ-
4 ation for which usage of the time off is not
5 normally allowed.

6 “(C) LIMITATION.—An employee may not
7 be required to first use all or any portion of the
8 leave described in clause (ii), (iii), or (iv) of
9 subparagraph (B) before being allowed to use
10 the paid parental leave described in clause (i) of
11 such subparagraph.

12 “(D) ADDITIONAL RULES.—Paid parental
13 leave under subparagraph (B)(i)—

14 “(i) shall be payable from any appro-
15 priation or fund available for salaries or
16 expenses for positions with the employer
17 described in section 101(4)(A)(iv);

18 “(ii) if not used by the employee of
19 such employer before the end of the 12-
20 month period (as referred to in subsection
21 (a)(1)) to which it relates, may not be
22 available for any subsequent use and may
23 not be converted into a cash payment; and

24 “(iii) shall be subject to the conditions
25 specified in subparagraphs (D) through

1 (H) of section 6382(d)(5) of title 5, United
2 States Code.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 this section shall not be effective with respect to any birth
5 or placement occurring before the end of the 12-month
6 period beginning on the date of the enactment of this Act.

7 **SEC. 1125. CLARIFICATION FOR MEMBERS OF THE NA-**
8 **TIONAL GUARD AND RESERVES.**

9 (a) EXECUTIVE BRANCH EMPLOYEES.—For pur-
10 poses of determining the eligibility of an employee who is
11 a member of the National Guard or Reserves to take leave
12 under subparagraph (A) or (B) of section 6382(a)(1) of
13 title 5, United States Code, or to substitute such leave
14 pursuant to paragraph (2) of section 6382(d) of such title
15 (as amended by section 1122(a)(2)(C)), any service by
16 such employee on active duty (as defined in section
17 6381(7) of such title) shall be counted as service as an
18 employee for purposes of section 6381(1)(B) of such title.

19 (b) CONGRESSIONAL EMPLOYEES.—For purposes of
20 determining the eligibility of a covered employee (as such
21 term is defined in section 101(3) of the Congressional Ac-
22 countability Act) who is a member of the National Guard
23 or Reserves to take leave under subparagraph (A) or (B)
24 of section 102(a)(1) of the Family and Medical Leave Act
25 of 1993 (pursuant to section 202(a)(1) of the Congres-

1 sional Accountability Act), or to substitute such leave pur-
2 suant to subsection (d) of section 202 of such Act (as
3 added by section 1123(a)(3)), any service by such em-
4 ployee on active duty (as defined in section 101(14) of
5 the Family and Medical Leave Act of 1993) shall be
6 counted as time during which such employee has been em-
7 ployed in an employing office for purposes of section
8 202(a)(2)(B) of the Congressional Accountability Act.

9 (c) GAO AND LIBRARY OF CONGRESS EMPLOY-
10 EES.—For purposes of determining the eligibility of an
11 employee of the Government Accountability Office or Li-
12 brary of Congress who is a member of the National Guard
13 or Reserves to take leave under subparagraph (A) or (B)
14 of section 102(a)(1) of the Family and Medical Leave Act
15 of 1993, or to substitute such leave pursuant to paragraph
16 (3) of section 102(d) of such Act (as added by section
17 1124(a)), any service by such employee on active duty (as
18 defined in section 101(14) of such Act) shall be counted
19 as time during which such employee has been employed
20 for purposes of section 101(2)(A) of such Act.

1 **TITLE XII—MATTERS RELATING**
 2 **TO FOREIGN NATIONS**
 3 **Subtitle A—Consolidation and Re-**
 4 **form of Department of Defense**
 5 **Security Cooperation Authori-**
 6 **ties**

7 **SEC. 1201. ENACTMENT OF NEW CHAPTER FOR DEFENSE**
 8 **SECURITY COOPERATION AUTHORITIES AND**
 9 **TRANSFER OF CERTAIN AUTHORITIES TO**
 10 **NEW CHAPTER.**

11 (a) STATUTORY REORGANIZATION.—Part I of sub-
 12 title A of title 10, United States Code, is amended—

13 (1) by redesignating chapters 13, 15, and 17 as
 14 chapters 12, 13, and 14, respectively;

15 (2) by redesignating sections 311, 312, 331,
 16 332, 333, 334, 335, and 351 as sections 271, 272,
 17 281, 282, 283, 284, 285, and 291, respectively; and

18 (3) by inserting after chapter 14, as redesign-
 19 nated by paragraph (1), the following new chapter:

20 **“CHAPTER 16—SECURITY COOPERATION**

“Subchapter	Sec.
“I. General Matters	301
“II. Military-to-Military Engagements	311
“III. Training With Foreign Forces	321
“IV. Support for Operations and Capacity Building	331
“V. Educational and Training Activities	341
“VI. Limitations on Use of Department of Defense Funds	351

21 **“SUBCHAPTER I—GENERAL MATTERS**

“Sec.

“301. Definitions.

“302. Annual report.

1 “§ 301 Definitions

2 “In this chapter:

3 “(1) The terms ‘appropriate congressional com-
4 mittees’ and ‘appropriate committees of Congress’
5 mean the following:

6 “(A) The congressional defense commit-
7 tees.

8 “(B) The Committee on Foreign Relations
9 of the Senate and the Committee on Foreign
10 Affairs of the House of Representatives.

11 “(2) The term ‘small-scale construction’ means
12 construction at a cost not to exceed \$750,000 for
13 any project.

14 “SUBCHAPTER II—MILITARY-TO-MILITARY 15 ENGAGEMENTS

“Sec.

“311. Exchange of defense personnel between United States and friendly foreign
countries: authority.

“312. Payment of personnel expenses necessary for theater security cooperation.

“313. Bilateral or regional cooperation programs: awards and mementos to rec-
ognize superior noncombat achievements or performance.

16 “SUBCHAPTER III—TRAINING WITH FOREIGN 17 FORCES

“Sec.

“321. Training with friendly foreign countries; payment of certain expenses.

1 “SUBCHAPTER IV—SUPPORT FOR OPERATIONS
2 AND CAPACITY BUILDING

“Sec.

“331. Friendly foreign countries: authority to provide support for conduct of operations.

“332. Foreign security forces: authority to build capacity.

“333. Friendly foreign countries; regional organizations: defense institution capacity building.

3 “SUBCHAPTER V—EDUCATIONAL AND
4 TRAINING ACTIVITIES

“Sec.

“341. Regional Centers for Security Studies.

“342. Western Hemisphere Institute for Security Cooperation.

“343. Multinational military centers of excellence: authority to participate.

“344. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.

“345. International engagement authorities for service academies.

“346. Aviation Leadership Program.

“347. Inter-American Air Forces Academy.

“348. Inter-European Air Forces Academy.

5 “SUBCHAPTER VI—LIMITATIONS ON USE OF
6 DEPARTMENT OF DEFENSE FUNDS

“Sec.

“351. Prohibition on providing financial assistance to terrorist countries.

“352. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.”.

7 (b) TRANSFER OF SECTION 1051b.—Section 1051b
8 of title 10, United States Code, is transferred to chapter
9 16 of such title, as added by subsection (a)(3), inserted
10 after the table of sections at the beginning of subchapter
11 II, and redesignated as section 313.

12 (c) CODIFICATION OF SECTION 1081 OF FY 2012
13 NDAA.—

1 (1) CODIFICATION IN CHAPTER 16.—Chapter
2 16 of title 10, United States Code, as added by sub-
3 section (a)(3), is amended by inserting after the
4 table of sections at the beginning of subchapter IV
5 a new section 333 consisting of—

6 (A) a heading as follows:

7 **“§ 333. Friendly foreign countries; international and**
8 **regional organizations; defense institu-**
9 **tion capacity building”;**

10 and

11 (B) a text consisting of the text of sub-
12 sections (a) through (e) of section 1081 of the
13 National Defense Authorization Act for Fiscal
14 Year 2012 (Public Law 112–81; 10 U.S.C. 168
15 note).

16 (2) EXTENSION OF AUTHORITY.—Subsection
17 (c)(1) of section 333 of title 10, United States Code,
18 as added by paragraph (1), is amended by striking
19 “December 31, 2017” and inserting “December 31,
20 2019”.

21 (3) CONFORMING REPEAL.—Section 1081 of
22 the National Defense Authorization Act for Fiscal
23 Year 2012 (Public Law 112–81; 10 U.S.C. 168
24 note) is repealed.

1 (d) TRANSFER OF SECTION 184 AND CODIFICATION
2 OF RELATED PROVISIONS.—

3 (1) TRANSFER TO NEW CHAPTER.—Section 184
4 of title 10, United States Code, is transferred to
5 chapter 16 of title 10, United States Code, as added
6 by subsection (a)(3), inserted after the table of sec-
7 tions at the beginning of subchapter V, and redesign-
8 nated as section 341.

9 (2) CODIFICATION OF REIMBURSEMENT-RE-
10 LATED PROVISIONS.—Subsection (f)(3) of such sec-
11 tion, as so transferred and redesignated, is amend-
12 ed—

13 (A) by inserting “(A)” after “(3)”; and

14 (B) by adding at the end the following new
15 subparagraph:

16 “(B)(i) In fiscal years 2009 through 2019,
17 the Secretary of Defense may, with the concur-
18 rence of the Secretary of State, waive reim-
19 bursement otherwise required under this sub-
20 section of the costs of activities of Regional
21 Centers under this section for personnel of non-
22 governmental and international organizations
23 who participate in activities of the Regional
24 Centers that enhance cooperation of nongovern-
25 mental organizations and international organi-

1 zations with United States forces if the Sec-
2 retary of Defense determines that attendance of
3 such personnel without reimbursement is in the
4 national security interests of the United States.

5 “(ii) The amount of reimbursement that
6 may be waived under clause (i) in any fiscal
7 year may not exceed \$1,000,000.”.

8 (3) CODIFICATION OF PROVISIONS RELATING
9 TO SPECIFIC CENTERS.—Such section, as so trans-
10 ferred and redesignated, is further amended by add-
11 ing at the end the following new subsections:

12 “(h) AUTHORITIES SPECIFIC TO MARSHALL CEN-
13 TER.—(1) The Secretary of Defense may authorize par-
14 ticipation by a European or Eurasian country in programs
15 of the George C. Marshall European Center for Security
16 Studies (in this subsection referred to as the ‘Marshall
17 Center’) if the Secretary determines, after consultation
18 with the Secretary of State, that such participation is in
19 the national interest of the United States.

20 “(2)(A) In the case of any person invited to serve
21 without compensation on the Marshall Center Board of
22 Visitors, the Secretary of Defense may waive any require-
23 ment for financial disclosure that would otherwise apply
24 to that person solely by reason of service on such Board.

1 “(B) A member of the Marshall Center Board of Visi-
2 tors may not be required to register as an agent of a for-
3 eign government solely by reason of service as a member
4 of the Board.

5 “(C) Notwithstanding section 219 of title 18, a non-
6 United States citizen may serve on the Marshall Center
7 Board of Visitors even though registered as a foreign
8 agent.

9 “(3)(A) The Secretary of Defense may waive reim-
10 bursement of the costs of conferences, seminars, courses
11 of instruction, or similar educational activities of the Mar-
12 shall Center for military officers and civilian officials from
13 states located in Europe or the territory of the former So-
14 viet Union if the Secretary determines that attendance by
15 such personnel without reimbursement is in the national
16 security interest of the United States.

17 “(B) Costs for which reimbursement is waived pursu-
18 ant to subparagraph (A) shall be paid from appropriations
19 available for the Center.

20 “(i) AUTHORITIES SPECIFIC TO INOUE CENTER.—

21 (1) The Secretary of Defense may waive reimbursement
22 of the cost of conferences, seminars, courses of instruction,
23 or similar educational activities of the Daniel K. Inouye
24 Asia-Pacific Center for Security Studies for military offi-
25 cers and civilian officials of foreign countries if the Sec-

1 retary determines that attendance by such personnel,
 2 without reimbursement, is in the national security interest
 3 of the United States.

4 “(2) Costs for which reimbursement is waived pursu-
 5 ant to paragraph (1) shall be paid from appropriations
 6 available for the Center.”.

7 (4) REPEAL OF CODIFIED PROVISIONS.—The
 8 following provisions of law are repealed:

9 (A) Section 941(b) of the Duncan Hunter
 10 National Defense Authorization Act for Fiscal
 11 Year 2009 (Public Law 110–417; 10 U.S.C.
 12 184 note).

13 (B) Section 1065 of the National Defense
 14 Authorization Act for Fiscal Year 1997 (Public
 15 Law 104–201; 10 U.S.C. 113 note).

16 (C) Section 1306 of the National Defense
 17 Authorization Act for Fiscal Year 1995 (Public
 18 Law 103–337; 10 U.S.C. 113 note).

19 (D) Section 8073 of the Department of
 20 Defense Appropriations Act, 2003 Public Law
 21 107–248 (10 U.S.C. prec. 2161 note).

22 (e) TRANSFER OF SECTION 2166.—

23 (1) TRANSFER AND REDESIGNATION.—Section
 24 2166 of title 10, United States Code, is transferred
 25 to chapter 16 of such title, as added by subsection

1 (a)(3), inserted after section 341, as transferred and
 2 redesignated by subsection (d), and redesignated as
 3 section 342.

4 (2) CONFORMING STYLISTIC AMENDMENTS.—
 5 Such section, as so transferred and redesignated, is
 6 amended by striking “nations” each place it appears
 7 in subsections (b) and (c) and inserting “countries”.

8 (3) CROSS-REFERENCE AMENDMENT.—Section
 9 2612(a) of such title is amended by striking “section
 10 2166(f)(4)” and inserting “section 342(f)(4)”.

11 (f) TRANSFER OF SECTION 2350m.—Section 2350m
 12 of title 10, United States Code, is transferred to chapter
 13 16 of such title, as added by subsection (a)(3), inserted
 14 after section 342, as transferred and redesignated by sub-
 15 section (e), and redesignated as section 343.

16 (g) TRANSFER OF SECTION 2249d.—

17 (1) TRANSFER AND REDESIGNATION.—Section
 18 2249d of title 10, United States Code, is transferred
 19 to chapter 16 of such title, as added by subsection
 20 (a)(3), inserted after section 343, as transferred and
 21 redesignated by subsection (g), and redesignated as
 22 section 344.

23 (2) CONFORMING STYLISTIC AMENDMENTS.—
 24 Such section, as so transferred and redesignated, is
 25 amended—

1 (A) by striking “nations” in subsections

2 (a) and (d) and inserting “countries”; and

3 (B) by striking subsection (g).

4 (h) REENACTMENT OF CHAPTER 905.—

5 (1) CONSOLIDATION OF SECTIONS 9381, 9382,

6 AND 9383.—Chapter 16 of title 10, United States

7 Code, as added by subsection (a)(3), is amended by

8 inserting after section 344, as transferred and redes-

9 ignated by subsection (g), the following new section:

10 **“§ 346. Aviation Leadership Program**

11 “(a) ESTABLISHMENT OF PROGRAM.—Under regula-

12 tions prescribed by the Secretary of Defense, the Secretary

13 of the Air Force may establish and maintain an Aviation

14 Leadership Program to provide undergraduate pilot train-

15 ing and necessary related training to personnel of the air

16 forces of friendly, developing foreign countries. Training

17 under this section shall include language training and pro-

18 grams to promote better awareness and understanding of

19 the democratic institutions and social framework of the

20 United States.

21 “(b) SUPPLIES AND CLOTHING.—(1) The Secretary

22 of the Air Force may, under such conditions as the Sec-

23 retary may prescribe, provide to a person receiving train-

24 ing under this section—

25 “(A) transportation incident to the training;

1 “(B) supplies and equipment to be used during
2 the training;

3 “(C) flight clothing and other special clothing
4 required for the training; and

5 “(D) billeting, food, and health services.

6 “(2) The Secretary of the Air Force may authorize
7 such expenditures from the appropriations of the Air
8 Force as the Secretary considers necessary for the effi-
9 cient and effective maintenance of the Program in accord-
10 ance with this section.

11 “(c) ALLOWANCES.—The Secretary of the Air Force
12 may pay to a person receiving training under this section
13 a living allowance at a rate to be prescribed by the Sec-
14 retary, taking into account the amount of living allowances
15 authorized for a member of the armed forces under similar
16 circumstances.”.

17 (2) CONFORMING REPEAL.—Chapter 905 of
18 such title is repealed.

19 (i) TRANSFER OF SECTION 9415.—Section 9415 of
20 title 10, United States Code, is transferred to chapter 16
21 of such title, as added by subsection (a)(3), inserted after
22 section 346, as added by subsection (h), and redesignated
23 as section 347.

24 (j) CODIFICATION OF SECTION 1268 OF FY 2015
25 NDAA.—

1 (1) CODIFICATION IN CHAPTER 16.—Chapter
 2 16 of title 10, United States Code, as added by sub-
 3 section (a)(3), is amended by inserting after section
 4 347, as transferred and redesignated by subsection
 5 (i), a new section 348 consisting of—

6 (A) a heading as follows:

7 **“§ 348. Inter-European Air Forces Academy”;**

8 and

9 (B) a text consisting of the text of section
 10 1268 of the Carl Levin and Howard P. “Buck”
 11 McKeon National Defense Authorization Act
 12 for Fiscal Year 2015 (Public Law 113–291; 10
 13 U.S.C. 9411 note).

14 (2) CONFORMING REPEAL.—Section 1268 of
 15 the Carl Levin and Howard P. “Buck” McKeon Na-
 16 tional Defense Authorization Act for Fiscal Year
 17 2015 (Public Law 113–291; 10 U.S.C. 9411 note)
 18 is repealed.

19 (k) TRANSFER OF SECTIONS 2249a AND 2249e.—

20 (1) TRANSFER AND REDESIGNATION.—Sections
 21 2249a and 2249e of title 10, United States Code,
 22 are transferred to chapter 16 of such title, as added
 23 by subsection (a)(3), inserted after the table of sec-
 24 tions at the beginning of subchapter VI, and redesign-
 25 ated as sections 351 and 352, respectively,

1 (2) CONFORMING AMENDMENT.—Section 352
 2 of title 10, United States Code, as transferred and
 3 redesignated by paragraph (1), is amended by strik-
 4 ing subsection (f).

5 (3) CROSS-REFERENCE AMENDMENTS.—Section
 6 1204(b) of the Carl Levin and Howard P. “Buck”
 7 McKeon National Defense Authorization Act for
 8 Fiscal Year 2015 (Public Law 113–291; 128 Stat.
 9 3533; 10 U.S.C. 2249e note) is amended—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by striking
 12 “section 2249e of title 10, United States
 13 Code (as added by subsection (a))” and in-
 14 serting “section 352 of title 10, United
 15 States Code”; and

16 (ii) in subparagraphs (D) and (E), by
 17 striking “section 2249e of title 10, United
 18 States Code (as so added)” and inserting
 19 “section 352 of such title”; and

20 (B) in paragraph (3), by striking “sub-
 21 section (f) of section 2249e of title 10, United
 22 States Code (as so added)” and inserting “sec-
 23 tion 301(1) of such title”.

24 (l) CLERICAL AMENDMENTS.—Title 10, United
 25 States Code, is amended as follows:

1 (1) The tables of chapters at the beginning of
 2 subtitle A, and at the beginning of part I of subtitle
 3 A, are amended—

4 (A) by revising the chapter references re-
 5 lating to chapters 13, 15, and 17 (and the sec-
 6 tion references therein) to conform to the redes-
 7 ignations made by paragraphs (1) and (2) of
 8 subsection (a); and

9 (B) by inserting after the item relating to
 10 chapter 14, as revised pursuant to subpara-
 11 graph (A), the following new item:

“16. Security Cooperation 301”.

12 (2) The section references in the tables of sec-
 13 tions at the beginning of chapters 12, 13, and 14,
 14 as redesignated by paragraph (1) of subsection (a),
 15 are revised to conform to the redesignations made by
 16 paragraph (2) of such subsection.

17 (3) The table of sections at the beginning of
 18 chapter 7 is amended by striking the item relating
 19 to section 184.

20 (4) The table of sections at the beginning of
 21 chapter 53 is amended by striking the item relating
 22 to section 1051b.

23 (5) The table of sections at the beginning of
 24 chapter 108 is amended by striking the item relating
 25 to section 2166.

1 (6) The table of sections at the beginning of
 2 subchapter I of chapter 134 is amended by striking
 3 the items relating to sections 2249a, 2249d, and
 4 2249e.

5 (7) The table of sections at the beginning of
 6 subchapter II of chapter 138 is amended by striking
 7 the item relating to section 2350m.

8 (8) The tables of chapters at the beginning of
 9 subtitle D, and at the beginning of part III of sub-
 10 title D, are amended by striking the item relating to
 11 chapter 905.

12 (9) The table of sections at the beginning of
 13 chapter 907 is amended by striking the item relating
 14 to section 9415.

15 **SEC. 1202. MILITARY-TO-MILITARY EXCHANGES.**

16 (a) CODIFICATION IN NEW CHAPTER ON SECURITY
 17 COOPERATION ACTIVITIES.—Chapter 16 of title 10,
 18 United States Code, as added by section 1201(a)(3), is
 19 amended by inserting after the table of sections at the be-
 20 ginning of subchapter II a new section 311 consisting of—

21 (1) a heading as follows:

22 **“§ 311. Exchange of defense personnel between**
 23 **United States and friendly foreign coun-**
 24 **tries: authority”;**

25 and

1 (2) a text consisting of the text of section 1082
2 of the National Defense Authorization Act for Fiscal
3 Year 1997 (Public Law 104–201; 10 U.S.C. 168
4 note).

5 (b) REVISIONS TO INCORPORATE PERMANENT NON-
6 RECIPROCAL EXCHANGE AUTHORITY.—Section 311 of
7 title 10, United States Code, as added by subsection (a),
8 is amended as follows:

9 (1) Subsection (a) is amended—

10 (A) by adding at the end of paragraph (1)
11 the following new sentence: “Exchanges of per-
12 sonnel under such an agreement are subject to
13 paragraph (3).”;

14 (B) in paragraph (2)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “an ally of the
17 United States or another friendly foreign
18 country for the exchange” and inserting “a
19 friendly foreign country, or with an inter-
20 national or regional security organization,
21 for the reciprocal or non-reciprocal ex-
22 change”;

23 (ii) in subparagraph (A), by striking
24 “military” and inserting “members of the
25 armed forces”; and

1 (iii) in subparagraph (B), by inserting
 2 before the period at the end the following:
 3 “or personnel of a non-defense security
 4 ministry of that foreign government or per-
 5 sonnel of that international or regional se-
 6 curity organization, as the case may be”;
 7 and

8 (C) by adding at the end the following new
 9 paragraph:

10 “(3) SECRETARY OF STATE CONCURRENCE.—
 11 An exchange of personnel under an international de-
 12 fense personnel exchange agreement may only be
 13 made with the concurrence of the Secretary of State
 14 to the extent the exchange is with—

15 “(A) a non-defense security ministry of a
 16 foreign government; or

17 “(B) an international or regional security
 18 organization.”.

19 (2) Subsection (b)(2) is amended by inserting
 20 before the period at the end the following: “, subject
 21 to the concurrence of the Secretary of State”.

22 (3) Subsection (c) is amended—

23 (A) by striking “Each government shall be
 24 required under” and inserting “In the case of”;
 25 and

1 (B) by inserting after “exchange agree-
2 ment” the following: “that provides for recip-
3 rocal exchanges, each government shall be re-
4 quired”.

5 (4) Subsection (f) is amended by inserting “de-
6 fense or security ministry of that” after “military
7 personnel of the”.

8 (c) CLARIFYING AMENDMENT RELATING TO STATUS
9 OF DEPARTMENT OF DEFENSE CIVILIANS.—Subsection
10 (d) of such section is amended by adding at the end the
11 following new paragraph:

12 “(3) A civilian employee of the Department of
13 Defense shall be considered, for all purposes, to re-
14 main an employee of the Department during the ex-
15 change assignment.”.

16 (d) CONFORMING REPEALS.—The following provi-
17 sions of law are repealed:

18 (1) Section 1082 of the National Defense Au-
19 thorization Act for Fiscal Year 1997 (Public Law
20 104–201; 10 U.S.C. 168 note).

21 (2) Section 1207 of the National Defense Au-
22 thorization Act for Fiscal Year 2010 (Public Law
23 111–84; 10 U.S.C. 168 note).

1 **SEC. 1203. CONSOLIDATION AND REVISION OF AUTHORI-**
 2 **TIES FOR PAYMENT OF PERSONNEL EX-**
 3 **PENSES NECESSARY FOR THEATER SECU-**
 4 **RITY COOPERATION.**

5 (a) CONSOLIDATION AND REVISION OF AUTHORI-
 6 TIES.—Chapter 16 of title 10, United States Code, as
 7 added by section 1201(a)(3), is amended by inserting after
 8 section 311, as added by section 1202(a), the following
 9 new section:

10 **“§ 312. Payment of personnel expenses necessary for**
 11 **theater security cooperation**

12 “(a) AUTHORITY.—The Secretary of Defense may
 13 pay expenses specified in subsection (b) that the Secretary
 14 considers necessary for theater security cooperation.

15 “(b) TYPES OF EXPENSES.—The expenses that may
 16 be paid under the authority provided in subsection (a) are
 17 the following:

18 “(1) PERSONNEL EXPENSES.—

19 “(A) Subject to subparagraph (B), the
 20 Secretary may pay—

21 “(i) travel, subsistence, and similar
 22 personal expenses of, and special com-
 23 pensation for, defense personnel of friendly
 24 foreign governments that the Secretary
 25 considers necessary for theater security co-
 26 operation; and

1 “(ii) travel, subsistence, and similar
2 personal expenses of, and special com-
3 pensation for, other personnel of friendly
4 foreign governments and non-governmental
5 personnel that the Secretary considers nec-
6 essary for theater security cooperation.

7 “(B) Expenses may be paid under sub-
8 paragraph (A) only with the concurrence of the
9 Secretary of State, other than in the case of
10 payment of expenses of defense personnel of a
11 friendly foreign government, for which such
12 concurrence is not required.

13 “(2) ADMINISTRATIVE SERVICES AND SUPPORT
14 FOR LIAISON OFFICERS.—The Secretary may pro-
15 vide administrative services and support for the per-
16 formance of duties by a liaison officer of another na-
17 tion while the liaison officer is assigned temporarily
18 to the headquarters of a combatant command, com-
19 ponent command, or subordinate operational com-
20 mand of the United States or to the Joint Staff.

21 “(3) TRAVEL, SUBSISTENCE, AND MEDICAL
22 CARE FOR LIAISON OFFICERS.—The Secretary may
23 pay the expenses of a liaison officer in connection
24 with the assignment of that officer as described in
25 paragraph (2) if the assignment is requested by the

1 commander of the combatant command or by the
2 Chairman of the Joint Chiefs of Staff, as appro-
3 priate, as follows:

4 “(A) Travel and subsistence expenses.

5 “(B) Personal expenses directly necessary
6 to carry out the duties of that officer in connec-
7 tion with that assignment.

8 “(C) Expenses for medical care at a civil-
9 ian medical facility if—

10 “(i) adequate medical care is not
11 available to the liaison officer at a local
12 military medical treatment facility;

13 “(ii) the Secretary determines that
14 payment of such medical expenses is nec-
15 essary and in the best interests of the
16 United States; and

17 “(iii) medical care is not otherwise
18 available to the liaison officer pursuant to
19 any treaty or other international agree-
20 ment.

21 “(D) Mission-related travel expenses if
22 such travel meets each of the following condi-
23 tions:

1 “(i) The travel is in support of the
2 national security interests of the United
3 States.

4 “(ii) The commander of the relevant
5 combatant command or the Chairman of
6 the Joint Chiefs of Staff, as applicable, di-
7 rects round-trip travel from the assigned
8 location to one or more travel locations.

9 “(4) CONFERENCES, SEMINARS, AND SIMILAR
10 MEETINGS.—

11 “(A) The authority provided by paragraph
12 (1) includes authority to pay travel and subsist-
13 ence expenses for such personnel in connection
14 with the attendance of such personnel at any
15 conference, seminar, or similar meeting as the
16 Secretary considers necessary for theater secu-
17 rity cooperation.

18 “(B) In addition to the personnel expenses
19 provided by paragraph (1), the Secretary of De-
20 fense may pay such other expenses in connec-
21 tion with any such conference, seminar, or simi-
22 lar meeting as the Secretary considers in the
23 national security interests of the United States.

24 “(c) LIMITATIONS.—

1 “(1) COUNTRIES OTHER THAN DEVELOPING
2 COUNTRIES.—The authority provided in subsection
3 (a) may be used only for the payment of expenses
4 of, and special compensation for, personnel from de-
5 veloping countries, except that the Secretary of De-
6 fense may authorize the payment of such expenses
7 and special compensation for personnel from a coun-
8 try other than a developing country if the Secretary
9 determines that such payment is in the national se-
10 curity interest of the United States.

11 “(2) SECRETARY OF STATE CONCURRENCE FOR
12 ASSIGNMENT OF NON-DEFENSE FOREIGN LIAISON
13 OFFICERS.—In the case of a non-defense foreign li-
14 aison officer, the authority of the Secretary of De-
15 fense under subsection (a) to pay any expenses spec-
16 ified in paragraph (2) or (3) of subsection (b) may
17 be exercised only if the assignment of that liaison of-
18 ficer as a liaison officer with the Department of De-
19 fense was accepted by the Secretary of Defense with
20 the concurrence of the Secretary of State.

21 “(d) REIMBURSEMENT.—The Secretary may provide
22 the services and support specified in subsection (b)(2) with
23 or without reimbursement from (or on behalf of) the re-
24 cipients. The terms of reimbursement (if any) shall be
25 specified in the appropriate agreements used to assign the

1 liaison officer to a combatant command or to the Joint
2 Staff.

3 “(e) LIMITATIONS.—(1) Travel and subsistence ex-
4 penses authorized to be paid under subsection (a) may
5 not, in the case of any individual, exceed the amount that
6 would be paid under chapter 7 or 8 of title 37 to a member
7 of the armed forces (of a comparable grade) for authorized
8 travel of a similar nature.

9 “(2) The amount paid for expenses specified in sub-
10 section (b)(3) for any liaison officer in any fiscal year may
11 not exceed \$200,000 (in fiscal year 2014 constant dollars).

12 “(f) AVAILABILITY OF FUNDS ACROSS FISCAL
13 YEARS.—Funds available to carry out this section shall
14 be available for programs and activities under this section
15 that begin in a fiscal year and end in the following fiscal
16 year.

17 “(g) REGULATIONS.—The Secretary of Defense shall
18 prescribe regulations for the administration of this sec-
19 tion.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) REPEALS.—Sections 1050, 1050a, 1051,
22 and 1051a of title 10, United States Code, are re-
23 pealed.

24 (2) CROSS-REFERENCE.—Subsection (f)(5) of
25 section 341 of title 10, United States Code, as

1 transferred and redesignated by section 1201(d), is
2 amended—

3 (A) by striking “the Latin American co-
4 operation authority set forth in section 1050”
5 and inserting “section 312”; and

6 (B) by striking “William J. Perry Center
7 for Hemispheric Defense Studies” and inserting
8 “Department of Defense Regional Centers for
9 Security Studies”.

10 (3) CLERICAL AMENDMENTS.—The table of sec-
11 tions at the beginning of chapter 53 of such title is
12 amended by striking the items relating to sections
13 1050, 1050a, 1051, and 1051a.

14 (c) SAVINGS PROVISION.—The authority under sec-
15 tion 1050 of title 10, United States Code, as in effect on
16 the day before the date of the enactment of this Act, shall
17 continue to apply with respect to the Inter-American De-
18 fense College, under regulations prescribed by the Sec-
19 retary of Defense.

1 **SEC. 1204. CONSOLIDATION AND REVISION OF AUTHORI-**
 2 **TIES RELATING TO TRAINING OF THE ARMED**
 3 **FORCES WITH MILITARY AND OTHER SECU-**
 4 **RITY FORCES OF FRIENDLY FOREIGN COUN-**
 5 **TRIES.**

6 (a) CONSOLIDATION AND REVISION OF AUTHORI-
 7 TIES.—Chapter 16 of title 10, United States Code, as
 8 added by section 1201(a)(3), is amended by inserting after
 9 the table of sections at the beginning of subchapter III
 10 the following new section:

11 **“§ 321. Training with friendly foreign countries; pay-**
 12 **ment of certain expenses**

13 “(a) TRAINING AUTHORIZED.—

14 “(1) TRAINING WITH FOREIGN FORCES.—The
 15 armed forces under the jurisdiction of the Secretary
 16 of Defense may train with the military forces or
 17 other security forces of a friendly foreign country if
 18 the Secretary of Defense determines that it is in the
 19 national security interests of the United States to do
 20 so. Any such training with forces of a foreign coun-
 21 try may be conducted only with the concurrence of
 22 the Secretary of State.

23 “(2) TRAINING TO SUPPORT MISSION ESSEN-
 24 TIAL TASKS.—Any training conducted pursuant to
 25 paragraph (1) shall, to the maximum extent prac-
 26 ticable, support the mission essential tasks for which

1 the unit of the armed forces participating in such
2 training is responsible.

3 “(3) ELEMENTS OF TRAINING.—Any training
4 conducted pursuant to paragraph (1) shall, to the
5 maximum extent practicable, include elements that
6 promote—

7 “(A) observance of and respect for human
8 rights and fundamental freedoms; and

9 “(B) respect for legitimate civilian author-
10 ity within the foreign country concerned.

11 “(b) AUTHORITY TO PAY CERTAIN EXPENSES.—The
12 Secretary of Defense may pay the following expenses:

13 “(1) The incremental expenses incurred by a
14 friendly foreign country as the direct result of—

15 “(A) the training of the military forces or
16 other security forces of such country with the
17 armed forces under the jurisdiction of the Sec-
18 retary of Defense under subsection (a)(1); or

19 “(B) the participation of such military or
20 other security forces in an exercise with the
21 armed forces under the jurisdiction of the Sec-
22 retary of Defense.

23 “(2) Small-scale construction that is directly re-
24 lated to the effective accomplishment of training de-

1 scribed in paragraph (1)(A) or an exercise described
2 in paragraph (1)(B).

3 “(c) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT
4 CROSS FISCAL YEARS.—Amounts available for the au-
5 thority to pay expenses in subsection (b) for a fiscal year
6 may be used to pay expenses under that subsection for
7 training and exercises that begin in such fiscal year but
8 end in the next fiscal year.

9 “(d) REGULATIONS.—The Secretary of Defense shall
10 prescribe regulations for the administration of this section.

11 “(e) DEFINITIONS.—In this section:

12 “(1) The term ‘incremental expenses’, with re-
13 spect to a friendly foreign country, means the rea-
14 sonable and proper costs of the goods and services
15 that are consumed by that country as a direct result
16 of that country’s participation in training with the
17 United States under subsection (a)(1) or in a mili-
18 tary exercise with the United States, including ra-
19 tions, fuel, training ammunition, and transportation.
20 Such term does not include pay, allowances, and
21 other similar personnel costs of such country’s mili-
22 tary or other security forces.

23 “(2) The term ‘other security forces’ includes
24 national security forces that conduct border security,

1 counterterrorism operations, and maritime security,
2 but does not include local civilian police.”.

3 (b) CONFORMING REPEALS.—The following provi-
4 sions of law are repealed:

5 (1) Section 2010 of title 10, United States
6 Code.

7 (2) Section 1203 of the National Defense Au-
8 thorization Act for Fiscal Year 2014 (Public Law
9 113–66; 10 U.S.C. 2011 note).

10 (c) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 101 of title 10, United States
12 Code, is amended by striking the item relating to section
13 2010.

14 **SEC. 1205. TRANSFER OF AND REVISION TO AUTHORITY TO**
15 **PROVIDE OPERATIONAL SUPPORT TO**
16 **FORCES OF FRIENDLY FOREIGN COUNTRIES.**

17 (a) IN GENERAL.—Section 127d of title 10, United
18 States Code, is transferred to chapter 16 of such title, as
19 added by section 1201(a)(3), inserted after the table of
20 sections at the beginning of subchapter IV, redesignated
21 as section 331, and amended to read as follows:

1 **“§ 331. Friendly foreign countries: authority to pro-**
2 **vide support for conduct of operations**

3 “(a) AUTHORITY.—The Secretary of Defense may
4 provide support to friendly foreign countries in connection
5 with the conduct of operations.

6 “(b) TYPES OF SUPPORT AUTHORIZED.—The types
7 of support that may be provided under the authority in
8 subsection (a) are the following:

9 “(1) Logistic support, supplies, and services to
10 security forces of a friendly foreign country partici-
11 pating in—

12 “(A) an operation with the armed forces
13 under the jurisdiction of the Secretary of De-
14 fense; or

15 “(B) a military or stability operation that
16 benefits the national security interests of the
17 United States.

18 “(2) Logistic support, supplies, and services—

19 “(A) to military forces of a friendly foreign
20 country solely for the purpose of enhancing the
21 interoperability of the logistical support systems
22 of military forces participating in a combined
23 operation with the United States in order to fa-
24 cilitate such operation; or

25 “(B) to a nonmilitary logistics, security, or
26 similar agency of a friendly foreign government

1 if such provision would directly benefit the
2 armed forces under the jurisdiction of the Sec-
3 retary of Defense.

4 “(3) Procurement of equipment for the purpose
5 of the loan of such equipment to the military forces
6 of a friendly foreign country participating in a
7 United States-supported coalition or combined oper-
8 ation and the loan of such equipment to those forces
9 to enhance capabilities or to increase interoperability
10 with the armed forces under the jurisdiction of the
11 Secretary of Defense and other coalition partners.

12 “(4) Small-scale construction to support mili-
13 tary forces of a friendly foreign country partici-
14 pating in a United States-supported coalition or
15 combined operation when the construction is directly
16 linked to the ability of such forces to participate in
17 such operation effectively.

18 “(c) CERTIFICATION REQUIRED.—

19 “(1) OPERATIONS IN WHICH THE UNITED
20 STATES IS NOT PARTICIPATING.—The Secretary of
21 Defense may provide support under subsection (a) to
22 a friendly foreign country with respect to an oper-
23 ation in which the United States is not participating
24 only—

1 “(A) if the Secretary of Defense and the
2 Secretary of State jointly certify to Congress
3 that the operation is in the national security in-
4 terests of the United States; and

5 “(B) after the expiration of the 15-day pe-
6 riod beginning on the date of such certification.

7 “(2) ACCOMPANYING REPORT.—Any certifi-
8 cation under paragraph (1) shall be accompanied by
9 a report that includes the following:

10 “(A) A description of the operation, includ-
11 ing the geographic area of the operation.

12 “(B) A list of participating countries.

13 “(C) A description of the national security
14 interests of the United States supported by the
15 operation.

16 “(d) SECRETARY OF STATE CONCURRENCE.—The
17 provision of support under subsection (a) may be made
18 only with the concurrence of the Secretary of State.

19 “(e) SUPPORT OTHERWISE PROHIBITED BY LAW.—
20 The Secretary of Defense may not use the authority in
21 subsection (a) to provide any type of support described
22 in subsection (b) that is otherwise prohibited by any provi-
23 sion of law.

24 “(f) LIMITATIONS ON VALUE.—

1 “(1) The aggregate value of all logistic support,
 2 supplies, services, and small-scale construction pro-
 3 vided under subsections (b)(1) and (b)(4) in any fis-
 4 cal year may not exceed \$550,000,000.

5 “(2) The aggregate value of all logistic support,
 6 supplies, and services provided under subsection
 7 (b)(2) in any fiscal year may not exceed \$5,000,000.

8 “(g) DEFINITION.—In this section, the term ‘logistic
 9 support, supplies, and services’ has the meaning given that
 10 term in section 2350(1) of this title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 3 of such title is amended by
 13 striking the item relating to section 127d.

14 **SEC. 1206. CONSOLIDATION OF AUTHORITIES FOR SERVICE**
 15 **ACADEMY INTERNATIONAL ENGAGEMENT.**

16 (a) CONSOLIDATION OF AUTHORITIES.—Chapter 16
 17 of title 10, United States Code, as added by section
 18 1201(a)(3), is amended by inserting after section 344, as
 19 transferred and redesignated by section 1201(g), the fol-
 20 lowing new section:

21 **“§ 345. International engagement authorities for**
 22 **Service Academies**

23 “(a) SELECTION OF PERSONS FROM FOREIGN COUN-
 24 TRIES TO RECEIVE INSTRUCTION AT SERVICE ACAD-
 25 EMIES.—

1 “(1) ATTENDANCE AUTHORIZED.—

2 “(A) IN GENERAL.—The Secretary of each
3 military department may permit persons from
4 foreign countries to receive instruction at the
5 Service Academy under the jurisdiction of the
6 Secretary. Such persons shall be in addition
7 to—

8 “(i) in the case of the United States
9 Military Academy, the authorized strength
10 of the Corps of the Cadets of the Academy
11 under 4342 of this title;

12 “(ii) in the case of the United States
13 Naval Academy, the authorized strength of
14 the Brigade of Midshipmen of the Acad-
15 emy under section 6954 of this title; and

16 “(iii) in the case of the United States
17 Air Force Academy, the authorized
18 strength of the Cadet Wing of the Acad-
19 emy under 9342 of this title.

20 “(B) LIMITATION ON NUMBER.—The num-
21 ber of persons permitted to receive instruction
22 at each Service Academy under this subsection
23 may not be more than 60 at any one time.

24 “(2) DETERMINATION OF FOREIGN COUNTRIES
25 FROM WHICH PERSONS MAY BE SELECTED.—The

1 Secretary of a military department, upon approval
2 by the Secretary of Defense, shall determine—

3 “(A) the countries from which persons may
4 be selected for appointment under this sub-
5 section to the Service Academy under the juris-
6 diction of that Secretary; and

7 “(B) the number of persons that may be
8 selected from each country.

9 “(3) QUALIFICATIONS AND SELECTION.—The
10 Secretary of each military department—

11 “(A) may establish entrance qualifications
12 and methods of competition for selection among
13 individual applicants under this subsection; and

14 “(B) shall select those persons who will be
15 permitted to receive instruction at the Service
16 Academy under the jurisdiction of the Secretary
17 under this subsection.

18 “(4) SELECTION PRIORITY TO PERSONS WITH
19 NATIONAL SERVICE OBLIGATION UPON GRADUA-
20 TION.—In selecting persons to receive instruction
21 under this subsection from among applicants from
22 the countries approved under paragraph (2), the
23 Secretary of the military department concerned shall
24 give a priority to persons who have a national serv-

1 ice obligation to their countries upon graduation
2 from the Academy.

3 “(5) PAY, ALLOWANCES, AND EMOLUMENTS OF
4 PERSONS ADMITTED.—A person receiving instruc-
5 tion under this subsection is entitled to the pay, al-
6 lowances, and emoluments of a cadet or midshipman
7 appointed from the United States, and from the
8 same appropriations.

9 “(6) REIMBURSEMENT OF COSTS BY FOREIGN
10 COUNTRIES FROM WHICH PERSONS ARE ADMIT-
11 TED.—

12 “(A) REIMBURSEMENT REQUIRED.—Each
13 foreign country from which a cadet or mid-
14 shipman is permitted to receive instruction at
15 one of the Service Academies under this sub-
16 section shall reimburse the United States for
17 the cost of providing such instruction, including
18 the cost of pay, allowances, and emoluments
19 provided under paragraph (5). The Secretaries
20 of the military departments shall prescribe the
21 rates for reimbursement under this paragraph,
22 except that the reimbursement rates may not be
23 less than the cost to the United States of pro-
24 viding such instruction, including pay, allow-

1 ances, and emoluments, to a cadet or mid-
2 shipman appointed from the United States.

3 “(B) WAIVER AUTHORITY.—The Secretary
4 of Defense may waive, in whole or in part, the
5 requirement for reimbursement of the cost of
6 instruction for a cadet or midshipman under
7 subparagraph (A). In the case of a partial waiv-
8 er, the Secretary of Defense shall establish the
9 amount waived.

10 “(7) APPLICABILITY OF ACADEMY REGULA-
11 TIONS, ETC.—

12 “(A) IN GENERAL.—Except as the Sec-
13 retary concerned determines, a person receiving
14 instruction under this subsection at the Service
15 Academy under the jurisdiction of that Sec-
16 retary is subject to the same regulations gov-
17 erning admission, attendance, discipline, res-
18 ignation, discharge, dismissal, and graduation
19 as a cadet or midshipman at that Academy ap-
20 pointed from the United States.

21 “(B) CLASSIFIED INFORMATION.—The
22 Secretary concerned may prescribe regulations
23 with respect to access to classified information
24 by a person receiving instruction under this
25 subsection at the Service Academy under the

1 jurisdiction of that Secretary that differ from
2 the regulations that apply to a cadet or mid-
3 shipman at that Academy appointed from the
4 United States.

5 “(8) INELIGIBILITY FOR APPOINTMENT IN
6 UNITED STATES ARMED FORCES.—A person receiv-
7 ing instruction at a Service Academy under this sub-
8 section is not entitled to an appointment in an
9 armed force of the United States by reason of grad-
10 uation from the Academy.

11 “(9) INAPPLICABILITY OF REQUIREMENT FOR
12 TAKING OF ADMISSION OATH.—A person receiving
13 instruction under this subsection is not subject to
14 section 4346(d), 6958(d), or 9346(d) of this title, as
15 the case may be.

16 “(b) EXCHANGE PROGRAMS WITH FOREIGN MILI-
17 TARY ACADEMIES.—

18 “(1) EXCHANGE PROGRAMS AUTHORIZED.—The
19 Secretary of a military department may permit a
20 student enrolled at a military academy of a foreign
21 country to receive instruction at the Service Acad-
22 emy under the jurisdiction of that Secretary in ex-
23 change for a cadet or midshipman receiving instruc-
24 tion at that foreign military academy pursuant to an
25 exchange agreement entered into between the Sec-

1 retary and appropriate officials of the foreign coun-
2 try. A student receiving instruction at a Service
3 Academy under the exchange program shall be in
4 addition to persons receiving instruction at the
5 Academy under subsection (a).

6 “(2) LIMITATIONS ON NUMBER AND DURATION
7 OF EXCHANGES.—An exchange agreement under
8 this subsection between the Secretary and a foreign
9 country shall provide for the exchange of students
10 on a one-for-one basis each fiscal year. Not more
11 than 100 cadets or midshipmen from each Service
12 Academy and a comparable number of students from
13 foreign military academies participating in the ex-
14 change program may be exchanged during any fiscal
15 year. The duration of an exchange may not exceed
16 the equivalent of one academic semester at a Service
17 Academy.

18 “(3) COSTS AND EXPENSES.—

19 “(A) A student from a military academy of
20 a foreign country is not entitled to the pay, al-
21 lowances, and emoluments of a cadet or mid-
22 shipman by reason of attendance at a Service
23 Academy under the exchange program, and the
24 Department of Defense may not incur any cost
25 of international travel required for transpor-

1 tation of such a student to and from the spon-
2 soring foreign country.

3 “(B) The Secretary concerned may provide
4 a student from a foreign country under the ex-
5 change program, during the period of the ex-
6 change, with subsistence, transportation within
7 the continental United States, clothing, health
8 care, and other services to the same extent that
9 the foreign country provides comparable sup-
10 port and services to the exchanged cadet or
11 midshipman in that foreign country.

12 “(C) A Service Academy shall bear all
13 costs of the exchange program from funds ap-
14 propriated for that Academy and such addi-
15 tional funds as may be available to that Acad-
16 emy from a source other than appropriated
17 funds to support cultural immersion, regional
18 awareness, or foreign language training activi-
19 ties in connection with the exchange program.

20 “(D) Expenditures in support of the ex-
21 change program from funds appropriated for
22 each Academy may not exceed \$1,000,000 dur-
23 ing any fiscal year.

24 “(4) APPLICATION OF OTHER LAWS.—Para-
25 graphs (7), (8), and (9) of subsection (a) shall apply

1 with respect to a student enrolled at a military acad-
2 emy of a foreign country while attending a Service
3 Academy under the exchange program.

4 “(5) REGULATIONS.—The Secretary concerned
5 shall prescribe regulations to implement this sub-
6 section. Such regulations may include qualification
7 criteria and methods of selection for students of for-
8 eign military academies to participate in the ex-
9 change program.

10 “(c) FOREIGN AND CULTURAL EXCHANGE ACTIVI-
11 TIES.—

12 “(1) ATTENDANCE AUTHORIZED.—The Sec-
13 retary of a military department may authorize the
14 Service Academy under the jurisdiction of that Sec-
15 retary to permit students, officers, and other rep-
16 resentatives of a foreign country to attend that
17 Academy for periods of not more than four weeks if
18 the Secretary determines that the attendance of such
19 persons contributes significantly to the development
20 of foreign language, cross cultural interactions and
21 understanding, and cultural immersion of cadets or
22 midshipmen, as the case may be.

23 “(2) EFFECT OF ATTENDANCE.—Persons at-
24 tending a Service Academy under paragraph (1) are
25 not considered to be students enrolled at that Acad-

1 emy and are in addition to persons receiving instruc-
2 tion at that Academy under subsection (a) or (b).

3 “(3) FINANCIAL MATTERS.—

4 “(A) COSTS AND EXPENSES.—The Sec-
5 retary of a military department may pay the
6 travel, subsistence, and similar personal ex-
7 penses of persons incurred to attend the Service
8 Academy under the jurisdiction of that Sec-
9 retary under paragraph (1).

10 “(B) SOURCE OF FUNDS.—Each Service
11 Academy shall bear the costs of the attendance
12 of persons at that Academy under paragraph
13 (1)—

14 “(i) from funds appropriated for that
15 Academy; and

16 “(ii) from such additional funds as
17 may be available to the Academy from a
18 source, other than appropriated funds, to
19 support cultural immersion, regional
20 awareness, or foreign language training ac-
21 tivities in connection with their attendance.

22 “(C) LIMITATION ON EXPENDITURES.—
23 Expenditures from appropriated funds in sup-
24 port of activities under this subsection for any

1 Service Academy may not exceed \$40,000 dur-
2 ing any fiscal year.

3 “(d) DEFINITION.—In this section, the term ‘Service
4 Academy’ means the following: the United States Military
5 Academy, the United States Naval Academy, and the
6 United States Air Force Academy.”.

7 (b) CONFORMING REPEALS.—

8 (1) REPEALS.—Sections 4344, 4345, 4345a,
9 6957, 6957a, 6957b, 9344, 9345, and 9345a of title
10 10, United States Code, are repealed.

11 (2) CLERICAL AMENDMENTS.—(A) The table of
12 sections at the beginning of chapter 403 of such title
13 is amended by striking the items relating to sections
14 4344, 4345, and 4345a.

15 (B) The table of sections at the beginning
16 of chapter 603 of such title is amended by
17 striking the items relating to sections 6957,
18 6957a, and 6957b.

19 (C) The table of sections at the beginning
20 of chapter 903 of such title is amended by
21 striking the items relating to sections 9344,
22 9345, and 9345a.

1 **SEC. 1207. TRANSFER AND REVISION OF AUTHORITY TO**
2 **BUILD THE CAPACITY OF FOREIGN SECURITY**
3 **FORCES.**

4 (a) TRANSFER AND REDESIGNATION.—Section 2282
5 of title 10, United States Code, is transferred to chapter
6 16 of title 10, United States Code, as added by section
7 1201(a)(3), inserted after section 331, as transferred and
8 redesignated by section 1205, and redesignated as section
9 332.

10 (b) REVISIONS.—Section 332 of title 10, United
11 States Code, as transferred and redesignated by sub-
12 section (a), is amended—

13 (1) in subsection (a), by adding at the end the
14 following new paragraph:

15 “(4) To sustain the capacities built—

16 “(A) under paragraphs (1) through (3); or

17 “(B) under section 1206 of the National
18 Defense Authorization Act for Fiscal Year 2006
19 (Public Law 109–163), as that section was in
20 effect before being repealed by section 1205(c)
21 of the National Defense Authorization Act for
22 Fiscal Year 2015 (Public Law 113–291; 128
23 Stat. 3536).”;

24 (2) in subsection (b)(1), by inserting
25 “sustainment,” after “defense services,”;

26 (3) in subsection (c)—

1 (A) by striking paragraph (1);

2 (B) by redesignating paragraph (2) as
3 paragraph (1) and inserting before the period
4 at the end of that paragraph the following: “,
5 except that reporting, notification and spend
6 plan requirements shall not be considered prohi-
7 bitions for purposes of this section or com-
8 parable provisions of law”;

9 (C) by redesignating paragraphs (3), (4),
10 and (5) as paragraphs (2), (3), and (4), respec-
11 tively;

12 (D) in subparagraph (A) of paragraph (3),
13 as so redesignated, by striking “but end in the
14 next fiscal year” and inserting “but end no
15 later than the third fiscal year thereafter”; and

16 (E) in subparagraph (A) of paragraph (4),
17 as so redesignated, by striking “\$750,000” and
18 inserting “the amount specified in section
19 301(2) of this title”;

20 (4) by striking “military” after “small-scale”
21 each place it appears (including in the heading of
22 paragraph (4) of subsection (c)); and

23 (5) by striking subsection (g).

24 (c) SECTION HEADING.—The heading of such section
25 is amended to read as follows:

1 **“§ 332. Foreign security forces: authority to build ca-**
 2 **capacity”.**

3 (d) CLERICAL AMENDMENT.—The table of sections
 4 at the beginning of chapter 136 of such title is amended
 5 by striking the item relating to section 2282.

6 **SEC. 1208. CONSOLIDATION AND STANDARDIZATION OF RE-**
 7 **PORTING REQUIREMENTS RELATING TO SE-**
 8 **CURITY COOPERATION AUTHORITIES.**

9 (a) CODIFICATION.—Chapter 16 of title 10, United
 10 States Code, as added by section 1201(a)(3), is amended
 11 by inserting after section 301 a new section 302 consisting
 12 of—

13 (1) a heading as follows:

14 **“§ 302. Annual report”;**

15 and

16 (2) a text consisting of the text of subsections
 17 (a) through (e) of section 1211 of the Carl Levin
 18 and Howard P. “Buck” McKeon National Defense
 19 Authorization Act for Fiscal Year 2015 (Public Law
 20 113–291; 128 Stat. 3544).

21 (b) REVISIONS TO PROVIDE FOR PERMANENT, AN-
 22 NUAL REPORT.—Subsection (a) of section 302 of title 10,
 23 United States Code, as added by subsection (a), is amend-
 24 ed—

25 (1) by striking “BIENNIAL” and all that follows
 26 through “the Secretary” and inserting “ANNUAL

1 REPORT REQUIRED.—Not later than February 1
2 each year, the Secretary”; and

3 (2) by striking “the two fiscal years” and in-
4 serting “the fiscal year”.

5 (c) ELEMENTS OF REPORT.—Subsection (b) of such
6 section is amended by adding at the end the following new
7 paragraph:

8 “(4) For each foreign country in which the
9 training, equipment, or assistance or reimbursement
10 was provided, a description of the extent of partici-
11 pation, if any, by the military forces and security
12 forces or other government organizations of such
13 foreign country, other than in a case in which na-
14 tional security or other considerations make inclu-
15 sion of such information impractical.”.

16 (d) REVISION TO COVERED AUTHORITIES.—Sub-
17 section (c) of such section is amended—

18 (1) by striking paragraph (1) and inserting the
19 following:

20 “(1) The following sections of this chapter: 321,
21 331, 332, 333, 341, 344, 346, and 347.”;

22 (2) by striking paragraphs (3) through (7);

23 (3) by redesignating paragraph (8) as para-
24 graph (3) and in that paragraph by striking “Sec-
25 tion” and inserting “Sections 401 and”;

1 (4) by inserting after paragraph (3), as redesign-
 2 nated by paragraph (4), the following new para-
 3 graph:

4 “(4) Section 1206 of the Carl Levin and How-
 5 ard P. ‘Buck’ McKeon National Defense Authoriza-
 6 tion Act for Fiscal Year 2015 (Public Law 113–29;
 7 10 U.S.C. 2282 note), relating to authority to con-
 8 duct human rights training of security forces and
 9 associated security ministries of foreign countries.”;

10 (5) by redesignating paragraphs (9) and (10)
 11 as paragraphs (5) and (6), respectively;

12 (6) by striking paragraph (11); and

13 (7) by redesignating paragraphs (12) through
 14 (17) as paragraphs (7) through (12), respectively.

15 (e) REPEAL OF CODIFIED STATUTE.—Section 1211
 16 of the Carl Levin and Howard P. “Buck” McKeon Na-
 17 tional Defense Authorization Act for Fiscal Year 2015
 18 (Public Law 113–291; 128 Stat. 3544), is amended by
 19 striking subsections (a) through (e).

20 (f) REPEAL OF OTHER REPORTING REQUIRE-
 21 MENTS.—The following provisions of law are repealed:

22 (1) Section 1534(g) of the Carl Levin and How-
 23 ard P. “Buck” McKeon National Defense Authoriza-
 24 tion Act for Fiscal Year 2015 (Public Law 113–291;

1 128 Stat. 3618), requiring semiannual reports on
2 the Counterterrorism Partnerships Fund.

3 (2) Section 1233(f) of the National Defense
4 Authorization Act for Fiscal Year 2008 (Public Law
5 110–181; 122 Stat. 394), requiring a quarterly re-
6 port on the use of authority to reimburse certain co-
7 alition nations for support provided to United States
8 military operations.

9 (3) Section 1234(e) of the National Defense
10 Authorization Act for Fiscal Year 2008 (Public Law
11 110–181; 122 Stat. 394), requiring a quarterly re-
12 port on the use of authorization for logistical sup-
13 port for coalition forces supporting certain United
14 States military operations.

15 (4) Section 401(d) of title 10, United States
16 Code, requiring an annual report on humanitarian
17 and civic assistance activities under that section.

18 (5) Section 1205(e)(2) of the National Defense
19 Authorization Act for Fiscal Year 2014 (32 U.S.C.
20 107 note), requiring an annual report on the use of
21 authority for the National Guard State Partnership
22 program.

1 **SEC. 1209. REPEAL OF SUPERSEDED, OBSOLETE, DUPLICA-**
2 **TIVE STATUTES RELATING TO SECURITY CO-**
3 **OPERATION AUTHORITIES.**

4 (a) REPEALS.—The following provisions of title 10,
5 United States Code, are repealed:

6 (1) Section 168, relating to military-to-military
7 contacts and comparable activities.

8 (2) Section 1051c, relating to assignment of
9 members of foreign military forces to improve edu-
10 cation and training in information security through
11 multilateral, bilateral, or regional cooperation pro-
12 grams.

13 (3) Section 2562, relating to a limitation on use
14 of excess construction or fire equipment from De-
15 partment of Defense stocks in foreign assistance or
16 military sales programs.

17 (4) Sections 4681 and 9681, relating to sale of
18 surplus war material to States and foreign govern-
19 ments.

20 (b) CLERICAL AMENDMENTS.—Title 10, United
21 States Code, is amended as follows:

22 (1) The table of sections at the beginning of
23 chapter 6 is amended by striking the item relating
24 to section 168.

1 (2) The table of sections at the beginning of
2 chapter 53 is amended by striking the item relating
3 to section 1051c.

4 (3) The table of sections at the beginning of
5 chapter 152 is amended by striking the item relating
6 to section 2562.

7 (4) The tables of sections at the beginning of
8 chapters 443 and 943 are amended by striking the
9 items relating to section 4681 and 9681, respec-
10 tively.

11 **Subtitle B—Other Matters**

12 **SEC. 1211. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-** 13 **ANCE TO THE VETTED SYRIAN OPPOSITION.**

14 (a) IN GENERAL.—Subsection (a) of section 1209 of
15 the Carl Levin and Howard P. “Buck” McKeon National
16 Defense Authorization Act for Fiscal Year 2015 (Public
17 Law 113–291; 128 Stat. 3541) is amended by striking
18 “December 31, 2016” and inserting “September 30,
19 2018”.

20 (b) REPROGRAMMING REQUIREMENT.—Subsection
21 (f) of such section is amended to read as follows:

22 “(f) FUNDING.—Of the amounts made available for
23 Overseas Contingency Operations for fiscal year 2017,
24 there are authorized to be appropriated \$250,000,000 to
25 carry out this section. Amounts authorized to be appro-

1 priated under this subsection are authorized to remain
 2 available through September 30, 2018.”.

3 **SEC. 1212. EXTENSION AND MODIFICATION OF COM-**
 4 **MANDERS’ EMERGENCY RESPONSE PRO-**
 5 **GRAM IN AFGHANISTAN.**

6 (a) EXTENSION.—Section 1201 of the National De-
 7 fense Authorization Act for Fiscal Year 2012 (Public Law
 8 112–81; 125 Stat. 1619), as most recently amended by
 9 section 1211 of the National Defense Authorization Act
 10 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. yyy),
 11 is further amended by striking “fiscal year 2016” in sub-
 12 sections (a), (b), and (f) and inserting “fiscal year 2017”.

13 (b) AMOUNT OF FUNDS AVAILABLE DURING FISCAL
 14 YEAR 2017.—Subsection (a) of such section is further
 15 amended by striking “\$10,000,000” and inserting
 16 “\$5,000,000”.

17 **SEC. 1213. ENHANCEMENT OF INTERAGENCY SUPPORT**
 18 **DURING CONTINGENCY OPERATIONS AND**
 19 **TRANSITION PERIODS.**

20 (a) AUTHORITY.—The Secretary of Defense and the
 21 Secretary of State may enter into an agreement under
 22 which each Secretary may provide covered support, sup-
 23 plies, and services on a reimbursement basis, or by ex-
 24 change of covered support, supplies, and services, to the
 25 other Secretary during a contingency operation and re-

1 lated transition period for up to two years following the
2 end of such contingency operation.

3 (b) AGREEMENT.—An agreement entered into under
4 this section shall be in writing and shall include the fol-
5 lowing terms:

6 (1) The price charged by a supplying agency
7 shall be the direct costs that such agency incurred
8 by providing the covered support, supplies, or serv-
9 ices to the requesting agency under this section.

10 (2) Credits and liabilities of the agencies ac-
11 crued as a result of acquisitions and transfers of
12 covered support, supplies, and services under this
13 section shall be liquidated not less often than once
14 every 3 months by direct payment to the agency
15 supplying such support, supplies, or services by the
16 agency receiving such support, supplies, or services.

17 (3) Exchange entitlements accrued as a result
18 of acquisitions and transfers of covered support,
19 supplies, and services under this section shall be sat-
20 isfied within 12 months after the date of the delivery
21 of the covered support, supplies, or services. Ex-
22 change entitlements not so satisfied shall be imme-
23 diately liquidated by direct payment to the agency
24 supplying such covered support, supplies, or services.

1 (c) EFFECT OF OBLIGATION AND AVAILABILITY OF
 2 FUNDS.—An order placed by an agency pursuant to an
 3 agreement under this section is deemed to be an obligation
 4 in the same manner that a similar order or contract placed
 5 with a private contractor is an obligation. Appropriations
 6 remain available to pay an obligation to the servicing
 7 agency in the same manner as appropriations remain
 8 available to pay an obligation to a private contractor.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “covered support, supplies, and
 11 services” means food, billeting, transportation (in-
 12 cluding airlift), petroleum, oils, lubricants, commu-
 13 nications services, medical services, ammunition,
 14 base operations support (and construction incident
 15 to base operations support), use of facilities, spare
 16 parts and components, repair and maintenance serv-
 17 ices, and calibration services.

18 (2) The term “contingency operation” has the
 19 meaning given that term in section 101(a)(13) of
 20 title 10, United States Code.

21 (e) CREDITING OF RECEIPTS.—Any receipt as a re-
 22 sult of an agreement entered into under this section shall
 23 be credited, at the option of the Secretary of Defense with
 24 respect to the Department of Defense and the Secretary
 25 of State with respect to the Department of State, to—

1 (1) the appropriation, fund, or account used in
2 incurring the obligation; or

3 (2) an appropriate appropriation, fund, or ac-
4 count currently available for the purposes for which
5 the expenditures were made.

6 **SEC. 1214. EXTENSION OF AND REVISED FUNDING**
7 **SOURCES FOR TRAINING EASTERN EURO-**
8 **PEAN NATIONAL MILITARY FORCES IN THE**
9 **COURSE OF MULTILATERAL EXERCISES.**

10 (a) **FUNDING SOURCES.**—Subsection (d)(2) of sec-
11 tion 1251 of the National Defense Authorization Act for
12 Fiscal Year 2016 (Public Law 114–92; 129 Stat. yyyy)
13 is amended by adding at the end the following new sub-
14 paragraph:

15 “(C) Amounts authorized to be appro-
16 priated for a fiscal year for operation and main-
17 tenance overseas contingency operations, Army,
18 and available for the European Reassurance
19 Initiative in the ‘additional activities’ line.”.

20 (b) **EXTENSION.**—Subsection (h) of such section is
21 amended by striking “2017” both places it appears and
22 inserting “2018”.

1 **SEC. 1215. EXTENSION OF AFGHAN SPECIAL IMMIGRANT**
 2 **PROGRAM.**

3 Section 602(b)(3)(F) of the Afghan Allies Protection
 4 Act of 2009 (title VI of division F of Public Law 111–
 5 8; 8 U.S.C. 1101 note) is amended—

6 (1) in the matter preceding clause (i), by strik-
 7 ing “7,000” and inserting “11,000”;

8 (2) in clause (i), by striking “December 31,
 9 2016” and inserting “December 31, 2017”; and

10 (3) in clause (ii), by striking “December 31,
 11 2016” and inserting “December 31, 2017”.

12 **SEC. 1216. AUTHORITY TO DESTROY CERTAIN SPECIFIED**
 13 **WORLD WAR II-ERA UNITED STATES-ORIGIN**
 14 **CHEMICAL MUNITIONS LOCATED ON SAN**
 15 **JOSE ISLAND, REPUBLIC OF PANAMA.**

16 (a) **AUTHORITY.**—

17 (1) **IN GENERAL.**—Subject to subsection (b),
 18 the Secretary of Defense may destroy the chemical
 19 munitions described in subsection (c).

20 (2) **EX GRATIA ACTION.**—The action authorized
 21 by this section is “ex gratia” on the part of the
 22 United States, as the term “ex gratia” is used in
 23 section 321 of the Strom Thurmond National De-
 24 fense Authorization Act for Fiscal Year 1999 (Pub-
 25 lic Law 105–261; 10 U.S.C. 2701 note).

1 (3) CONSULTATION BETWEEN SECRETARY OF
2 DEFENSE AND SECRETARY OF STATE.—The Sec-
3 retary of Defense and the Secretary of State shall
4 consult and develop any arrangements with the Re-
5 public of Panama with respect to this section.

6 (b) CONDITIONS.—The Secretary of Defense may ex-
7 ercise the authority under subsection (a) only if the Re-
8 public of Panama has—

9 (1) revised the declaration of the Republic of
10 Panama under the Convention on the Prohibition of
11 the Development, Production, Stockpiling and Use
12 of Chemical Weapons and on Their Destruction to
13 indicate that the chemical munitions described in
14 subsection (c) are “old chemical weapons” rather
15 than “abandoned chemical weapons”; and

16 (2) affirmed, in writing, that it understands (A)
17 that the United States intends only to destroy the
18 munitions described in subsections (c) and (d), and
19 (B) that the United States is not legally obligated
20 and does not intend to destroy any other munitions,
21 munitions constituents, and associated debris that
22 may be located on San Jose Island as a result of re-
23 search, development, and testing activities conducted
24 on San Jose Island during the period of 1943
25 through 1947.

1 (c) CHEMICAL MUNITIONS.—The chemical munitions
2 described in this subsection are the eight United States-
3 origin chemical munitions located on San Jose Island, Re-
4 public of Panama, that were identified in the 2002 Final
5 Inspection Report of the Technical Secretariat of the Or-
6 ganization for the Prohibition of Chemical Weapons.

7 (d) LIMITED INCIDENTAL AUTHORITY TO DESTROY
8 OTHER MUNITIONS.—In exercising the authority under
9 subsection (a), the Secretary of Defense may destroy other
10 munitions located on San Jose Island, Republic of Pan-
11 ama, but only to the extent essential and required to reach
12 and destroy the chemical munitions described in sub-
13 section (c).

14 (e) SOURCE OF FUNDS.—Of the amounts authorized
15 to be appropriated by this Act, the Secretary of Defense
16 may use up to \$30,000,000 from amounts made available
17 for Chemical Agents and Munitions Destruction, Defense
18 to carry out the authority in subsection (a).

19 **SEC. 1217. EXPANDED AUTHORITY FOR TRANSFER OF EX-**
20 **CESS NAVAL VESSELS TO FOREIGN NATIONS.**

21 Section 7307(a) of title 10, United States Code, is
22 amended by striking “3,000 tons” and inserting “4,500
23 tons”.

1 **SEC. 1218. EXTENSION OF AUTHORITY TO CONDUCT AC-**
2 **TIVITIES TO ENHANCE THE CAPABILITY OF**
3 **FOREIGN COUNTRIES TO RESPOND TO INCI-**
4 **DENTS INVOLVING WEAPONS OF MASS DE-**
5 **STRUCTION.**

6 Section 1204(h) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2014 (Public Law 113–66; 127
8 Stat. 897; 10 U.S.C. 401 note) is amended by striking
9 “September 30, 2019” and inserting “September 30,
10 2021”.

11 **SEC. 1219. EXTENSION OF AUTHORITY TO ACQUIRE PROD-**
12 **UCTS AND SERVICES PRODUCED IN COUN-**
13 **TRIES ALONG A MAJOR ROUTE OF SUPPLY**
14 **TO AFGHANISTAN.**

15 Section 801(f) of the National Defense Authorization
16 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
17 2399), as most recently amended by section 1214 of the
18 National Defense Authorization Act for Fiscal Year 2016
19 (Public Law 114–92; 129 Stat. yyyy), is further amended
20 by striking “December 31, 2016” and inserting “Decem-
21 ber 31, 2018”.

22 **SEC. 1220. INCREASE TO THE SIZE OF THE SPECIAL DE-**
23 **FENSE ACQUISITION FUND.**

24 Section 114(c)(1) of title 10, United States Code, is
25 amended by striking “\$1,070,000,000” and inserting
26 “\$3,000,000,000”.

1 **SEC. 1221. EXTENSION OF AUTHORITY TO SUPPORT OPER-**
2 **ATIONS AND ACTIVITIES OF THE OFFICE OF**
3 **SECURITY COOPERATION IN IRAQ.**

4 (a) EXTENSION OF AUTHORITY.—Subsection (f)(1)
5 of section 1215 of the National Defense Authorization Act
6 for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 113
7 note) is amended by striking “fiscal year 2016” and in-
8 serting “fiscal year 2017”.

9 (b) AMOUNT AVAILABLE.—Such section is further
10 amended—

11 (1) in subsection (c), by striking “fiscal year
12 2016” and inserting “fiscal year 2017”; and

13 (2) in subsection (d), by striking “fiscal year
14 2016” and inserting “fiscal year 2017”.

15 **SEC. 1222. 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
20 Year 2005 (Public Law 108–375; 118 Stat. 2086), as
21 most recently amended by section 1274 of the National
22 Defense Authorization Act for Fiscal Year 2016 (Public
23 Law 114–92; 129 Stat. XXXX), is further amended by
24 striking “2017” and inserting “2019”.

1 **SEC. 1223. EXTENSION OF AFGHANISTAN SECURITY**
2 **FORCES FUND.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for fiscal year
5 2017 for the Afghanistan Security Forces Fund, as estab-
6 lished by section 1513 of the National Defense Authoriza-
7 tion Act for Fiscal Year 2008 (Public Law 111–181; 122
8 Stat. 428) in the amount of \$3,448,715,000.

9 (b) CONTINUATION OF EXISTING LIMITATION ON
10 THE USE OF AMOUNTS IN FUND.—Funds available to the
11 Department of Defense for the Afghanistan Security
12 Forces Fund for fiscal year 2017 shall be subject to the
13 conditions contained in subsections (b) through (g) of such
14 section, as amended by section 1531(b) of the Ike Skelton
15 National Defense Authorization Act for Fiscal Year 2011
16 (Public Law 111–383; 124 Stat. 4424).

17 (c) EQUIPMENT DISPOSITION.—

18 (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—
19 Subject to paragraph (2), the Secretary of Defense
20 may accept equipment that is procured using
21 amounts in the Afghanistan Security Forces Fund
22 authorized under this Act and is intended for trans-
23 fer to the security forces of Afghanistan, but is not
24 accepted by such security forces.

25 (2) CONDITIONS ON ACCEPTANCE OF EQUIP-
26 MENT.—Before accepting any equipment under the

1 authority provided by paragraph (1), the Com-
2 mander of United States forces in Afghanistan shall
3 make a determination that the equipment was pro-
4 cured for the purpose of meeting requirements of the
5 security forces of Afghanistan, as agreed to by both
6 the Government of Afghanistan and the United
7 States, but is no longer required by such security
8 forces or was damaged before transfer to such secu-
9 rity forces.

10 (3) ELEMENTS OF DETERMINATION.—In mak-
11 ing a determination under paragraph (2) regarding
12 equipment, the Commander of United States forces
13 in Afghanistan shall consider alternatives to Sec-
14 retary of Defense acceptance of the equipment. An
15 explanation of each determination, including the
16 basis for the determination and the alternatives con-
17 sidered, shall be included in the relevant quarterly
18 report required under paragraph (5).

19 (4) TREATMENT AS DEPARTMENT OF DEFENSE
20 STOCKS.—Equipment accepted under the authority
21 provided by paragraph (1) may be treated as stocks
22 of the Department of Defense upon notification to
23 the congressional defense committees of such treat-
24 ment.

1 (5) QUARTERLY REPORTS ON EQUIPMENT DIS-
2 POSITION.—Not later than 90 days after the date of
3 the enactment of this Act and every 90-day period
4 thereafter during which the authority provided by
5 paragraph (1) is exercised, the Secretary of Defense
6 shall submit to the congressional defense committees
7 a report describing the equipment accepted under
8 this subsection, section 1531(d) of the National De-
9 fense Authorization Act for Fiscal Year 2014 (Pub-
10 lic Law 113–66; 127 Stat. 938; 10 U.S.C. 2302
11 note), and section 1532(b) of the Carl Levin and
12 Howard P. “Buck” McKeon National Defense Au-
13 thorization Act for Fiscal Year 2015 (Public Law
14 113–291; 128 Stat. 3612) during the period covered
15 by the report. Each report shall include a list of all
16 equipment that was accepted during the period cov-
17 ered by the report and treated as stocks of the De-
18 partment and copies of the determinations made
19 under paragraph (2), as required by paragraph (3).

1 **SEC. 1224. MAINTENANCE OF PROHIBITION ON PROCURE-**
 2 **MENT BY DEPARTMENT OF DEFENSE OF**
 3 **COMMUNIST CHINESE-ORIGIN ITEMS THAT**
 4 **MEET THE DEFINITION OF GOODS AND SERV-**
 5 **ICES CONTROLLED AS MUNITIONS ITEMS**
 6 **WHEN MOVED TO THE “600 SERIES” OF THE**
 7 **COMMERCE CONTROL LIST.**

8 (a) IN GENERAL.—Section 1211 of the National De-
 9 fense Authorization Act for Fiscal Year 2006 (Public Law
 10 109–163; 10 U.S.C. 2302 note) is amended—

11 (1) in subsection (b), by inserting “or in the
 12 600 series of the control list of the Export Adminis-
 13 tration Regulations” after “in Arms Regulations,”;
 14 and

15 (2) in subsection (e), by adding at the end the
 16 following new paragraph:

17 “(3) The term ‘600 series of the control list of
 18 the Export Administration Regulations’ means the
 19 600 series of the Commerce Control List contained
 20 in Supplement No. 1 to part 774 of subtitle B of
 21 title 15 of the Code of Federal Regulations.”.

22 (b) TECHNICAL CORRECTIONS TO ITAR REF-
 23 ERENCES.—Subsections (b) and (e)(2) of such section are
 24 amended by striking “Trafficking” and inserting “Traf-
 25 fic”.

1 **SEC. 1225. EXTENSION OF AUTHORITY FOR GLOBAL SECU-**
 2 **RITY CONTINGENCY FUND.**

3 (a) EXTENSION.—

4 (1) AVAILABILITY OF FUNDS.—Subsection
 5 (i)(1) of section 1207 of the National Defense Au-
 6 thorization Act for Fiscal Year 2012 (Public Law
 7 112–81; 22 U.S.C. 2151 note) is amended by strik-
 8 ing “September 30, 2017” and inserting “September
 9 30, 2021”.

10 (2) EXPIRATION.—Subsection (p) of such sec-
 11 tion is amended—

12 (A) by striking “September 30, 2017” and
 13 inserting “September 30, 2021”; and

14 (B) by striking “2012 through 2017” and
 15 inserting “ending on or before that date”.

16 (b) ONE-MONTH CHANGE IN DATE FOR SUBMISSION
 17 OF ANNUAL REPORT.—Subsection (n) of such section is
 18 amended by striking “October 30 each year” and inserting
 19 “November 30 each year”.

20 **SEC. 1226. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS**
 21 **AND SERVICES OF AFRICA IN SUPPORT OF**
 22 **COVERED ACTIVITIES IN UNITED STATES AF-**
 23 **RICA COMMAND AREA OF RESPONSIBILITY.**

24 (a) AUTHORITY.—In the case of a product or service
 25 to be acquired in support of covered activities in a covered
 26 African country for which the Secretary of Defense makes

1 a determination described in subsection (b), the Secretary
2 may conduct a procurement in which—

3 (1) competition is limited to products or serv-
4 ices from the host nation;

5 (2) a preference is provided for products or
6 services from the host nation; or

7 (3) a preference is provided for products or
8 services from a covered African country, other than
9 the host nation.

10 (b) DETERMINATIONS.—

11 (1) A determination described in this subsection
12 is a determination by the Secretary of any of the fol-
13 lowing:

14 (A) That the product or service concerned
15 is to be used only in support of covered activi-
16 ties.

17 (B) That it is in the national security in-
18 terests of the United States to limit competition
19 or provide a preference as described in sub-
20 section (a) because such limitation or pref-
21 erence is necessary—

22 (i) to reduce overall United States
23 transportation costs and risks in shipping
24 products in support of operations, exer-
25 cises, theater security cooperation activi-

1 ties, and other missions in the United
2 States Africa Command area of responsi-
3 bility;

4 (ii) to reduce delivery times in support
5 of covered activities; or

6 (iii) to promote regional security, sta-
7 bility, and economic prosperity in Africa.

8 (C) That the product or service is of equiv-
9 alent quality of a product or service that would
10 have otherwise been acquired.

11 (2) A determination under paragraph (1) shall
12 not be effective for purposes of a limitation or pref-
13 erence under subsection (a) unless the Secretary also
14 determines that—

15 (A) the limitation or preference will not
16 adversely affect—

17 (i) United States military operations
18 or stability operations in the United States
19 Africa Command area of responsibility; or

20 (ii) the United States industrial base;
21 and

22 (B) in the case of air transportation, an
23 air carrier holding a certificate under section
24 41102 of title 49, United States Code, is not

1 reasonably available to provide the required air
2 transportation.

3 (c) DEFINITIONS.—In this section:

4 (1) COVERED ACTIVITIES.—The term “covered
5 activities” means Department of Defense activities
6 in the United States Africa Command area of re-
7 sponsibility.

8 (2) COVERED AFRICAN COUNTRY.—The term
9 “covered African country” means a country in Afri-
10 ca that has signed a long-term agreement with the
11 United States related to the basing or operational
12 needs of the United States Armed Forces.

13 (3) HOST NATION.—The term “host nation”
14 means a nation which allows the armed forces and
15 supplies of the United States to be located on, to op-
16 erate in, or to be transported through its territory.

17 (4) PRODUCTS AND SERVICES OF A COVERED
18 AFRICAN COUNTRY.—For purposes of this section:

19 (A) A product is from a covered African
20 country if it is wholly grown, mined, manufac-
21 tured or produced in the covered African coun-
22 try.

23 (B) A service is from a covered African
24 country if it is performed by a person or entity

1 that is properly licensed or registered by au-
2 thorities of a covered African country and—

3 (i) is operating primarily in the cov-
4 ered African country; or

5 (ii) is making a significant contribu-
6 tion to the economy of the covered African
7 country through payment of taxes or use
8 of products, materials, or labor of the cov-
9 ered African country.

10 (d) CONFORMING AMENDMENT.—Section 1263 of the
11 National Defense Authorization Act for Fiscal Year 2015
12 (Public Law 113–291; 128 Stat. 3581) is repealed.

13 (e) SUNSET.—The authority under this section shall
14 terminate after September 30, 2019.

15 **SEC. 1227. EXTENSION OF AUTHORITY TO TRANSFER DE-**
16 **FENSE ARTICLES AND PROVIDE DEFENSE**
17 **SERVICES TO THE MILITARY AND SECURITY**
18 **FORCES OF AFGHANISTAN.**

19 (a) EXPIRATION.—Subsection (h) of section 1222 of
20 the National Defense Authorization Act for Fiscal Year
21 2013 (Public Law 112–239; 126 Stat. 1992), as most re-
22 cently amended by section 1215 of the National Defense
23 Authorization Act for Fiscal Year 2016 (Public Law 114–
24 92; 129 Stat. 1045), is further amended by striking “De-
25 cember 31, 2016” and inserting “December 31, 2017”.

1 (b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2)
 2 of such section is amended by striking “During fiscal
 3 years 2013, 2014, 2015, and 2016” each place it appears
 4 and inserting “Through December 31, 2017”.

5 **SEC. 1228. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**
 6 **ANCE TO COUNTER THE ISLAMIC STATE IN**
 7 **IRAQ AND THE LEVANT.**

8 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
 9 section 1236 of the Carl Levin and Howard P. “Buck”
 10 McKeon National Defense Authorization Act for Fiscal
 11 Year 2015 (Public Law 113–291; 128 Stat. 3558), as
 12 amended by section 1223 of the National Defense Author-
 13 ization Act for Fiscal Year 2016 (Public Law 114–92; 129
 14 Stat. 1049), is amended by striking “December 31, 2016”
 15 and inserting “September 30, 2018”.

16 (b) FUNDING.—Subsection (g) of such section is
 17 amended—

18 (1) by striking “in the National Defense Au-
 19 thorization Act for Fiscal Year 2016 for” and in-
 20 serting “for Department of Defense”;

21 (2) by striking “in title XV for fiscal year
 22 2016” and inserting “fiscal year 2017”;

23 (3) by striking “\$715,000,000” and inserting
 24 “\$630,000,000”; and

1 (4) by striking “September 30, 2016” and in-
2 serting “September 30, 2018”.

3 **SEC. 1229. EXTENSION AND MODIFICATION OF AUTHORITY**
4 **FOR REIMBURSEMENT OF CERTAIN COALI-**
5 **TION NATIONS FOR SUPPORT PROVIDED TO**
6 **UNITED STATES MILITARY OPERATIONS.**

7 (a) EXTENSION.—Subsection (a) of section 1233 of
8 the National Defense Authorization Act for Fiscal Year
9 2008 (Public Law 110–181; 122 Stat. 393), as most re-
10 cently amended by section 1212 of the National Defense
11 Authorization Act for Fiscal Year 2016 (Public Law 114–
12 92; 129 Stat. 1043), is amended by striking “fiscal year
13 2016” and inserting “fiscal year 2017”.

14 (b) APPLICABILITY TO MILITARY OPERATIONS IN
15 AFGHANISTAN GENERALLY.—Such section is further
16 amended—

17 (1) in subsection (a)(1), by striking “in Iraq or
18 in Operation Enduring Freedom in Afghanistan”
19 and inserting “in Afghanistan and to counter the Is-
20 lamic State in Iraq and the Levant”; and

21 (2) in subsection (b), by striking “in Iraq or in
22 Operations Enduring Freedom in Afghanistan” and
23 inserting “in Afghanistan and to counter the Islamic
24 State in Iraq and the Levant”.

1 (c) LIMITATION ON AMOUNTS AVAILABLE.—Sub-
2 section (d)(1) of such section is amended—

3 (1) in the second sentence, by striking “during
4 fiscal year 2016 may not exceed \$1,160,000,000”
5 and inserting “during fiscal year 2017 may not ex-
6 ceed \$1,100,000,000”; and

7 (2) in the third sentence, by striking “fiscal
8 year 2016 may not exceed \$900,000,000” and in-
9 serting “fiscal year 2017 may not exceed
10 \$800,000,000”.

11 (d) TREATMENT OF 2016 UNOBLIGATED BAL-
12 ANCES.—Of the \$100,000,000 made available pursuant to
13 section 1212(f) of the National Defense Authorization Act
14 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
15 1044), amounts that are unobligated as of September 30,
16 2016, shall continue to be available in fiscal year 2017
17 for such purposes, in addition to the total amount of reim-
18 bursements and support authorized for Pakistan during
19 fiscal year 2017 pursuant to section 1233(d)(1) of the Na-
20 tional Defense Authorization Act for Fiscal Year 2008 (as
21 so amended).

TITLE XIII—[RESERVED]**TITLE XIV—OTHER****AUTHORIZATIONS****Subtitle A—Military Programs****SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of \$1,371,613,000.

SEC. 1402. JOINT URGENT OPERATIONAL NEEDS FUND.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Joint Urgent Operational Needs Fund in the amount of \$99,300,000.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of \$551,023,000, of which—

(1) \$147,282,000 is for Operation and Maintenance;

1 (2) \$388,609,000 is for Research, Development,
2 Test, and Evaluation; and

3 (3) \$15,132,000 is for Procurement.

4 (b) USE.—Amounts authorized to be appropriated
5 under subsection (a) are authorized for—

6 (1) the destruction of lethal chemical agents
7 and munitions in accordance with section 1412 of
8 the Department of Defense Authorization Act, 1986
9 (50 U.S.C. 1521); and

10 (2) the destruction of chemical warfare materiel
11 of the United States that is not covered by section
12 1412 of such Act.

13 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG AC-**
14 **TIVITIES, DEFENSE-WIDE.**

15 Funds are hereby authorized to be appropriated for
16 the Department of Defense for fiscal year 2017 for ex-
17 penses, not otherwise provided for, for Drug Interdiction
18 and Counter-Drug Activities, Defense-wide, in the amount
19 of \$844,800,000.

20 **SEC. 1405. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
21 **RIALS FROM AND TO ACQUIRE ADDITIONAL**
22 **MATERIALS FOR THE NATIONAL DEFENSE**
23 **STOCKPILE.**

24 (a) DISPOSAL AUTHORITY.—Pursuant to section 5(b)
25 of the Strategic and Critical Materials Stock Piling Act

1 (50 U.S.C. 98d(b)), the National Defense Stockpile Man-
2 ager may dispose of the following materials contained in
3 the National Defense Stockpile in the following quantities:

4 (1) 27 short tons of beryllium.

5 (2) 111,149 short tons of chromium, ferroalloy.

6 (3) 2,973 short tons of chromium metal.

7 (4) 8,380 troy ounces of platinum.

8 (5) 275,741 pounds of contained tungsten
9 metal powder.

10 (6) 12,433,796 pounds of contained tungsten
11 ores and concentrates.

12 (b) ACQUISITION AUTHORITY.—

13 (1) AUTHORITY.—Using funds available in the
14 National Defense Stockpile Transaction Fund, the
15 National Defense Stockpile Manager may acquire
16 the following materials determined to be strategic
17 and critical materials required to meet the defense,
18 industrial, and essential civilian needs of the United
19 States:

20 (A) High modulus and high strength car-
21 bon fibers.

22 (B) Tantalum.

23 (C) Germanium.

24 (D) Tungsten rhenium metal.

25 (E) Boron carbide powder.

1 (F) Europium.

2 (G) Silicon carbide fiber.

3 (2) AMOUNT OF AUTHORITY.—The National
4 Defense Stockpile Manager may use up to
5 \$55,000,000 in the National Defense Stockpile
6 Transaction Fund for acquisition of the materials
7 specified in paragraph (1).

8 (3) FISCAL YEAR LIMITATION.—The authority
9 under paragraph (1) is available for purchases dur-
10 ing fiscal year 2017 through fiscal year 2021.

11 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

12 Funds are hereby authorized to be appropriated for
13 the Department of Defense for fiscal year 2017 for ex-
14 penses, not otherwise provided for, for the Office of the
15 Inspector General of the Department of Defense, in the
16 amount of \$322,035,000, of which—

17 (1) \$318,882,000 is for Operation and Mainte-
18 nance; and

19 (2) \$3,153,000 is for Research, Development,
20 Test, and Evaluation.

21 **SEC. 1407. DEFENSE HEALTH PROGRAM.**

22 Funds are hereby authorized to be appropriated for
23 the Department of Defense for fiscal year 2017 for ex-
24 penses, not otherwise provided for, for the Defense Health
25 Program, in the amount of \$33,467,516,000, of which—

1 (1) \$32,231,390,000 is for Operation and
2 Maintenance;

3 (2) \$822,907,000 is for Research, Development,
4 Test, and Evaluation; and

5 (3) \$413,219,000 is for Procurement.

6 **Subtitle B—Other Matters**

7 **SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
8 **DEPARTMENT OF DEFENSE—DEPARTMENT OF**
9 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
10 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
11 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

12 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the
13 funds authorized to be appropriated for section 506 and
14 available for the Defense Health Program for operation
15 and maintenance, \$122,375,000 may be transferred by the
16 Secretary of Defense to the Joint Department of Defense—
17 Department of Veterans Affairs Medical Facility Dem-
18 onstration Fund established by subsection (a)(1) of sec-
19 tion 1704 of the National Defense Authorization Act for
20 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
21 For purposes of subsection (a)(2) of such section 1704,
22 any funds so transferred shall be treated as amounts au-
23 thorized and appropriated specifically for the purpose of
24 such a transfer.

1 (b) USE OF TRANSFERRED FUNDS.—For the pur-
 2 poses of subsection (b) of such section 1704, facility oper-
 3 ations for which funds transferred under subsection (a)
 4 may be used are operations of the Captain James A.
 5 Lovell Federal Health Care Center, consisting of the
 6 North Chicago Veterans Affairs Medical Center, the Navy
 7 Ambulatory Care Center, and supporting facilities des-
 8 ignated as a combined Federal medical facility under an
 9 operational agreement covered by section 706 of the Dun-
 10 can Hunter National Defense Authorization Act for Fiscal
 11 Year 2009 (Public Law 110–417; 122 Stat. 4500).

12 **SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR**
 13 **ARMED FORCES RETIREMENT HOME.**

14 There is hereby authorized to be appropriated for fis-
 15 cal year 2017 from the Armed Forces Retirement Home
 16 Trust Fund the sum of \$64,300,000 for the operation of
 17 the Armed Forces Retirement Home.

18 **SEC. 1413. REVISIONS TO THE STRATEGIC AND CRITICAL**
 19 **MATERIALS STOCK PILING ACT.**

20 (a) MATERIALS CONSTITUTING THE NATIONAL DE-
 21 FENSE STOCKPILE.—Section 4 of the Strategic and Crit-
 22 ical Materials Stock Piling Act (50 U.S.C. 98c) is amend-
 23 ed—

24 (1) in subsection (b)—

1 (A) by inserting “strategic and critical”
 2 before “material”; and

3 (B) by striking “required for the stockpile
 4 shall” and inserting “suitable for transfer to or
 5 disposal through the stockpile may”; and

6 (2) in subsection (c)—

7 (A) by striking “(1)” and all that follows
 8 through “(2)”;

9 (B) by inserting “strategic and critical”
 10 before “materials”; and

11 (C) by striking “this subsection” and in-
 12 serting “subsection (b)”.

13 (b) QUALIFICATION OF DOMESTIC SOURCES.—Sec-
 14 tion 15 of such Act (50 U.S.C. 98h–6) is amended—

15 (1) in subsection (a)—

16 (A) by striking “and” at the end of para-
 17 graph (1);

18 (B) by striking the period at the end of
 19 paragraph (2) and inserting “; and”; and

20 (C) by adding at the end the following new
 21 paragraph:

22 “(3) by qualifying existing domestic facilities
 23 and domestically produced strategic and critical ma-
 24 terials to meet the requirements of defense and es-
 25 sential civilian industries in times of national emer-

1 gencies when existing domestic sources of supply are
2 either insufficient or vulnerable to single points of
3 failure.”;

4 (2) in subsection (b), by inserting “paragraph
5 (1) or (2) of” in the first sentence after “made
6 under”; and

7 (3) in subsection (c)—

8 (A) by inserting “paragraph (1) or (2) of”
9 in paragraph (1) after “transactions under”;
10 and

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

13 “(3) The President may enter into obligations to
14 qualify domestic facilities and domestically produced stra-
15 tegic and critical materials when it would be cost effective
16 relative to stockpiling material. Such obligations may be
17 entered into on a reimbursable basis and the proceeds cov-
18 ered into the National Defense Stockpile Transaction
19 Fund under section 9.”.

1 **TITLE XV—AUTHORIZATION OF**
2 **ADDITIONAL APPROPRIA-**
3 **TIONS FOR OVERSEAS CON-**
4 **TINGENCY OPERATIONS**

5 **SEC. 1501. PURPOSE.**

6 The purpose of this title is to authorize appropria-
7 tions for the Department of Defense for fiscal year 2017
8 to provide additional funds for overseas contingency oper-
9 ations being carried out by the Armed Forces.

10 **SEC. 1502. ARMY PROCUREMENT.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2017 for procurement for the Army in amounts
13 as follows:

14 (1) For aircraft procurement, \$313,171,000.

15 (2) For missile procurement, \$632,817,000.

16 (3) For weapons and tracked combat vehicles,
17 \$153,544,000.

18 (4) For ammunition procurement,
19 \$301,523,000.

20 (5) For other procurement, \$1,373,010,000.

21 **SEC. 1503. JOINT IMPROVISED-THREAT DEFEAT FUND.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2017 for the Joint Improvised-Threat Defeat
24 Fund in the amount of \$408,272,000.

1 **SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2017 for procurement for the Navy and Marine
4 Corps in amounts as follows:

5 (1) For aircraft procurement, Navy,
6 \$393,030,000.

7 (2) For weapons procurement, Navy,
8 \$8,600,000.

9 (3) For ammunition procurement, Navy and
10 Marine Corps, \$66,229,000.

11 (4) For other procurement, Navy,
12 \$124,206,000.

13 (5) For procurement, Marine Corps,
14 \$118,939,000.

15 **SEC. 1505. AIR FORCE PROCUREMENT.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2017 for procurement for the Air Force in
18 amounts as follows:

19 (1) For aircraft procurement, \$859,399,000.

20 (2) For missile procurement, \$339,545,000.

21 (3) For ammunition procurement,
22 \$487,408,000.

23 (4) For other procurement, \$3,696,281,000.

1 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2017 for the procurement account for Defense-
4 wide activities in the amount of \$238,434,000.

5 **SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
6 **TION.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2017 for the use of the Department of Defense
9 for research, development, test, and evaluation as follows:

10 (1) For the Army, \$100,522,000.

11 (2) For the Navy, \$78,323,000.

12 (3) For the Air Force, \$32,905,000.

13 (4) For Defense-wide activities, \$162,419,000.

14 **SEC. 1508. OPERATION AND MAINTENANCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2017 for the use of the Armed Forces for ex-
17 penses, not otherwise provided for, for operation and
18 maintenance, in amounts as follows:

19 (1) For the Army, \$15,310,587,000.

20 (2) For the Navy, \$6,827,391,000.

21 (3) For the Marine Corps, \$1,244,359,000.

22 (4) For the Air Force, \$9,498,830,000.

23 (5) For Defense-wide activities,
24 \$5,982,173,000.

25 (6) For the Army Reserve, \$38,679,000.

26 (7) For the Navy Reserve, \$26,265,000.

1 (8) For the Marine Corps Reserve, \$3,304,000.

2 (9) For the Air Force Reserve, \$57,586,000.

3 (10) For the Army National Guard,
4 \$127,035,000.

5 (11) For the Air National Guard, \$20,000,000.

6 (12) For the Counterterrorism Partnerships
7 Fund, \$1,000,000,000.

8 (13) For the Afghanistan coopea Fund,
9 \$3,448,715,000.

10 (14) For the Iraq Train and Equip Fund,
11 \$630,000,000.

12 (15) For the Syria Train and Equip Fund,
13 \$250,000,000.

14 **SEC. 1509. MILITARY PERSONNEL.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2017 to the Department of Defense for military
17 personnel accounts in the total amount of \$3,562,258,000.

18 **SEC. 1510. WORKING CAPITAL FUNDS.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2017 for the use of the Armed Forces and other
21 activities and agencies of the Department of Defense for
22 providing capital for Defense Working Capital Funds in
23 the amount of \$140,633,000.

1 **SEC. 1511. DEFENSE HEALTH PROGRAM.**

2 Funds are hereby authorized to be appropriated for
 3 the Department of Defense for fiscal year 2017 for ex-
 4 penses, not otherwise provided for, for the Defense Health
 5 Program in the amount of \$331,764,000 for operation and
 6 maintenance.

7 **SEC. 1512. DRUG INTERDICTION AND COUNTER-DRUG AC-**
 8 **TIVITIES, DEFENSE-WIDE.**

9 Funds are hereby authorized to be appropriated for
 10 the Department of Defense for fiscal year 2017 for ex-
 11 penses, not otherwise provided for, for Drug Interdiction
 12 and Counter-Drug Activities, Defense-wide in the amount
 13 of \$215,333,000.

14 **SEC. 1513. DEFENSE INSPECTOR GENERAL.**

15 Funds are hereby authorized to be appropriated for
 16 the Department of Defense for fiscal year 2017 for ex-
 17 penses, not otherwise provided for, for the Office of the
 18 Inspector General of the Department of Defense in the
 19 amount of \$22,062,000.

20 **TITLE XVI—SERVICEMEMBERS**
 21 **CIVIL RELIEF ACT**

22 **SEC. 1601. SHORT TITLE; STATUTORY REFERENCES.**

23 (a) **SHORT TITLE.**—This title may be cited as the
 24 “Servicemembers Civil Relief Act Amendments of 2016”.

25 (b) **STATUTORY REFERENCES.**—Any reference in
 26 this title to the “SCRA” shall be treated as a reference

1 to the Servicemembers Civil Relief Act (50 U.S.C. 3901
2 et seq.).

3 **SEC. 1602. CLARIFICATION OF AFFIDAVIT REQUIREMENT.**

4 Paragraph (1) of section 201(b) of the SCRA (50
5 U.S.C. 3931(b)) is amended to read as follows:

6 “(1) PLAINTIFF TO FILE AFFIDAVIT.—

7 “(A) In any action or proceeding covered
8 by this section, the plaintiff, before seeking a
9 default judgment, shall file with the court an
10 affidavit—

11 “(i) stating whether or not the de-
12 fendant is in military service and showing
13 necessary facts to support the affidavit; or

14 “(ii) if the plaintiff is unable to deter-
15 mine whether or not the defendant is in
16 military service, stating that the plaintiff is
17 unable to determine whether or not the de-
18 fendant is in military service.

19 “(B) Before filing an affidavit under sub-
20 paragraph (A), the plaintiff shall conduct a dili-
21 gent and reasonable investigation to determine
22 whether or not the defendant is in military
23 service, including a search of available Depart-
24 ment of Defense records and any other infor-
25 mation available to the plaintiff. The affidavit

1 shall set forth all steps taken to determine the
 2 defendant's military status and shall have at-
 3 tached the records on which the plaintiff relied
 4 in preparing the affidavit. Attached records
 5 shall include at least a copy of the certificate
 6 produced by the Department of Defense Man-
 7 power Data Center.”.

8 **SEC. 1603. EXTENSION OF PROTECTIONS FOR**
 9 **SERVICEMEMBERS AGAINST DEFAULT JUDG-**
 10 **MENTS.**

11 (a) APPOINTMENT AND OBLIGATIONS OF ATTOR-
 12 NEY.—Paragraph (2) of subsection (b) of section 201 of
 13 the SCRA (50 U.S.C. 3931) is amended to read as follows:

14 “(2) APPOINTMENT OF ATTORNEY TO REP-
 15 RESENT DEFENDANT IN MILITARY SERVICE.—

16 “(A) If in an action covered by this section
 17 it appears that the defendant is in military
 18 service, the court may not enter a judgment
 19 until after the court appoints an attorney to
 20 represent the defendant. The court may not ap-
 21 point an attorney to represent a defendant who
 22 is selected by or affiliated with the plaintiff, an
 23 attorney representing the plaintiff, or an em-
 24 ployee of an entity affiliated with an attorney
 25 representing the plaintiff.

1 “(B) The court-appointed attorney shall
2 act only in the best interests of the defendant.
3 The court-appointed attorney, when appropriate
4 to represent the best interests of the defendant,
5 shall request a stay of proceedings under this
6 Act.

7 “(C) The court-appointed attorney shall
8 use due diligence to locate and contact the de-
9 fendant. The plaintiff must provide to the
10 court-appointed attorney all contact information
11 it has for the defendant. A court-appointed at-
12 torney unable to make contact with the defend-
13 ant shall report to the court on all of the attor-
14 ney’s efforts to make contact.

15 “(D) Upon making contact with the de-
16 fendant, the court-appointed attorney shall ad-
17 vise the defendant of the nature of the lawsuit
18 and the defendant’s rights provided by the Act,
19 including rights to obtain a stay and to request
20 the court to adjust an obligation. Regardless of
21 whether contact is made, the court-appointed
22 attorney shall assert such rights on behalf of
23 defendant, provided that there is an adequate
24 basis in law and fact, unless the defendant pro-

1 vides informed consent to not assert such
2 rights.

3 “(E) The court shall require the court-ap-
4 pointed attorney to perform duties faithfully
5 and, upon failure to do so, shall discharge the
6 attorney and appoint another.

7 “(F) If an attorney appointed under this
8 section to represent a defendant in military
9 service cannot locate the defendant, actions by
10 the attorney in the case shall not waive any de-
11 fense of the servicemember or otherwise bind
12 the servicemember.

13 “(G) Nothing in this paragraph shall be
14 construed to prohibit a court from assessing
15 court-appointed attorney fees and costs against
16 the plaintiff.”.

17 (b) SEARCHES OF DEPARTMENT OF DEFENSE MAN-
18 POWER DATA CENTER DATABASE.—Such subsection is
19 further amended by adding at the end the following new
20 paragraphs:

21 “(5) REQUIRED SEARCH OF DEPARTMENT OF
22 DEFENSE DATABASE.—If a plaintiff is in possession
23 of information necessary to obtain a status report
24 with respect to a defendant generated by the De-
25 partment of Defense Manpower Data Center or a

1 successor to such Center, the plaintiff shall obtain
2 and provide to the court a copy of such status re-
3 port.

4 “(6) DUTIES OF COURT-APPOINTED ATTOR-
5 NEY.—An attorney appointed to represent a defend-
6 ant under paragraph (2) shall provide to the court—

7 “(A) if the attorney is in possession of in-
8 formation necessary to obtain a status report
9 with respect to the defendant from the Depart-
10 ment of Defense Manpower Data Center or a
11 successor to such Center, such status report;

12 “(B) a statement indicating the date such
13 attorney reviewed the court record and plead-
14 ings to ascertain contact information for the de-
15 fendant;

16 “(C) a statement indicating dates, times,
17 and method of communication to or with the
18 defendant; and

19 “(D) a statement that—

20 “(i) such attorney was unable to con-
21 tact the defendant;

22 “(ii) the defendant was contacted and
23 requests a stay or requests a continuance
24 to obtain counsel; or

1 “(iii) the defendant was contacted and
2 requests for the case to proceed.

3 “(7) EFFECT OF DEPARTMENT OF DEFENSE
4 DISCONTINUING AVAILABILITY OF INFORMATION.—If
5 the Department of Defense discontinues the avail-
6 ability of active duty status information through the
7 Department of Defense Manpower Data Center or a
8 successor or other related entity, paragraphs (5) and
9 (6)(A) shall cease to apply until such time as the
10 Department resumes making such information avail-
11 able.”.

12 (c) AUTHORITY FOR COURT TO VACATE OR SET
13 ASIDE JUDGMENT FOR INADEQUATE REPRESENTA-
14 TION.—Paragraph (1) of subsection (g) of such section is
15 amended to read as follows:

16 “(1) AUTHORITY FOR COURT TO VACATE OR
17 SET ASIDE JUDGMENT.—If a default judgment is en-
18 tered in an action covered by this section against a
19 servicemember during the servicemember’s period of
20 military service (or within 60 days after termination
21 of or release from such military service), the court
22 entering the judgment shall, upon application by or
23 on behalf of the servicemember, reopen the judgment
24 for the purpose of allowing the servicemember to de-
25 fend the action if it appears that—

1 “(A) the servicemember—

2 “(i) was materially affected by reason
3 of that military service in making a de-
4 fense to the action; and

5 “(ii) has a meritorious or legal de-
6 fense to the action or some part of it; or

7 “(B) an attorney appointed to represent
8 the servicemember failed to adequately rep-
9 resent the best interests of the defendant.”.

10 **SEC. 1604. RESIDENCY OF DEPENDENTS OF MILITARY PER-**
11 **SONNEL FOR VOTING PURPOSES.**

12 (a) EXTENSION OF SPOUSE COVERAGE TO ALL DE-
13 PENDENTS.—Section 705 of the SCRA (50 U.S.C. 4025)
14 is amended—

15 (1) in subsection (b)—

16 (A) by striking “SPOUSES” in the sub-
17 section heading and inserting “DEPENDENTS”;
18 and

19 (B) by striking “spouse” and inserting
20 “military sponsor”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(c) MILITARY SPONSOR DEFINED.—For purposes
24 of this section, the term ‘military sponsor’, with respect

1 to any person, means a servicemember with respect to
2 whom the person is a dependent.”.

3 (b) TECHNICAL AMENDMENTS FOR STATUTORY CON-
4 SISTENCY.—Such section is further amended by striking
5 “or naval” in subsections (a) and (b).

6 (c) CLERICAL AMENDMENTS.—

7 (1) SECTION HEADING.—The heading of such
8 section is amended to read as follows:

9 **“SEC. 705. GUARANTEE OF RESIDENCY FOR MILITARY PER-**
10 **SONNEL AND DEPENDENTS OF MILITARY**
11 **PERSONNEL FOR VOTING PURPOSES.”.**

12 (2) TABLE OF CONTENTS.—The item relating
13 to that section in the table of contents in section
14 1(b) of the SCRA is amended to read as follows:

“705. Guarantee of residency for military personnel and dependents of military
personnel for voting purposes.”.

15 **SEC. 1605. INCREASE IN CIVIL PENALTIES.**

16 Subsection (b)(3) of section 801 of the SCRA (50
17 U.S.C. 4041) is amended—

18 (1) in subparagraph (A), by striking “\$55,000”
19 and inserting “\$110,000”; and

20 (2) in subparagraph (B), by striking
21 “\$110,000” and inserting “\$220,000”.

1 **SEC. 1606. ENFORCEMENT BY THE ATTORNEY GENERAL.**

2 Section 801 of the SCRA (50 U.S.C. 4041) is further
3 amended by adding at the end the following new sub-
4 sections:

5 “(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGA-
6 TIVE DEMANDS.—Whenever the Attorney General has
7 reason to believe that any person may be in possession,
8 custody, or control of any documentary material relevant
9 to an investigation under this Act, the Attorney General
10 may, before commencing a civil action under subsection
11 (a), issue in writing and cause to be served upon such per-
12 son, a civil investigative demand requiring—

13 “(1) the production of such documentary mate-
14 rial for inspection and copying;

15 “(2) that the custodian of such documentary
16 material answer in writing written questions with re-
17 spect to such documentary material; or

18 “(3) the production of any combination of such
19 documentary material or answers.

20 “(e) RELATION TO FALSE CLAIMS ACT.—The statu-
21 tory provisions governing the authority to issue, use, and
22 enforce civil investigative demands under section 3733 of
23 title 31, United States Code (popularly known as the
24 ‘False Claims Act’), shall govern the authority to issue,
25 use, and enforce civil investigative demands under this sec-
26 tion, except that for purposes of this section—

1 “(1) references in that section to false claims
2 law investigators or investigations shall be read as
3 references to investigators or investigations;

4 “(2) references in that section to interrogatories
5 shall be read as references to written questions, and
6 answers to such need not be under oath;

7 “(3) the statutory definitions relating to ‘false
8 claims law’ shall not apply; and

9 “(4) provisions relating to qui tam relators
10 shall not apply.

11 “(f) APPLICATION.—This section applies to any viola-
12 tion of this Act occurring on, before, or after October 13,
13 2010.”.

14 **SEC. 1607. APPLICATION OF PRIVATE RIGHT OF ACTION.**

15 Section 802 of the SCRA (50 U.S.C. 4042) is amend-
16 ed by adding at the end the following new subsection:

17 “(c) APPLICATION.—This section applies to any vio-
18 lation of this Act occurring on, before, or after October
19 13, 2010.”.

20 **SEC. 1608. DEFINITION OF MILITARY ORDERS AND CONTI-**
21 **NENTAL UNITED STATES.**

22 (a) DEFINITIONS FOR ENTIRE ACT.—Section 101 of
23 the SCRA (50 U.S.C. 3911) is amended by adding at the
24 end the following new paragraphs:

(b) CONFORMING AMENDMENT.—Section 305 of the SCRA (50 U.S.C. 3955) is amended by striking subsection (i).

Section 207(b) of the SCRA (50 U.S.C. 3937(b)) is amended to read as follows:

“(1) NOTICE TO CREDITOR.—In order for an obligation or liability of a servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor notice of military service and any further extension of military service. Any such notice may be oral or written. Any such notice shall be provided not later

1 than 180 days after the date of the servicemember's
2 termination or release from military service. The
3 creditor shall retain a record of the servicemember's
4 notification.

5 “(2) CREDITOR ACTION UPON RECEIPT OF NO-
6 TICE.—Upon receipt of notice of military service
7 under paragraph (1), the creditor shall treat the
8 debt in accordance with subsection (a), except that
9 the creditor may, before treating the debt in accord-
10 ance with subsection (a), first conduct a search of
11 Department of Defense records available through
12 the Department of Defense Manpower Data Center
13 in order to confirm such military service. If the cred-
14 itor is unable to confirm military service by such
15 search, the creditor shall notify the servicemember
16 and may require the servicemember to provide a
17 copy of the servicemember's military orders before
18 treating the debt in accordance with subsection (a).
19 If military service is confirmed by such search or
20 otherwise, the creditor shall treat the debt in accord-
21 ance with subsection (a).

22 “(3) LIMITATION EFFECTIVE AS OF DATE OF
23 ORDER TO ACTIVE DUTY.—When a creditor treats a
24 debt of a servicemember in accordance with sub-
25 section (a), the treating of the debt in accordance

1 with subsection (a) shall be effective as of the date
2 on which the servicemember is called to military
3 service.”.

4 **SEC. 1610. NON-DISCRIMINATION PROVISION.**

5 (a) PROHIBITION ON DISCRIMINATION AGAINST
6 SERVICEMEMBERS.—Section 108 of the SCRA (50 U.S.C.
7 3919) is amended—

8 (1) by striking “Application by a servicemember
9 for, or receipt by a servicemember of, a stay, post-
10 ponement, or suspension” and inserting “(a) APPLI-
11 CATION OR RECEIPT.—Application by a servicemem-
12 ber for rights or protections”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(b) ELIGIBILITY.—

16 “(1) IN GENERAL.—In addition to the rights
17 and protections under subsection (a), an individual
18 who is eligible, or may become eligible by virtue of
19 current membership in the reserves or a commit-
20 ment to perform future military service, for rights or
21 protections under any provision of this Act may not
22 be denied services, including access to housing, or
23 refused credit or be subject to any other action de-
24 scribed under paragraphs (1) through (6) of sub-
25 section (a) by reason of such eligibility.

1 “(2) CONSTRUCTION.—Nothing in this sub-
 2 section shall be construed to prohibit a lender or
 3 service provider from considering all relevant factors,
 4 other than the potential eligibility of an individual
 5 for rights or protections under a provision of this
 6 Act, in making a determination as to whether it is
 7 appropriate to provide services or extend credit.”.

8 (b) CLERICAL AMENDMENTS.—

9 (1) SECTION HEADING.—The heading of such
 10 section is amended to read as follows:

11 **“SEC. 108. PROHIBITION ON DISCRIMINATION AGAINST**
 12 **SERVICEMEMBERS.”.**

13 (2) TABLE OF CONTENTS.—The item relating
 14 to that section in the table of contents in section
 15 1(b) of the SCRA is amended to read as follows:

“108. Prohibition on discrimination against servicemembers.”.

16 **SEC. 1611. EXTENSION OF PROTECTION AGAINST REPOS-**
 17 **SESSION FOR INSTALLMENT SALES CON-**
 18 **TRACTS.**

19 Subsection (a)(1) of section 302 of the SCRA (50
 20 U.S.C. 3952) is amended by striking “during that per-
 21 son’s military service” and inserting “during and for one
 22 year after that person’s military service”.

23 **SEC. 1612. HARMONIZATION OF SECTIONS.**

24 Section 303 of the SCRA (50 U.S.C. 3953) is amend-
 25 ed—

1 (1) in subsection (b), by striking “filed” and in-
 2 serting “pending”; and

3 (2) in subsection (c)(1), by striking “with a re-
 4 turn made and approved by the court”.

5 **SEC. 1613. EXPANSION OF PROTECTION FOR TERMINATION**
 6 **OF RESIDENTIAL AND MOTOR VEHICLE**
 7 **LEASES.**

8 (a) **TERMINATION OF LEASES.**—Subsection (a) of
 9 section 305 of the SCRA (50 U.S.C. 3955) is amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (A), by striking “or”
 12 at the end;

13 (B) in subparagraph (B), by striking the
 14 period at the end and inserting “; or”; and

15 (C) by adding at the end the following new
 16 subparagraph:

17 “(C) in the case of a lease described in
 18 subsection (b)(1) and subparagraph (C) of such
 19 subsection, the date the lessee is assigned to or
 20 otherwise relocates to quarters or a housing fa-
 21 cility as described in such subparagraph.”; and

22 (2) in paragraph (2), by striking “a dependent
 23 of the lessee” and inserting “a co-lessee”.

24 (b) **COVERED LEASES.**—Subsection (b)(1) of such
 25 section is amended—

1 (1) in subparagraph (A), by striking “or” at
2 the end;

3 (2) in subparagraph (B)—

4 (A) by inserting “(including separation or
5 retirement orders)” after “permanent change of
6 station”; and

7 (B) by striking the period at the end and
8 inserting “; or”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(C) the lease is executed by or on behalf
12 of a person who thereafter and during the term
13 of the lease is assigned to or otherwise relocates
14 to quarters of the United States or a housing
15 facility under the jurisdiction of a uniformed
16 service (as defined in section 101 of title 37,
17 United States Code), including housing pro-
18 vided under the Military Housing Privatization
19 Initiative.”.

20 (c) MANNER OF TERMINATION.—Subsection (c)(1) of
21 such section is amended—

22 (1) in subparagraph (A)—

23 (A) by inserting “in the case of a lease de-
24 scribed in subsection (b)(1) and subparagraph

1 (A) or (B) of such subsection,” before “by de-
2 livery”; and

3 (B) by striking “and” at the end;

4 (2) by redesignating subparagraph (B) as sub-
5 paragraph (C); and

6 (3) by inserting after subparagraph (A) the fol-
7 lowing new subparagraph (B):

8 “(B) in the case of a lease described in
9 subsection (b)(1) and subparagraph (C) of such
10 subsection, by delivery by the lessee of written
11 notice of such termination, and a letter from
12 the servicemember’s commanding officer indi-
13 cating that the servicemember has been as-
14 signed to or is otherwise relocating to quarters
15 of the United States or a housing facility under
16 the jurisdiction of a uniformed service (as de-
17 fined in section 101 of title 37, United States
18 Code), to the lessor (or the lessor’s grantee), or
19 to the lessor’s agent (or the agent’s grantee);
20 and”.

21 (d) WAIVER IMPERMISSIBLE.—Such section is fur-
22 ther amended by adding at the end the following new sub-
23 section:

1 “(i) WAIVER NOT PERMITTED.—The provisions of
 2 this section may not be waived or modified by the agree-
 3 ment of the parties.”.

4 **SEC. 1614. MILITARY FAMILY PROFESSIONAL LICENSE**
 5 **PORTABILITY.**

6 (a) PORTABILITY.—The SCRA (50 U.S.C. 3901 et
 7 seq.) is amended by inserting after section 705 (50 U.S.C.
 8 4025) the following new section:

9 **“SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES**
 10 **AND CERTIFICATIONS FOR**
 11 **SERVICEMEMBERS AND THEIR SPOUSES.**

12 “Any professional license or commercial license pro-
 13 vided to a servicemember or the spouse of a servicemember
 14 shall be fully recognized and honored in any jurisdiction
 15 of the United States in which that servicemember or
 16 spouse resides due to the military orders of the service-
 17 member for the duration of the orders, if the servicemem-
 18 ber or the spouse—

19 “(1) provides a copy of the military orders call-
 20 ing the servicemember to duty in that jurisdiction to
 21 the licensing entity in that jurisdiction;

22 “(2) remains in good standing with the licens-
 23 ing entity of the original jurisdiction; and

24 “(3) agrees to be subject to the authority of the
 25 licensing entity in the new jurisdiction for the pur-

1 poses of standards of practice, discipline, and fulfill-
 2 ment of any continuing education requirements.”.

3 (b) TABLE OF CONTENTS.—The table of contents in
 4 section 1(b) of the SCRA is amended by inserting after
 5 the item relating to section 705 the following new item:

“705A. Portability of professional licenses and certifications for servicemembers
 and their spouses.”.

6 **SEC. 1615. ENHANCED PROTECTION OF SERVICEMEMBERS**
 7 **UNDER SERVICEMEMBERS CIVIL RELIEF ACT**
 8 **RELATING TO CERTAIN CONTRACT PROVI-**
 9 **SIONS.**

10 (a) CERTAIN CONTRACT PROVISIONS RELATING TO
 11 ARBITRATION, CHOICE OF FORUM, AND CHOICE OF LAW
 12 EFFECTIVE ONLY WITH WRITTEN AGREEMENT AFTER
 13 DISPUTE ARISES.—

14 (1) IN GENERAL.—Title I of the SCRA (50
 15 U.S.C. 3911 et seq.) is amended by adding at the
 16 end the following new section:

17 **“SEC. 110. CERTAIN CONTRACT PROVISIONS RELATING TO**
 18 **ARBITRATION, CHOICE OF FORUM, AND**
 19 **CHOICE OF LAW EFFECTIVE ONLY UPON**
 20 **CONSENT AFTER DISPUTE ARISES.**

21 “(a) WRITTEN CONSENT REQUIRED FOR ARBITRA-
 22 TION.—In the case of a contract with a servicemember,
 23 or a servicemember and the servicemember’s spouse joint-
 24 ly, that provides for the use of arbitration to resolve a

1 dispute subject to a provision of this Act and arising out
2 of or relating to such contract, arbitration may be used
3 to settle the dispute only if, after the dispute arises, all
4 parties to the dispute agree in writing to the use of arbi-
5 tration to settle the dispute.

6 “(b) WRITTEN CONSENT REQUIRED FOR FORUM SE-
7 LECTION CLAUSE.—In the case of a contract with a serv-
8 icemember, or a servicemember and the servicemember’s
9 spouse jointly, that provides that only a certain forum will
10 be used to resolve disputes or that grants either party an
11 option to select a forum to resolve a dispute subject to
12 a provision of this Act and arising out of or relating to
13 such contract, the contractual forum selection clause may
14 only be enforced if, after the dispute arises, all parties to
15 the dispute agree in writing to the selected forum to settle
16 the dispute.

17 “(c) WRITTEN CONSENT REQUIRED FOR CHOICE OF
18 LAW CLAUSE.—In the case of a contract with a service-
19 member, or a servicemember and the servicemember’s
20 spouse jointly, that provides that only a certain jurisdic-
21 tion’s laws will be used to resolve disputes or that grants
22 either party an option to select a certain jurisdiction’s laws
23 to resolve a dispute subject to a provision of this Act and
24 arising out of or relating to such contract, the contractual
25 choice of laws clause may only be enforced if, after such

1 dispute arises, all parties to such dispute consent in writ-
 2 ing to the selected choice of laws to settle such dispute.”.

3 (2) CLERICAL AMENDMENT.—The table of con-
 4 tents in section 1(b) of the SCRA is amended by in-
 5 serting after the item relating to section 109 the fol-
 6 lowing new item:

“110. Certain contract provisions relating to arbitration, choice of forum, and
 choice of law effective only upon consent after dispute arises.”.

7 (b) LIMITATION ON WAIVER OF RIGHTS PURSUANT
 8 TO WRITTEN AGREEMENTS.—Section 107(a) of the
 9 SCRA (50 U.S.C. 3918(a)) is amended—

10 (1) by inserting before the period at the end of
 11 the second sentence the following: “and, if a dispute
 12 regarding the instrument or obligation arises, such
 13 waiver may be enforced only if it is made after the
 14 specific dispute has arisen and the dispute is identi-
 15 fied in the waiver.”; and

16 (2) by inserting before the period at the end of
 17 the third sentence the following: “and, if a dispute
 18 regarding the action arises, such waiver may be en-
 19 forced only if it is made after the specific dispute
 20 has arisen and the dispute is identified in the waiv-
 21 er”.

22 (c) INAPPLICABILITY OF SCRA PROVISIONS RELAT-
 23 ING TO CHANGES TO DURATION AND TERM OF STAYS
 24 AND TO CODEFENDANTS NOT IN SERVICE.—Section

1 205(c) of the SCRA (50 U.S.C. 3935(c)) is amended by
 2 striking “202” and inserting “110, 202,”.

3 **SEC. 1616. DETERMINATION OF RESIDENCE OR DOMICILE**
 4 **FOR TAX PURPOSES OF SPOUSES OF MILI-**
 5 **TARY PERSONNEL.**

6 Section 511(a)(2) of the SCRA (50 U.S.C.
 7 4001(a)(2)) is amended by striking “if the residence or
 8 domicile, as the case may be, is the same for the service-
 9 member and the spouse”.

10 **TITLE XVII—UNIFORMED AND**
 11 **OVERSEAS CITIZENS ABSEN-**
 12 **TEE VOTING ACT**

13 **SEC. 1701. SHORT TITLE.**

14 This title may be cited as the “Uniformed and Over-
 15 seas Citizens Absentee Voting Act Amendments of 2016”.

16 **SEC. 1702. PRE-ELECTION REPORTING REQUIREMENTS ON**
 17 **AVAILABILITY AND TRANSMISSION OF AB-**
 18 **SENTEE BALLOTS.**

19 (a) IN GENERAL.—Subsection (c) of section 102 of
 20 the Uniformed and Overseas Citizens Absentee Voting Act
 21 (52 U.S.C. 20302) is amended—

22 (1) by designating the text of that subsection as
 23 paragraph (3) and indenting that paragraph, as so
 24 designated, two ems from the left margin; and

1 (2) by inserting before paragraph (3), as so
2 designated, the following new paragraphs:

3 “(1) PRE-ELECTION REPORT ON ABSENTEE
4 BALLOT AVAILABILITY.—Not later than 55 days be-
5 fore any election for Federal office held in a State,
6 such State shall submit a report to the Attorney
7 General and the Presidential designee, and make
8 that report publicly available that same day, certi-
9 fying that absentee ballots are available for trans-
10 mission to absentee voters, or that it is aware of no
11 circumstances that will prevent absentee ballots from
12 being available for transmission by 46 days before
13 the election. The report shall be in a form prescribed
14 by the Attorney General and shall require the State
15 to certify specific information about ballot avail-
16 ability from each unit of local government which will
17 administer the election.

18 “(2) PRE-ELECTION REPORT ON ABSENTEE
19 BALLOTS TRANSMITTED.—Not later than 43 days
20 before any election for Federal office held in a State,
21 such State shall submit a report to the Attorney
22 General and the Presidential designee, and make
23 that report publicly available that same day, certi-
24 fying whether all absentee ballots validly requested
25 by absent uniformed services voters and overseas

1 voters whose requests were received by the 46th day
 2 before the election have been transmitted to such
 3 voters by such date. The report shall be in a form
 4 prescribed by the Attorney General and shall require
 5 the State to certify specific information about ballot
 6 transmission, including the total numbers of ballot
 7 requests received and ballots transmitted, from each
 8 unit of local government which will administer the
 9 election.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) SUBSECTION HEADING.—The heading for
 12 such subsection is amended to read as follows: “RE-
 13 PORTS ON ABSENTEE BALLOTS.—”.

14 (2) PARAGRAPH HEADING.—Paragraph (3) of
 15 such subsection, as designated by subsection (a)(1),
 16 is amended by inserting “POST-ELECTION REPORT
 17 ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED
 18 AND RECEIVED.—” before “Not later than 90 days”.

19 **SEC. 1703. TRANSMISSION REQUIREMENTS; REPEAL OF**
 20 **WAIVER PROVISION.**

21 (a) IN GENERAL.—Subsection (a)(8) of section 102
 22 of the Uniformed and Overseas Citizens Absentee Voting
 23 Act (52 U.S.C. 20302) is amended by striking
 24 “voter—” and all that follows in that subsection and in-

1 setting “voter by the date and in the manner determined
2 under subsection (g);”.

3 (b) BALLOT TRANSMISSION REQUIREMENTS AND
4 REPEAL OF WAIVER PROVISION.—Subsection (g) of such
5 section is amended to read as follows:

6 “(g) BALLOT TRANSMISSION REQUIREMENTS.—

7 “(1) REQUESTS RECEIVED AT LEAST 46 DAYS
8 BEFORE AN ELECTION FOR FEDERAL OFFICE.—For
9 purposes of subsection (a)(8), in a case in which a
10 valid request for an absentee ballot is received at
11 least 46 days before an election for Federal office,
12 the following rules shall apply:

13 “(A) TIME FOR TRANSMITTAL OF ABSEN-
14 TEE BALLOT.—The State shall transmit the ab-
15 sentee ballot not later than 46 days before the
16 election.

17 “(B) SPECIAL RULES IN CASE OF FAILURE
18 TO TRANSMIT ON TIME.—

19 “(i) GENERAL RULE.—If the State
20 fails to transmit any absentee ballot by the
21 46th day before the election as required by
22 subparagraph (A) and the absent uni-
23 formed services voter or overseas voter did
24 not request electronic ballot transmission

1 pursuant to subsection (f), the State shall
2 transmit such ballot by express delivery.

3 “(ii) EXTENDED FAILURE.—If the
4 State fails to transmit any absentee ballot
5 by the 41st day before the election, in ad-
6 dition to transmitting the ballot as pro-
7 vided in clause (i), the State shall—

8 “(I) in the case of absentee bal-
9 lots requested by absent uniformed
10 services voters with respect to regu-
11 larly scheduled general elections, no-
12 tify such voters of the procedures es-
13 tablished under section 103A for the
14 collection and delivery of marked ab-
15 sentee ballots; and

16 “(II) in any other case, provide,
17 at the State’s expense, for the return
18 of such ballot by express delivery.

19 “(iii) ENFORCEMENT.—A State’s
20 compliance with this subparagraph does
21 not bar the Attorney General from seeking
22 additional remedies necessary to effectuate
23 the purposes of this Act.

24 “(2) REQUESTS RECEIVED AFTER 46TH DAY
25 BEFORE AN ELECTION FOR FEDERAL OFFICE.—For

1 purposes of subsection (a)(8), in a case in which a
 2 valid request for an absentee ballot is received less
 3 than 46 days before an election for Federal office,
 4 the State shall transmit the absentee ballot within
 5 one business day of receipt of the request.”.

6 **SEC. 1704. CLARIFICATION OF STATE RESPONSIBILITY,**
 7 **CIVIL PENALTIES, AND PRIVATE RIGHT OF**
 8 **ACTION.**

9 (a) ENFORCEMENT.—Section 105 of the Uniformed
 10 and Overseas Citizens Absentee Voting Act (52 U.S.C.
 11 20307) is amended to read as follows:

12 **“SEC. 105. ENFORCEMENT.**

13 “(a) IN GENERAL.—The Attorney General may bring
 14 a civil action in an appropriate district court for such de-
 15 claratory or injunctive relief as may be necessary to carry
 16 out this title. In any such action, the only necessary party
 17 defendant is the State. It shall not be a defense to such
 18 action that local election officials are not also named as
 19 defendants.

20 “(b) CIVIL PENALTY.—In a civil action brought
 21 under subsection (a), if the court finds that the State vio-
 22 lated any provision of this title, it may, to vindicate the
 23 public interest, assess a civil penalty against the State—

24 “(1) in an amount not exceeding \$110,000, for
 25 a first violation; and

1 “(2) in an amount not exceeding \$220,000, for
2 any subsequent violation.

3 “(c) ANNUAL REPORT TO CONGRESS.—Not later
4 than December 31 of each year, the Attorney General
5 shall submit to Congress a report on any civil action
6 brought under subsection (a) during that year.

7 “(d) PRIVATE RIGHT OF ACTION.—A person who is
8 aggrieved by a State’s violation of this Act may bring a
9 civil action in an appropriate district court for such declar-
10 atory or injunctive relief as may be necessary to carry out
11 this Act.

12 “(e) ATTORNEY’S FEES.—In a civil action under this
13 section, the court may allow the prevailing party (other
14 than the United States) reasonable attorney’s fees, includ-
15 ing litigation expenses, and costs.”.

16 (b) REPEAL OF CLARIFICATION REGARDING DELE-
17 GATION OF STATE RESPONSIBILITY.—Section 576 of the
18 Military and Overseas Voter Empowerment Act (52
19 U.S.C. 20302 note) is repealed.

20 **SEC. 1705. TECHNICAL CLARIFICATIONS TO CONFORM TO**
21 **2009 MOVE ACT AMENDMENTS RELATED TO**
22 **THE FEDERAL WRITE-IN ABSENTEE BALLOT.**

23 (a) STATE RESPONSIBILITIES.—Section 102(a)(3) of
24 the Uniformed and Overseas Citizens Absentee Voting Act

1 (52 U.S.C. 20302(a)(3)) is amended by striking “gen-
2 eral”.

3 (b) WRITE-IN ABSENTEE BALLOTS.—Section 103 of
4 such Act (52 U.S.C. 20303) is amended—

5 (1) by striking “**GENERAL**” in the title of the
6 section; and

7 (2) by striking “general” in subsection
8 (b)(2)(B).

9 **SEC. 1706. TREATMENT OF BALLOT REQUESTS.**

10 (a) IN GENERAL.—Section 104 of the Uniformed and
11 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
12 is amended—

13 (1) by striking “A State may not” and insert-
14 ing “(a) PROHIBITION OF REFUSAL OF APPLICA-
15 TIONS ON GROUNDS OF EARLY SUBMISSION.—A
16 State may not”;

17 (2) by inserting “or overseas voter” after “an
18 absent uniformed services voter”;

19 (3) by striking “members of the” before “uni-
20 formed services”;

21 (4) by inserting “voters or overseas voters” be-
22 fore the period; and

23 (5) by adding at the end the following new sub-
24 section:

1 “(b) APPLICATION TREATED AS VALID FOR SUBSE-
2 QUENT ELECTIONS.—

3 “(1) IN GENERAL.—If a State accepts and
4 processes a request for an absentee ballot by an ab-
5 sent uniformed services voter or overseas voter and
6 the voter requests that the application be considered
7 an application for an absentee ballot for each subse-
8 quent election for Federal office held in the State
9 through the next regularly scheduled general election
10 for Federal office (including any runoff elections
11 which may occur as a result of the outcome of such
12 general election), and any special elections for Fed-
13 eral office held in the State through the calendar
14 year following such general election, the State shall
15 provide an absentee ballot to the voter for each such
16 subsequent election.

17 “(2) EXCEPTION FOR VOTERS CHANGING REG-
18 ISTRATION.—Paragraph (1) shall not apply with re-
19 spect to a voter registered to vote in a State for any
20 election held after the voter notifies the State that
21 the voter no longer wishes to be registered to vote
22 in the State or after the State determines that the
23 voter has registered to vote in another State.”.

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

1 **“SEC. 104. TREATMENT OF BALLOT REQUESTS.”.**

2 **SEC. 1707. INCLUSION OF NORTHERN MARIANA ISLANDS IN**
 3 **THE DEFINITION OF “STATE” FOR PURPOSES**
 4 **OF THE UNIFORMED AND OVERSEAS CITI-**
 5 **ZENS ABSENTEE VOTING ACT.**

6 Paragraphs (6) and (8) of section 107 of the Uni-
 7 formed and Overseas Citizens Absentee Voting Act (52
 8 U.S.C. 20310) are each amended by striking “and Amer-
 9 ican Samoa” and inserting “American Samoa, and the
 10 Commonwealth of the Northern Mariana Islands”.

11 **SEC. 1708. REQUIREMENT FOR PRESIDENTIAL DESIGNEE**
 12 **TO REVISE THE FEDERAL POST CARD APPLI-**
 13 **CATION TO ALLOW VOTERS TO DESIGNATE**
 14 **BALLOT REQUESTS.**

15 (a) REQUIREMENT.—The Presidential designee shall
 16 ensure that the official post card form (prescribed under
 17 section 101(b)(2) of the Uniformed and Overseas Citizens
 18 Absentee Voting Act (52 U.S.C. 20301(b)(2))) enables a
 19 voter using the form to—

20 (1) request an absentee ballot for each election
 21 for Federal office held in a State through the next
 22 regularly scheduled general election for Federal of-
 23 fice (including any runoff elections which may occur
 24 as a result of the outcome of such general election)
 25 and any special elections for Federal office held in

1 the State through the calendar year following such
 2 general election; or

3 (2) request an absentee ballot for a specific
 4 election or elections for Federal office held in a
 5 State during the period described in paragraph (1).

6 (b) DEFINITION.—In this section, the term “Presi-
 7 dential designee” means the individual designated under
 8 section 101(a) of the Uniformed and Overseas Citizens
 9 Absentee Voting Act (52 U.S.C. 20301(a)).

10 **SEC. 1709. REQUIREMENT OF PLURALITY VOTE FOR VIRGIN**
 11 **ISLANDS AND GUAM FEDERAL ELECTIONS.**

12 Section 2(a) of the Act entitled “An Act to provide
 13 that the unincorporated territories of Guam and the Vir-
 14 gin Islands shall each be represented in Congress by a Del-
 15 egate to the House of Representatives” approved April 10,
 16 1972 (48 U.S.C. 1712(a)), is amended—

17 (1) by striking “majority” in the second and
 18 third sentences and inserting “plurality”; and

19 (2) by striking the fourth sentence.

20 **SEC. 1710. EXTENSION OF REPORTING DEADLINE FOR THE**
 21 **ANNUAL REPORT ON THE ASSESSMENT OF**
 22 **THE EFFECTIVENESS OF ACTIVITIES OF THE**
 23 **FEDERAL VOTING ASSISTANCE PROGRAM.**

24 (a) ELIMINATION OF REPORTS FOR NON-ELECTION
 25 YEARS.—Section 105A(b) of the Uniformed and Overseas

1 Citizens Absentee Voting Act (52 U.S.C. 20308(b)) is
 2 amended—

3 (1) by striking “March 31 of each year” and in-
 4 serting “September 30 of each odd-numbered year”;
 5 and

6 (2) by striking “the following information” and
 7 inserting “the following information with respect to
 8 the Federal elections held during the preceding cal-
 9 endar year”.

10 (b) CONFORMING AMENDMENTS.—Such section is
 11 further amended—

12 (1) by striking “ANNUAL REPORT” in the sub-
 13 section heading and inserting “BIENNIAL REPORT”;
 14 and

15 (2) by striking “In the case of” in paragraph
 16 (3) and all that follows through “a description” and
 17 inserting “A description”.

18 **SEC. 1711. TREATMENT OF POST CARD FORM REGISTRA-**
 19 **TIONS.**

20 Section 102 of the Uniformed and Overseas Citizens
 21 Absentee Voting Act (52 U.S.C. 20302) is amended by
 22 adding at the end the following new subsection:

23 “(j) TREATMENT OF POST CARD REGISTRATIONS.—
 24 A State shall not remove any absent uniformed services
 25 voter or overseas voter who has registered to vote using

1 the official post card form (prescribed under section 101)
 2 from the official list of registered voters, except in accord-
 3 ance with subparagraph (A), (B), or (C) of section 8(a)(3)
 4 of the National Voter Registration Act of 1993 (52 U.S.C.
 5 20507(a)(3)).”.

6 **DIVISION B—MILITARY CON-**
 7 **STRUCTION AUTHORIZA-**
 8 **TIONS**

9 **SEC. 2001. SHORT TITLE.**

10 This division may be cited as the “Military Construc-
 11 tion Authorization Act for Fiscal Year 2017”.

12 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
 13 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 14 **LAW.**

15 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
 16 YEARS.—Except as provided in subsection (b), all author-
 17 izations contained in titles XXI through XXVII for mili-
 18 tary construction projects, land acquisition, family housing
 19 projects and facilities, and contributions to the North At-
 20 lantic Treaty Organization Security Investment Program
 21 (and authorizations of appropriations therefor) shall ex-
 22 pire on the later of—

23 (1) October 1, 2019; or

1 (2) the date of the enactment of an Act author-
2 izing funds for military construction for fiscal year
3 2020.

4 (b) EXCEPTION.—Subsection (a) shall not apply to
5 authorizations for military construction projects, land ac-
6 quisition, family housing projects and facilities, and con-
7 tributions to the North Atlantic Treaty Organization Se-
8 curity Investment Program (and authorizations of appro-
9 priations therefor), for which appropriated funds have
10 been obligated before the later of—

11 (1) October 1, 2019; or

12 (2) the date of the enactment of an Act author-
13 izing funds for fiscal year 2020 for military con-
14 struction projects, land acquisition, family housing
15 projects and facilities, or contributions to the North
16 Atlantic Treaty Organization Security Investment
17 Program.

18 **SEC. 2003. EFFECTIVE DATE.**

19 Titles XXI through XXVII shall take effect on the
20 later of—

21 (1) October 1, 2016; or

22 (2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 3002, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation	Amount
Alaska	Fort Wainwright	\$47,000,000
California	Concord	\$12,600,000
Colorado	Fort Carson	\$13,100,000
Georgia	Fort Gordon	\$90,000,000
	Fort Stewart	\$14,800,000
Texas	Fort Hood	\$7,600,000
Utah	Camp Williams	\$7,400,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 3002, the Secretary of the Army may acquire real property and carry out the military construction project for the installations or locations out-

- 1 side the United States, and in the amount, set forth in
 2 the following table:

Army: Outside the United States

Country	Installation	Amount
Cuba	Guantanamo Bay	\$33,000,000
Germany	East Camp Grafenwoehr	\$22,000,000
	Garmisch	\$9,600,000
	Wiesbaden Army Airfield	\$19,200,000.

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 3002, 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
Korea	Camp Humphreys	Family Housing New Con- struction.	\$143,563,000
	Camp Walker	Family Housing New Con- struction.	\$54,554,000.

- 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 3002,

1 the Secretary of the Army may carry out architectural and
2 engineering services and construction design activities
3 with respect to the construction or improvement of family
4 housing units in an amount not to exceed \$2,618,000.

5 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized to be appropriated for fiscal years
8 beginning after September 30, 2016, for military con-
9 struction, land acquisition, and military family housing
10 functions of the Department of the Army as specified in
11 the funding table in section 3002.

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 2101 of this Act
17 may not exceed the total amount authorized to be appro-
18 priated under subsection (a), as specified in the funding
19 table in section 3002.

20 **SEC. 2104. 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 2101(a) of the Military Construction Authoriza-
24 tion Act for Fiscal Year 2014 (division B of Public Law
25 113–66; 127 Stat. 986) for Joint Base Lewis-McChord,

1 Washington, for construction of an aircraft maintenance
 2 hangar at the installation, the Secretary of the Army may
 3 construct an aircraft washing apron.

4 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 5 **FISCAL YEAR 2013 PROJECTS.**

6 (a) EXTENSION.—Notwithstanding section 2002 of
 7 the Military Construction Authorization Act for Fiscal
 8 Year 2013 (division B of Public Law 112–239; 126 Stat.
 9 2118), the authorizations set forth in the table in sub-
 10 section (b), as provided in section 2101 of that Act (126
 11 Stat. 2119) and extended by section 2107 of the Military
 12 Construction Authorization Act for Fiscal Year 2016 (di-
 13 vision B of Public Law 114–92; 129 Stat. XXXX), shall
 14 remain in effect until October 1, 2017, or the date of the
 15 enactment of an Act authorizing funds for military con-
 16 struction for fiscal year 2018, whichever is later.

17 (b) TABLE.—The table referred to in subsection (a)
 18 is as follows:

Army: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Kansas	Fort Riley	Unmanned Aerial Vehicle Complex.	\$12,200,000
Virginia	Fort Belvoir	Secure Admin/Operations Facility.	\$172,000,000
Italy	Camp Ederle	Barracks	\$36,000,000
Japan	Sagami	Vehicle Maintenance Shop.	\$18,000,000.

1 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2014 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2014 (division B of Public Law 113–66; 127 Stat.
 6 985), the authorizations set forth in the table in sub-
 7 section (b), as provided in section 2101 of that Act (127
 8 Stat. 986) shall remain in effect until October 1, 2017,
 9 or the date of the enactment of an Act authorizing funds
 10 for military construction for fiscal year 2018, whichever
 11 is later.

12 (b) TABLE.—The table referred to in subsection (a)
 13 is as follows:

Army: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Maryland	Fort Detrick	Entry Control Point	\$2,500,000
Kwajalein Atoll	Kwajalein	Pier	\$63,000,000
Japan	Kyotango City	Company Operations Complex.	\$33,000,000.

14 **TITLE XXII—NAVY MILITARY**
 15 **CONSTRUCTION**

16 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 17 **ACQUISITION PROJECTS.**

18 (a) INSIDE THE UNITED STATES.—Using amounts
 19 appropriated pursuant to the authorization of appropria-
 20 tions in section 2204(a) and available for military con-
 21 struction projects inside the United States as specified in

1 the funding table in section 3002, the Secretary of the
 2 Navy may acquire real property and carry out military
 3 construction projects for the installations or locations in-
 4 side the United States, and in the amounts, set forth in
 5 the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	\$48,355,000
California	Coronado	\$104,501,000
	Lemoore	\$26,723,000
	San Diego	\$6,183,000
	Seal Beach	\$21,007,000
Florida	Eglin Air Force Base	\$20,489,000
Hawaii	Barking Sands	\$43,384,000
	Kaneohe Bay	\$72,565,000
Maine	Kittery	\$47,892,000
Maryland	Patuxent River	\$40,576,000
Nevada	Fallon	\$13,523,000
North Carolina	Cherry Point Marine Corps Air Sta- tion.	\$12,515,000
	Camp Lejeune	\$18,482,000
South Carolina	Beaufort	\$83,490,000
	Parris Island	\$29,882,000
Washington	Bangor	\$18,939,000
	Bremerton	\$6,704,000
	Kitsap	\$21,476,000
	Whidbey Island	\$75,976,000.

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2204(a) and available for military con-
 9 struction projects outside the United States as specified
 10 in the funding table in section 3002, the Secretary of the
 11 Navy may acquire real property and carry out military
 12 construction projects for the installation or location out-
 13 side the United States, and in the amounts, set forth in
 14 the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Guam	Joint Region Marianas	\$89,185,000
Japan	Kadena Air Base	\$26,489,000
	Sasebo	\$16,420,000
Spain	Rota	\$23,607,000
Worldwide Unspecified	Unspecified Worldwide Locations	\$41,380,000.

1 SEC. 2202. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2204(a) and available for military
5 family housing functions as specified in the funding table
6 in section 3002, the Secretary of the Navy may construct
7 or acquire family housing units (including land acquisition
8 and supporting facilities) at the installations or locations,
9 in the number of units, and in the amounts set forth in
10 the following table:

Navy: Family Housing

Country	Installation	Units	Amount
Mariana Islands	Guam	Replace Andersen Housing PH 1.	\$78,815,000.

11 (b) PLANNING AND DESIGN.—Using amounts appro-
12 priated pursuant to the authorization of appropriations in
13 section 2204(a) and available for military family housing
14 functions as specified in the funding table in section 3002,
15 the Secretary of the Navy may carry out architectural and
16 engineering services and construction design activities
17 with respect to the construction or improvement of family
18 housing units in an amount not to exceed \$4,149,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(a) and
6 available for military family housing functions as specified
7 in the funding table in section 3002, the Secretary of the
8 Navy may improve existing military family housing units
9 in an amount not to exceed \$11,047,000.

10 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

11 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
12 are hereby authorized to be appropriated for fiscal years
13 beginning after September 30, 2016, for military con-
14 struction, land acquisition, and military family housing
15 functions of the Department of the Navy, as specified in
16 the funding table in section 3002.

17 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
18 **PROJECTS.**—Notwithstanding the cost variations author-
19 ized by section 2853 of title 10, United States Code, and
20 any other cost variation authorized by law, the total cost
21 of all projects carried out under section 2201 of this Act
22 may not exceed the total amount authorized to be appro-
23 priated under subsection (a), as specified in the funding
24 table in section 3002.

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2014 PROJECT.**

3 In the case of the authorization contained in the table
 4 in section 2201 of the Military Construction Authorization
 5 Act for Fiscal Year 2014 (division B of Public Law 113–
 6 66; 127 Stat. 989) for Pearl City, Hawaii, for construction
 7 of a water transmission line at that location, the Secretary
 8 of the Navy may construct a 591-meter (1,940-foot) long
 9 16-inch diameter water transmission line as part of the
 10 network required to provide the main water supply to
 11 Joint Base Pearl Harbor-Hickam, Hawaii.

12 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 13 **FISCAL YEAR 2013 PROJECTS.**

14 (a) EXTENSION.—Notwithstanding section 2002 of
 15 the Military Construction Authorization Act for Fiscal
 16 Year 2013 (division B of Public Law 112–239; 126 Stat.
 17 2118), the authorizations set forth in the table in sub-
 18 section (b), as provided in section 2201 of that Act (126
 19 Stat. 2122) and extended by section 2206 of the Military
 20 Construction Authorization Act for Fiscal Year 2016 (di-
 21 vision B of Public Law 114–92; 129 Stat. XXXX), shall
 22 remain in effect until October 1, 2017, or the date of the
 23 enactment of an Act authorizing funds for military con-
 24 struction for fiscal year 2018, whichever is later.

25 (b) TABLE.—The table referred to in subsection (a)
 26 is as follows:

Navy: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Camp Pendleton	Comm. Information Systems Ops Complex.	\$78,897,000
Greece	Souda Bay	Intermodal Access Road.	\$4,630,000
South Carolina	Beaufort	Recycling/Hazardous Waste Facility.	\$3,743,000
Worldwide Unspecified.	Various Worldwide Locations.	BAMS Operational Facilities.	\$34,048,000.

1 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2014 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2014 (division B of Public Law 113–66; 127 Stat.
6 985), the authorizations set forth in the table in sub-
7 section (b), as provided in section 2201 of that Act (127
8 Stat. 989), shall remain in effect until October 1, 2017,
9 or the date of the enactment of an Act authorizing funds
10 for military construction for fiscal year 2018, whichever
11 is later.

12 (b) TABLE.—The table referred to in subsection (a)
13 is as follows:

Navy: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Kaneohe Bay	Aircraft Maintenance Hangar Upgrades.	\$31,820,000
	Pearl City	Water Transmission Line.	\$30,100,000
Illinois	Great Lakes	Unaccompanied Housing.	\$35,851,000
Maine	Bangor	NCTAMS VLF Commercial Power Connection.	\$13,800,000
Nevada	Fallon	Wastewater Treatment Plant.	\$11,334,000

Navy: Extension of 2014 Project Authorizations—Continued

State/Country	Installation or Location	Project	Amount
Virginia	Quantico	Academic Instruction Facility TECOM Schools.	\$25,731,000
	Quantico	Fuller Road Improvements.	\$9,013,000.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 3002, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$20,000,000
	Eielson Air Force Base	\$295,600,000
	Joint Base Elmendorf-Richardson	\$29,000,000
Arizona	Luke Air Force Base	\$20,000,000
California	Edwards Air Force Base	\$24,000,000
Colorado	Buckley Air Force Base	\$13,500,000
Delaware	Dover Air Force Base	\$39,000,000
Florida	Eglin Air Force Base	\$88,600,000
	Patrick Air Force Base	\$13,500,000
Georgia	Moody Air Force Base	\$30,900,000
Kansas	McConnell Air Force Base	\$19,800,000
Louisiana	Barksdale Air Force Base	\$21,000,000
Maryland	Joint Base Andrews	\$16,500,000
Massachusetts	Hanscom Air Force Base	\$20,000,000
Montana	Malmstrom Air Force Base	\$14,600,000
Nevada	Nellis Air Force Base	\$10,600,000
New Mexico	Cannon Air Force Base	\$21,000,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
	Holloman Air Force Base	\$10,600,000
	Kirtland Air Force Base	\$7,300,000
Ohio	Wright-Patterson Air Force Base	\$12,600,000
Oklahoma	Altus Air Force Base	\$11,600,000
	Tinker Air Force Base	\$17,000,000
Texas	Joint Base San Antonio	\$67,300,000
Utah	Hill Air Force Base	\$44,500,000
Virginia	Joint Base Langley-Eustis	\$59,200,000
Washington	Fairchild Air Force Base	\$27,000,000
Wyoming	F. E. Warren Air Force Base	\$5,550,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 3002, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	\$30,400,000
Germany	Ramstein Air Base	\$43,465,000
	Spangdahlem Air Base	\$13,437,000
Guam	Joint Region Marianas	\$80,658,000
Japan	Kadena Air Base	\$19,815,000
	Yokota Air Base	\$32,020,000
Mariana Islands	Unspecified Location	\$9,000,000
Turkey	Incirlik Air Base	\$13,449,000
United Arab Emirates	Al Dhafra	\$35,400,000
United Kingdom	Croughton RAF	\$69,582,000.

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the

1 funding table in section 3002, the Secretary of the Air
2 Force may carry out architectural and engineering serv-
3 ices and construction design activities with respect to the
4 construction or improvement of family housing units in an
5 amount not to exceed \$4,368,000.

6 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
7 **UNITS.**

8 Subject to section 2825 of title 10, United States
9 Code, and using amounts appropriated pursuant to the
10 authorization of appropriations in section 2304(a) and
11 available for military family housing functions as specified
12 in the funding table in section 3002, the Secretary of the
13 Air Force may improve existing military family housing
14 units in an amount not to exceed \$56,984,000.

15 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
16 **FORCE.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
18 are hereby authorized to be appropriated for fiscal years
19 beginning after September 30, 2016, for military con-
20 struction, land acquisition, and military family housing
21 functions of the Department of the Air Force, as specified
22 in the funding table in section 3002.

23 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
24 PROJECTS.—Notwithstanding the cost variations author-
25 ized by section 2853 of title 10, United States Code, and

1 any other cost variation authorized by law, the total cost
2 of all projects carried out under section 2301 of this Act
3 may not exceed the total amount authorized to be appro-
4 priated under subsection (a), as specified in the funding
5 table in section 3002.

6 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
7 **CERTAIN FISCAL YEAR 2016 PROJECT.**

8 In the case of the authorization contained in the table
9 in section 2301(a) of the Military Construction Authoriza-
10 tion Act for Fiscal Year 2016 (division B of Public Law
11 114–92; 129 Stat. XXXX) for Malmstrom Air Force
12 Base, Montana, for construction of a Tactical Response
13 Force Alert Facility at the installation, the Secretary of
14 the Air Force may construct an emergency power gener-
15 ator system consistent with the Air Force’s construction
16 guidelines.

17 **SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN**
18 **FISCAL YEAR 2013 PROJECT.**

19 (a) EXTENSION.—Notwithstanding section 2002 of
20 the Military Construction Authorization Act for Fiscal
21 Year 2013 (division B of Public Law 112–239; 126 Stat.
22 2118), the authorization set forth in the table in sub-
23 section (b), as provided in section 2301 of that Act (126
24 Stat. 2126) and extended by section 2309 of the Military
25 Construction Authorization Act for Fiscal Year 2016 (di-

1 vision B of Public Law 114–92; 129 Stat. XXXX), shall
 2 remain in effect until October 1, 2017, or the date of the
 3 enactment of an Act authorizing funds for military con-
 4 struction for fiscal year 2018, whichever is later.

5 (b) TABLE.—The table referred to in subsection (a)
 6 is as follows:

Air Force: Extension of 2013 Project Authorization

State/Country	Installation or Location	Project	Amount
Portugal	Lajes Field	Sanitary Sewer Lift/ Pump Station.	\$2,000,000.

7 **SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 8 **FISCAL YEAR 2014 PROJECTS.**

9 (a) EXTENSION.—Notwithstanding section 2002 of
 10 the Military Construction Authorization Act for Fiscal
 11 Year 2014 (division B of Public Law 113–66; 127 Stat.
 12 985), the authorization set forth in the table in subsection
 13 (b), as provided in section 2301 of that Act (127 Stat.
 14 992), shall remain in effect until October 1, 2017, or the
 15 date of the enactment of an Act authorizing funds for mili-
 16 tary construction for fiscal year 2018, whichever is later.

17 (b) TABLE.—The table referred to in subsection (a)
 18 is as follows:

Air Force: Extension of 2014 Project Authorizations

Country	Installation or Location	Project	Amount
Mariana Islands ...	Saipan	PAR—Airport Pol/Bulk Stor- age AST.	\$18,500,000
	Saipan	PAR—Hazardous Cargo Pad.	\$8,000,000

Air Force: Extension of 2014 Project Authorizations—Continued

Country	Installation or Location	Project	Amount
Worldwide Unspecified (Italy).	Saipan	PAR—Maintenance Facility.	\$2,800,000
	Aviano Air Base	Guardian Angel Operations Facility.	\$22,047,000.

1 **TITLE XXIV—DEFENSE AGEN-**
2 **CIES MILITARY CONSTRU-**
3 **CTION**

4 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRU-**
5 **CTION AND LAND ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
7 appropriated pursuant to the authorization of appropria-
8 tions in section 2403(a) and available for military con-
9 struction projects inside the United States as specified in
10 the funding table in section 3002, the Secretary of De-
11 fense may acquire real property and carry out military
12 construction projects for the installations or locations in-
13 side the United States, and in the amounts, set forth in
14 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$155,000,000
	Fort Greely	\$9,560,000
	Joint Base Elmendorf-Richardson	\$4,900,000
Arizona	Fort Huachuca	\$4,493,000
California	Coronado	\$175,412,000
	Travis Air Force Base	\$26,500,000
Delaware	Dover Air Force Base	\$44,115,000
Florida	Patrick Air Force Base	\$10,100,000
Georgia	Fort Benning	\$4,820,000
	Fort Gordon	\$25,000,000
Maine	Portsmouth	\$27,100,000
Maryland	Bethesda Naval Hospital	\$510,000,000
	Fort Meade	\$38,000,000
Missouri	St. Louis	\$801,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
North Carolina	Camp Lejeune	\$31,000,000
	Fort Bragg	\$86,593,000
South Carolina	Joint Base Charleston	\$17,000,000
Texas	Red River Army Depot	\$44,700,000
	Sheppard Air Force Base	\$91,910,000
Virginia	Pentagon	\$20,216,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 3002, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	\$30,000,000
Germany	Kaiserslautern	\$45,221,000
Japan	Iwakuni	\$6,664,000
		\$161,224,000
		\$113,731,000
Kwajalein	Kwajalein Atoll	\$85,500,000
United Kingdom	Royal Air Force Croughton	\$71,424,000
	Royal Air Force Lakenheath	\$13,500,000
Wake Island	Wake Island	\$11,670,000.

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 3002, the Secretary of Defense may carry

1 out energy conservation projects under chapter 173 of title
2 10, United States Code, in the amount set forth in the
3 table.

4 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
5 **FENSE AGENCIES.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized to be appropriated for fiscal years
8 beginning after September 30, 2016, for military con-
9 struction, land acquisition, and military family housing
10 functions of the Department of Defense (other than the
11 military departments), as specified in the funding table
12 in section 3002.

13 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
14 PROJECTS.—Notwithstanding the cost variations author-
15 ized by section 2853 of title 10, United States Code, and
16 any other cost variation authorized by law, the total cost
17 of all projects carried out under section 2401 of this Act
18 may not exceed the total amount authorized to be appro-
19 priated under subsection (a), as specified in the funding
20 table in section 3002.

21 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **CERTAIN FISCAL YEAR 2014 PROJECT.**

23 In the case of the authorization in the table in in sec-
24 tion 2401(b) of the Military Construction Authorization
25 Act for Fiscal Year 2014 (division B of Public Law 113–

1 66; 127 Stat. 996), for Royal Air Force Lakenheath,
 2 United Kingdom, for construction of a high school, the
 3 Secretary of Defense may construct a combined middle/
 4 high school.

5 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 6 **FISCAL YEAR 2013 PROJECTS.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2013 (division B of Public Law 112–239; 126 Stat.
 10 2118), the authorizations set forth in the table in sub-
 11 section (b), as provided in section 2401 of that Act (126
 12 Stat. 2127), as amended by section 2406(a) of the Mili-
 13 tary Construction Authorization Act for Fiscal Year 2016
 14 (division B of Public Law 114–92; 129 Stat. XXXX),
 15 shall remain in effect until October 1, 2017, or the date
 16 of the enactment of an Act authorizing funds for military
 17 construction for fiscal year 2018, whichever is later.

18 (b) TABLE.—The table referred to in subsection (a)
 19 is as follows:

Defense Agencies: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Japan	Camp Zama	Renovate Zama High School.	\$13,273,000
Pennsylvania	New Cumberland	Replace Reservoir ...	\$4,300,000.

1 **SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2014 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2014 (division B of Public Law 113–66; 127 Stat.
6 985), the authorizations set forth in the table in sub-
7 section (b), as provided in section 2401 of that Act (127
8 Stat. 995), shall remain in effect until October 1, 2017
9 or the date of the enactment of an Act authorizing funds
10 for military construction for fiscal year 2018, whichever
11 is later.

12 (b) TABLE.—The table referred to in subsection (a)
13 is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Brawley	SOF Desert Warfare Training Center.	\$23,095,000
Germany	Kaiserslautern	Replace Kaiserslautern Elementary School.	\$49,907,000
	Ramstein Air Base.	Replace Ramstein High School.	\$98,762,000
Hawaii	Joint Base Pearl Harbor-Hickam.	DISA Pacific Facility Upgrade.	\$2,615,000
Massachusetts	Hanscom Air Force Base.	Replace Hanscom Primary School.	\$36,213,000
	RAF Lakenheath	Replace Lakenheath High School.	\$69,638,000
Virginia	MCB Quantico	Replace Quantico Middle/High School.	\$40,586,000
	Pentagon	PFPA Support Operations Center.	\$14,800,000
	Pentagon	Raven Rock Administrative Facility Upgrade.	\$32,000,000

Defense Agencies: Extension of 2014 Project Authorizations—
Continued

State/Country	Installation or Location	Project	Amount
	Pentagon	Boundary Channel Access Control Point.	\$6,700,000.

1 **TITLE XXV—INTERNATIONAL**
2 **PROGRAMS**
3 **Subtitle A—North Atlantic Treaty**
4 **Organization Security Invest-**
5 **ment Program**

6 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
7 **ACQUISITION PROJECTS.**

8 The Secretary of Defense may make contributions for
9 the North Atlantic Treaty Organization Security Invest-
10 ment Program as provided in section 2806 of title 10,
11 United States Code, in an amount not to exceed the sum
12 of the amount authorized to be appropriated for this pur-
13 pose in section 2502 and the amount collected from the
14 North Atlantic Treaty Organization as a result of con-
15 struction previously financed by the United States.

16 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

17 Funds are hereby authorized to be appropriated for
18 fiscal years beginning after September 30, 2016, for con-
19 tributions by the Secretary of Defense under section 2806
20 of title 10, United States Code, for the share of the United
21 States of the cost of projects for the North Atlantic Treaty

1 Organization Security Investment Program authorized by
 2 section 2501 as specified in the funding table in section
 3 3002.

4 **Subtitle B—Host Country In-Kind** 5 **Contributions**

6 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION** 7 **PROJECTS.**

8 Pursuant to agreement with the Republic of Korea
 9 for required in-kind contributions, the Secretary of De-
 10 fense may accept military construction projects for the in-
 11 stallations or locations, and in the amounts, set forth in
 12 the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea	Army	CP Tango	Repair Collec- tive Protec- tion Sys- tem (CPS).	\$11,600,000
Korea	Army	USAG Hum- phreys.	Duplex Com- pany Oper- ations, Zoeckler Station.	\$10,200,000
Korea	Army	USAG Hum- phreys.	Doppler Very High Fre- quency Omnidirec- tional Radio Range (VOR) In- frastruc- ture.	\$4,100,000
Korea	Army	USAG Hum- phreys.	Vehicle Main- tenance Facility & Company Ops Com- plex (3rd CAB).	\$49,500,000
Korea	Army	USAG Hum- phreys.	8th Army Correc- tional Fa- cility.	\$14,600,000

Republic of Korea Funded Construction Projects—Continued

Country	Component	Installation or Location	Project	Amount
Korea	Navy	Chinhae	Upgrade Electrical System, Pier 11.	\$4,600,000
Korea	Navy	Chinhae	Indoor Training Pool.	\$2,800,000
Korea	Navy	Camp Mujuk	Marine Air Ground Task Force Operations Center.	\$68,000,000
Korea	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #2.	\$14,100,000
Korea	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #3.	\$14,100,000
Korea	Air Force	Kunsan Air Base.	3rd Generation Hardened Aircraft Shelters (HAS); Phases 4, 5, 6.	\$132,500,000
Korea	Air Force	Kunsan Air Base.	Upgrade Electrical Distribution System.	\$13,000,000
Korea	Air Force	Osan Air Base.	Construct Korea Air Operations Center.	\$160,000,000
Korea	Air Force	Osan Air Base.	Air Freight Terminal Facility.	\$40,000,000
Korea	Air Force	Osan Air Base.	Construct F-16 Quick Turn Pad.	\$7,500,000
Korea	Defense-Wide	Camp Carroll	Sustainment Facilities Upgrade Phase I – DLA Warehouse.	\$74,600,000
Korea	Defense-Wide	USAG Humphreys.	Elementary School.	\$42,000,000

Republic of Korea Funded Construction Projects—Continued

Country	Component	Installation or Location	Project	Amount
Korea	Defense-Wide	Ichon Special Warfare Command.	Special Operations Command, Korea (SOCKOR) Contingency Operations Center and Barracks.	\$9,900,000
Korea	Defense-Wide	K-16 Air Base.	Special Operations Forces (SOF) Operations Facility, B-606.	\$11,000,000.

1 **TITLE XXVI—GUARD AND**
2 **RESERVE FORCES FACILITIES**
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 fund-
12 ing table in section 3002, the Secretary of the Army may
13 acquire 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 fol-
16 lowing table:

Army National Guard

State	Location	Amount
Hawaii	Hilo	\$31,000,000
Iowa	Davenport	\$23,000,000
Kansas	Fort Leavenworth	\$29,000,000
New Hampshire	Hooksett	\$11,000,000
	Rochester	\$8,900,000
Oklahoma	Ardmore	\$22,000,000
Pennsylvania	York	\$9,300,000
Rhode Island	East Greenwich	\$20,000,000
Utah	Camp Williams	\$37,000,000
Wyoming	Laramie	\$21,000,000.

1 SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION
2 AND LAND ACQUISITION PROJECTS.

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606 and available for
5 the National Guard and Reserve as specified in the fund-
6 ing table in section 3002, the Secretary of the Army may
7 acquire real property and carry out military construction
8 projects for the Army Reserve locations inside the United
9 States, and in the amounts, set forth in the following
10 table:

Army Reserve

State	Location	Amount
California	Camp Parks	\$19,000,000
	Fort Hunter Liggett	\$21,500,000
Virginia	Dublin	\$6,000,000
Wisconsin	Fort McCoy	\$11,400,000.

11 SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE
12 CORPS RESERVE CONSTRUCTION AND LAND
13 ACQUISITION PROJECTS.

14 Using amounts appropriated pursuant to the author-
15 ization of appropriations in section 2606 and available for
16 the National Guard and Reserve as specified in the fund-

ing table in section 3002, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Louisiana	New Orleans	\$11,207,000
New York	Brooklyn	\$1,964,000
	Syracuse	\$13,229,000
Texas	Galveston	\$8,414,000.

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 3002, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

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
Minnesota	Duluth IAP	\$7,600,000
New Hampshire	Pease International Trade Port	\$1,500,000
North Carolina	Charlotte/Douglas IAP	\$50,600,000
South Carolina	McEntire ANG S	\$8,400,000
Texas	Ellington Field	\$4,500,000
Vermont	Burlington IAP	\$4,500,000.

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 2 **TION AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 3002, the Secretary of the Air Force
 7 may acquire real property and carry out military construc-
 8 tion projects for the Air Force Reserve locations inside
 9 the United States, and in the amounts, set forth in the
 10 following table:

Air Force Reserve

State	Location	Amount
North Carolina	Seymour Johnson Air Force Base	\$97,950,000
Pennsylvania	Pittsburgh IAP	\$85,000,000.

11 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
 12 **TIONAL GUARD AND RESERVE.**

13 Funds are hereby authorized to be appropriated for
 14 fiscal years beginning after September 30, 2016, for the
 15 costs of acquisition, architectural and engineering services,
 16 and construction of facilities for the Guard and Reserve
 17 Forces, and for contributions therefor, under chapter
 18 1803 of title 10, United States Code (including the cost
 19 of acquisition of land for those facilities), as specified in
 20 the funding table in section 3002.

1 **Subtitle B—Other Matters**

2 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**
3 **CERTAIN FISCAL YEAR 2014 PROJECT.**

4 In the case of the authorization contained in the table
5 in section 2602 of the Military Construction Authorization
6 Act for Fiscal Year 2014 (division B of Public Law 113–
7 66; 127 Stat. 1001) for Bullville, New York, for construc-
8 tion of a new Army Reserve Center at that location, the
9 Secretary of the Army may add to or alter the existing
10 Army Reserve Center at Bullville, New York.

11 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**
12 **CERTAIN FISCAL YEAR 2015 PROJECT.**

13 In the case of the authorization contained in the table
14 in section 2603 of the Military Construction Authorization
15 Act for Fiscal Year 2015 (division B of Public Law 113–
16 291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for
17 construction of a Reserve Training Center at that location,
18 the Secretary of the Navy may acquire approximately 8.5
19 acres (370,260 square feet) of adjacent land, obtain nec-
20 essary interest in land, and construct road improvements
21 and associated supporting facilities to provide required ac-
22 cess to the Reserve Training Center.

1 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**
 2 **FISCAL YEAR 2013 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2013 (division B of Public Law 112–239; 126 Stat.
 6 2118), the authorizations set forth in the table in sub-
 7 section (b), as provided in section 2603 of that Act (126
 8 Stat. 2135) and extended by section 2614 of the Military
 9 Construction Authorization Act for Fiscal Year 2016 (di-
 10 vision B of Public Law 114–92; 129 Stat. XXXX), shall
 11 remain in effect until October 1, 2017, or the date of the
 12 enactment of an Act authorizing funds for military con-
 13 struction for fiscal year 2018, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
 15 is as follows:

**National Guard and Reserve: Extension of 2013 Project
 Authorizations**

State	Installation or Location	Project	Amount
Iowa	Fort Des Moines	Joint Reserve Center	\$19,162,000.

16 **SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 17 **FISCAL YEAR 2014 PROJECTS.**

18 (a) EXTENSION.—Notwithstanding section 2002 of
 19 the Military Construction Authorization Act for Fiscal
 20 Year 2014 (division B of Public Law 113–66; 127 Stat.
 21 985), the authorizations set forth in the table in sub-
 22 section (b), as provided in sections 2602, 2603, 2604, and

1 2605 of that Act (127 Stat. 1001, 1002), shall remain
 2 in effect until October 1, 2017, or the date of the enact-
 3 ment of an Act authorizing funds for military construction
 4 for fiscal year 2018, whichever is later.

5 (b) TABLE.—The table referred to in subsection (a)
 6 is as follows:

**National Guard and Reserve: Extension of 2014 Project
 Authorizations**

State	Installation or Location	Project	Amount
California	Camp Parks	Army Reserve Center.	\$17,500,000
	March Air Force Base.	NOSC Moreno Valley Reserve Training Center.	\$11,086,000
Florida	Homestead ARB	Entry Control Complex.	\$9,800,000
Maryland	Fort Meade	175th Network Warfare Squadron Facility.	\$4,000,000
	Martin State Airport.	Cyber/ISR Facility.	\$8,000,000
New York	Bullville	Army Reserve Center.	\$14,500,000.

7 **TITLE XXVII—BASE REALIGN-**
 8 **MENT AND CLOSURE ACTIVI-**
 9 **TIES**

10 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
 11 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
 12 **TIES FUNDED THROUGH DEPARTMENT OF**
 13 **DEFENSE BASE CLOSURE ACCOUNT.**

14 Funds are hereby authorized to be appropriated for
 15 fiscal years beginning after September 30, 2016, for base
 16 realignment and closure activities, including real property
 17 acquisition and military construction projects, as author-

1 ized by the Defense Base Closure and Realignment Act
 2 of 1990 (part A of title XXIX of Public Law 101–510;
 3 10 U.S.C. 2687 note) and funded through the Department
 4 of Defense Base Closure Account established by section
 5 2906 of such Act (as amended by section 2711 of the Mili-
 6 tary Construction Authorization Act for Fiscal Year 2013
 7 (division B of Public Law 112–239; 126 Stat. 2140)), as
 8 specified in the funding table in section 3002.

9 **TITLE XXVIII—MILITARY CON-**
 10 **STRUCTION GENERAL PROVI-**
 11 **SIONS**

12 **SEC. 2801. CHANGE IN AUTHORITIES RELATING TO SCOPE**
 13 **OF WORK VARIATIONS FOR MILITARY CON-**
 14 **STRUCTION PROJECTS.**

15 (a) LIMITED AUTHORITY FOR SCOPE OF WORK IN-
 16 CREASE.—Section 2853 of title 10, United States Code,
 17 is amended—

18 (1) in subsection (b)(2), by striking “The scope
 19 of work” and inserting “Except as provided in sub-
 20 section (d), the scope of work”;

21 (2) by redesignating subsections (d) and (e) as
 22 subsections (e) and (f), respectively; and

23 (3) by inserting after subsection (c) the fol-
 24 lowing new subsection (d):

1 “(d) The limitation in subsection (b)(2) on an in-
2 crease in the scope of work does not apply if—

3 “(1) the increase in the scope of work is not
4 more than 10 percent of the amount specified for
5 that project, construction, improvement, or acquisi-
6 tion in the justification data provided to Congress as
7 part of the request for authorization of the project,
8 construction, improvement, or acquisition;

9 “(2) the increase is approved by the Secretary
10 concerned;

11 “(3) the Secretary concerned notifies the appro-
12 priate committees of Congress in writing of the in-
13 crease in scope and the reasons therefor; and

14 “(4) a period of 21 days has elapsed after the
15 date on which the notification is received by the
16 committees or, if over sooner, a period of 14 days
17 has elapsed after the date on which a copy of the
18 notification is provided in an electronic medium pur-
19 suant to section 480 of this title.”.

20 (b) CROSS-REFERENCE AMENDMENTS.—

21 (1) Subsection (a) of such section is amended
22 by striking “subsection (c) or (d)” and inserting
23 “subsection (c), (d), or (e)”.

1 (2) Subsection (f) of such section, as redesign-
 2 nated by subsection (a)(2), is amended by striking
 3 “through (d)” and inserting “through (e)”.

4 (c) ADDITIONAL TECHNICAL AMENDMENTS.—

5 (1) CONFORMITY WITH GENERAL TITLE 10
 6 STYLE.—Subsection (a) of such section is further
 7 amended by inserting “of this title” after “section
 8 2805(a)”.

9 (2) DELETION OF SURPLUS WORD.—Subsection
 10 (c)(1)(A) of such section is amended by striking
 11 “be” after “Congress can”.

12 **SEC. 2802. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR**
 13 **THRESHOLDS APPLICABLE TO UNSPECIFIED**
 14 **MINOR MILITARY CONSTRUCTION AUTHORI-**
 15 **TIES.**

16 Section 2805 of title 10, United States Code, is
 17 amended by adding at the end the following new sub-
 18 section:

19 “(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LO-
 20 CATION.—Each fiscal year, the Secretary concerned shall
 21 adjust the dollar limitations specified in this section appli-
 22 cable to an unspecified minor military construction project
 23 to reflect the area construction cost index for military con-
 24 struction projects published by the Department of Defense

1 during the prior fiscal year for the location of the
 2 project.”.

3 **SEC. 2803. LIMITED EXCEPTIONS TO RESTRICTION ON DE-**
 4 **VELOPMENT OF PUBLIC INFRASTRUCTURE**
 5 **IN CONNECTION WITH REALIGNMENT OF MA-**
 6 **RINE CORPS FORCES IN ASIA-PACIFIC RE-**
 7 **GION.**

8 (a) EXCEPTIONS TO RESTRICTION.—Notwith-
 9 standing section 2821(b) of the Military Construction Au-
 10 thorization Act for Fiscal Year 2015 (division B of Public
 11 Law 113–291; 128 Stat. 3701; 10 U.S.C. 2687 note), the
 12 Secretary of Defense may proceed with a public infrastruc-
 13 ture project on Guam described in subsection (b) if—

14 (1) the project was identified in the report pre-
 15 pared by the Secretary Of Defense under section
 16 2822(d)(2) of the Military Construction Authoriza-
 17 tion Act For Fiscal Year 2014 (division B of Public
 18 Law 113–66; 127 Stat. 1017); and

19 (2) amounts have been appropriated or made
 20 available to be expended by the Department of De-
 21 fense for the project.

22 (b) COVERED PROJECTS.—Subsection (a) applies to
 23 the following projects:

24 (1) A project intended to improve water and
 25 wastewater systems.

1 (2) A project intended to improve curation of
2 archeological and cultural artifacts.

3 (3) A project intended to improve the control
4 and containment of public health threats.

5 (c) REPEAL OF SUPERSEDED LAW.—Section 2821 of
6 the Military Construction Authorization Act for Fiscal
7 Year 2016 (division B of Public Law 114–92; 129 Stat.
8 XXXX) is repealed.

9 **SEC. 2804. TRANSFER OF FORT BELVOIR MARK CENTER**
10 **CAMPUS FROM THE SECRETARY OF THE**
11 **ARMY TO THE SECRETARY OF DEFENSE AND**
12 **APPLICABILITY OF CERTAIN PROVISIONS OF**
13 **LAW RELATING TO THE PENTAGON RESERVA-**
14 **TION.**

15 (a) INCLUSION OF MARK CENTER CAMPUS UNDER
16 PENTAGON RESERVATION AUTHORITIES.—

17 (1) DEFINITION OF PENTAGON RESERVA-
18 TION.—Paragraph (1) of subsection (f) of section
19 2674 of title 10, United States Code, is amended to
20 read as follows:

21 “(1) The term ‘Pentagon Reservation’ means
22 the Pentagon, the Mark Center Campus, and the
23 Raven Rock Mountain Complex.”.

1 (2) OTHER DEFINITIONS.—Such subsection is
2 further amended by adding at the end the following
3 new paragraphs:

4 “(3) The term ‘Pentagon’ means that area of
5 land (consisting of approximately 227 acres) and im-
6 provements thereon, including parking areas, located
7 in Arlington County, Virginia, containing the Pen-
8 tagon Office Building and its supporting facilities.

9 “(4) The term ‘Mark Center Campus’ means
10 that area of land (consisting of approximately 16
11 acres) and improvements thereon, including parking
12 areas, located in Alexandria, Virginia, and known on
13 the day before the date of the enactment of this
14 paragraph as the Fort Belvoir Mark Center Cam-
15 pus.

16 “(5) The term ‘Raven Rock Mountain Complex’
17 means that area of land (consisting of approximately
18 720 acres) and improvements thereon, including
19 parking areas, at the Raven Rock Mountain Com-
20 plex and its supporting facilities located in Maryland
21 and Pennsylvania.”.

22 (3) CONFORMING AMENDMENT RELATING TO
23 LAW ENFORCEMENT AUTHORITY.—Subsection (b)(1)
24 of such section is amended by inserting “for the

1 Pentagon Reservation and” in the first sentence
2 after “law enforcement and security functions”.

3 (4) CONFORMING AMENDMENT RELATING TO
4 DEFINITIONS.—Subsection (g) of such section is re-
5 pealed.

6 (b) UPDATE TO REFERENCE TO SECRETARY OF DE-
7 FENSE AUTHORITY.—Subsection (a) of such section is
8 amended—

9 (1) by striking “Jurisdiction” and inserting
10 “‘The Secretary of Defense has jurisdiction’; and

11 (2) by striking “is transferred to the Secretary
12 of Defense”.

13 (c) REPEAL OF OBSOLETE REPORTING REQUIRE-
14 MENT.—Such subsection is further amended—

15 (1) by striking “(1)” after “(a)”; and

16 (2) by striking paragraphs (2) and (3).

17 (d) SUBSECTION CAPTIONS.—Such section is further
18 amended—

19 (1) in subsection (a), as amended by sub-
20 sections (b) and (c), by inserting “PENTAGON RES-
21 ERVATION.—” after “(a)”;

22 (2) in subsection (b), as amended by subsection
23 (a)(3), by striking “(b)(1)” and inserting “(b) LAW
24 ENFORCEMENT AUTHORITIES AND PERSONNEL.—
25 (1)”;

1 (3) in subsection (c), by striking “(c)(1)” and
 2 inserting “(c) REGULATIONS AND ENFORCEMENT.—
 3 (1)”;

4 (4) in subsection (d), by inserting “AUTHORITY
 5 TO CHARGE FOR PROVISION OF SERVICES, FACILI-
 6 TIES, ETC.—” after “(d)”;

7 (5) in subsection (e), by striking “(e)(1)” and
 8 inserting “(e) PENTAGON RESERVATION MAINTENANCE
 9 REVOLVING FUND.—(1)”;

10 (6) in subsection (f), as amended by subsection
 11 (a), by inserting “DEFINITIONS.—” after “(f)”.

12 **SEC. 2805. REPEAL OF SUNSET ON STATUTORY AUTHORITY**
 13 **FOR LABORATORY REVITALIZATION**
 14 **PROJECTS.**

15 Section 2805(d) of title 10, United States Code, is
 16 amended by striking paragraph (5).

17 **SEC. 2806. STANDARDIZATION OF EXPIRATION DATES FOR**
 18 **MILITARY LAND WITHDRAWALS.**

19 (a) EL CENTRO.—Section 2925 of the National De-
 20 fense Authorization Act for Fiscal Year 1997 (Public Law
 21 104–201; 110 Stat. 2816) is amended by striking “25
 22 years after the date of the enactment of this subtitle” and
 23 inserting “on March 31, 2022”.

24 (b) JUNIPER BUTTE RANGE.—Section 2915(a) of the
 25 Strom Thurmond National Defense Authorization Act for

1 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2232)
2 is amended by striking “25 years after the date of the
3 enactment of this Act” and inserting “on March 31,
4 2024”.

5 (c) GOLDWATER RANGE.—Section 3031(d)(1) of the
6 National Defense Authorization Act for Fiscal Year 2000
7 (Public Law 106–65; 113 Stat. 907) is amended by strik-
8 ing “25 years after the date of the enactment of this Act”
9 and inserting “on March 31, 2025”.

10 (d) FORT IRWIN.—Section 2910(a) of the National
11 Defense Authorization Act for Fiscal Year 2002 (Public
12 Law 107–107; 115 Stat. 1339) is amended by striking
13 “25 years after the date of the enactment of this Act”
14 and inserting “on March 31, 2027”.

15 (e) FALLON RANGES, NELLIS RANGE, FORT GREE-
16 LEY AND FORT WAINWRIGHT RANGES, AND MCGREGOR
17 RANGE.—Section 3015(a) of the National Defense Au-
18 thorization Act for Fiscal Year 2000 (Public Law 106–
19 65; 113 Stat. 892) is amended—

20 (1) by striking “25 years after November 6,
21 2001” and inserting “on March 31, 2027”; and

22 (2) by striking “20 years after November 6,
23 2001” and inserting “on March 31, 2022”.

1 **SEC. 2807. CONGRESSIONAL NOTIFICATION OF IN-KIND**
 2 **CONTRIBUTIONS FOR CONSTRUCTION**
 3 **PROJECTS OVERSEAS.**

4 (a) NOTIFICATION REQUIREMENT.—

5 (1) Subsection (f) of section 2687a of title 10,
 6 United States Code, is amended—

7 (A) in paragraph (1)—

8 (i) by striking “, as defined in chapter
 9 159 of this title,”; and

10 (ii) by striking “contribution pursuant
 11 to” and inserting “required by”;

12 (B) in paragraphs (2) and (3), by striking
 13 “contribution”; and

14 (C) in paragraph (4)(A), by striking “spec-
 15 ified in” and inserting “required by”.

16 (2) Such section is further amended—

17 (A) by redesignating subsection (g) as sub-
 18 section (h); and

19 (B) by inserting after subsection (f) the
 20 following new subsection (g):

21 “(g) CONGRESSIONAL OVERSIGHT OF ACCEPTANCE
 22 OF IN-KIND CONTRIBUTIONS.—(1) In the event the Sec-
 23 retary of Defense accepts a military construction project
 24 to be built for Department of Defense personnel outside
 25 the United States as an in-kind contribution required by
 26 a bilateral agreement with a host country, the Secretary

1 of Defense shall submit to the congressional defense com-
2 mittees a written notification at least 30 days before the
3 initiation date for any such military construction project.

4 “(2) A notification under paragraph (1) with respect
5 to a proposed military construction project shall include
6 the following:

7 “(A) The requirements for, and purpose and
8 description of, the proposed project.

9 “(B) The cost of the proposed project.

10 “(C) The scope of the proposed project.

11 “(D) The schedule for the proposed project.

12 “(E) Such other details as the Secretary con-
13 siderers relevant.”.

14 (b) CONFORMING AMENDMENT.—Section 2802(d)(1)
15 of such title 10 is amended by striking “contributions”.

16 (c) REPEAL.—Section 2803 of the Carl Levin and
17 Howard “Buck” McKeon National Defense Authorization
18 Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat.
19 3696) is repealed, and the amendments made by sub-
20 sections (a) and (b) of that section shall be considered not
21 to have been made.

1 **SEC. 2808. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**
 2 **ITY TO USE OPERATION AND MAINTENANCE**
 3 **FUNDS FOR CONSTRUCTION PROJECTS IN**
 4 **CERTAIN AREAS OUTSIDE THE UNITED**
 5 **STATES.**

6 Section 2808 of the National Defense Authorization
 7 Act for Fiscal Year 2004 (division B of Public Law 108–
 8 136; 117 Stat. 1723), as most recently amended by sec-
 9 tion 2802 of the National Defense Authorization Act for
 10 Fiscal Year 2016 (Public Law 114–92; 129 Stat. yyy),
 11 is further amended—

12 (1) in subsection (c)(1)—

13 (A) by striking “October 1, 2015” and in-
 14 serting “October 1, 2016”;

15 (B) by striking “December 31, 2016” and
 16 inserting “December 31, 2017”; and

17 (C) by striking “fiscal year 2017” and in-
 18 serting “fiscal year 2018”; and

19 (2) in subsection (h)—

20 (A) in paragraph (1), by striking “Decem-
 21 ber 31, 2016” and inserting “December 31,
 22 2017”; and

23 (B) in paragraph (2), by striking “fiscal
 24 year 2017” and inserting “fiscal year 2018”.

1 **SEC. 2809. AUTHORITY OF THE SECRETARY CONCERNED TO**
2 **ACCEPT LESSEE IMPROVEMENTS AT GOV-**
3 **ERNMENT-OWNED/CONTRACTOR-OPERATED**
4 **INDUSTRIAL PLANTS OR FACILITIES.**

5 Section 2535 of title 10, United States Code, is
6 amended—

7 (1) by redesignating subsection (c) as sub-
8 section (d); and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection (c):

11 “(c) ACCEPTANCE OF LESSEE IMPROVEMENTS AT
12 GOVERNMENT-OWNED/CONTRACTOR-OPERATED INDUS-
13 TRIAL PLANTS.—(1) A lease of a Government-owned/con-
14 tractor-operated industrial plant or facility may permit the
15 lessee, with the approval of the Secretary concerned, to
16 alter, expand, or otherwise improve the plant or facility
17 as necessary for the development or production of military
18 weapons systems, munitions, components, or supplies.
19 Such lease may provide, notwithstanding section 2802 of
20 this title, that such alteration, expansion or other improve-
21 ment shall, upon completion, become the property of the
22 Government, regardless of whether such alteration, expan-
23 sion, or other improvement constitutes all or part of the
24 consideration for the lease pursuant to section 2667(b)(5)
25 of this title or represents a reimbursable cost allocable to
26 any contract, cooperative agreement, grant, or other in-

1 strument with respect to activity undertaken at such in-
 2 dustrial plant or facility.

3 “(2) When a decision is made to approve a project
 4 to which paragraph (1) applies costing more than the
 5 threshold specified under section 2805(c) of this title, the
 6 Secretary concerned shall notify in writing the congres-
 7 sional defense committees of that decision, of the justifica-
 8 tion for the project, and of the estimated cost of the
 9 project. The project may then be carried out only after
 10 the end of the 21-day period beginning on the date the
 11 notification is received by the committees or, if earlier, the
 12 end of the 14-day period beginning on the date on which
 13 a copy of the notification is provided in an electronic me-
 14 dium pursuant to section 480 of this title.”.

15 **SEC. 2810. PERMANENT AUTHORITY FOR ACCEPTANCE AND**
 16 **USE OF CONTRIBUTIONS FOR CERTAIN CON-**
 17 **STRUCTION, MAINTENANCE, AND REPAIR**
 18 **PROJECTS MUTUALLY BENEFICIAL TO THE**
 19 **DEPARTMENT OF DEFENSE AND KUWAIT**
 20 **MILITARY FORCES.**

21 (a) PERMANENT AUTHORITY.—Section 2804 of the
 22 National Defense Authorization Act for Fiscal Year 2016
 23 (Public Law 114–xx) is amended by striking subsection
 24 (f).

1 (b) CONFORMING AMENDMENT.—The heading of
 2 such section is amended by striking “**TEMPORARY**”.

3 **SEC. 2811. CLOSURE OF ST. MARYS AIRPORT.**

4 (a) RELEASE OF RESTRICTIONS.—Subject to sub-
 5 section (b), the United States, acting through the Admin-
 6 istrator of the Federal Aviation Administration, shall re-
 7 lease the City of St. Marys, Georgia, from all restrictions,
 8 conditions, and limitations on the use, encumbrance, con-
 9 veyance, and closure of the St. Marys Airport, to the ex-
 10 tent such restrictions, conditions, and limitations are en-
 11 forceable by the Administrator.

12 (b) REQUIREMENTS FOR RELEASE OF RESTRIC-
 13 TIONS.—The Administrator shall execute the release
 14 under subsection (a) once all of the following occurs:

15 (1) The Secretary of the Navy transfers to the
 16 Georgia Department of Transportation the amounts
 17 described in subsection (c) and requires an enforce-
 18 able condition on such transfer that all funds trans-
 19 ferred shall be used only for airport development (as
 20 defined in section 47102 of title 49, United States
 21 Code) of a regional airport in Georgia, consistent
 22 with planning efforts conducted by the Adminis-
 23 trator and the Georgia Department of Transpor-
 24 tation.

1 (2) The City of St. Marys, for consideration as
2 provided for in this section, grants to the United
3 States, under the administrative jurisdiction of the
4 Secretary, a restrictive use easement in the real
5 property used for the St. Marys Airport, as deter-
6 mined acceptable by the Secretary, under such terms
7 and conditions that the Secretary considers nec-
8 essary to protect the interests of the United States
9 and prohibiting the future use of such property for
10 all aviation-related purposes and any other purposes
11 deemed by the Secretary to be incompatible with the
12 operations, functions, and missions of Naval Sub-
13 marine Base, Kings Bay, Georgia.

14 (3) The Secretary obtains an appraisal to deter-
15 mine the fair market value of the real property used
16 for the St. Marys Airport in the manner described
17 in subsection (c)(1).

18 (4) The Administrator fulfills the obligations
19 under the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.) in connection with
21 the release under subsection (a). In carrying out
22 such obligations—

23 (A) the Administrator shall not assume or
24 consider any potential or proposed future rede-

1 velopment of the current St. Marys airport
2 property;

3 (B) any potential new regional airport in
4 Georgia shall be deemed to be not connected
5 with the release noted in subsection (a) nor the
6 closure of St. Marys Airport; and

7 (C) any environmental review under the
8 National Environmental Policy Act of 1969 (42
9 U.S.C. 4321 et seq.) for a potential regional
10 airport in Georgia shall be considered through
11 an environmental review process separate and
12 apart from the environmental review made a
13 condition of release by this section.

14 (5) The Administrator fulfills the obligations
15 under sections 47107(h) and 46319 of title 49,
16 United States Code.

17 (6) Any actions required under part 157 of title
18 14, Code of Federal Regulations, are carried out to
19 the satisfaction of the Administrator.

20 (c) TRANSFER OF AMOUNTS DESCRIBED.—The
21 amounts described in this subsection are the following:

22 (1) An amount equal to the fair market value
23 of the real property of the St. Marys Airport, as de-
24 termined by the Secretary and concurred in by the

1 Administrator, based on an appraisal report and
2 title documentation that—

3 (A) is prepared or adopted by the Sec-
4 retary, and concurred in by the Administrator,
5 not more than 180 days prior to the transfer
6 described in subsection (b)(1); and

7 (B) meets all requirements of Federal law
8 and the appraisal and documentation standards
9 applicable to the acquisition and disposal of real
10 property interests of the United States.

11 (2) An amount equal to the unamortized por-
12 tion of any Federal development grants (including
13 grants available under a State block grant program
14 established pursuant to section 47128 of title 49,
15 United States Code), other than used for the acqui-
16 sition of land, paid to the City of St. Marys for use
17 as the St. Marys Airport.

18 (3) An amount equal to the airport revenues re-
19 maining in the airport account for the St. Marys
20 Airport as of the date of the enactment of this sec-
21 tion and as otherwise due to or received by the City
22 of St. Marys after such date of enactment pursuant
23 to sections 47107(b) and 47133 of title 49, United
24 States Code.

1 (d) AUTHORIZATION FOR TRANSFER OF FUNDS.—

2 Using funds available to the Department of the Navy for
3 operation and maintenance, the Secretary may pay the
4 amounts described in subsection (c) to the Georgia De-
5 partment of Transportation, conditioned as described in
6 subsection (b)(1).

7 (e) ADDITIONAL REQUIREMENTS.—

8 (1) SURVEY.—The exact acreage and legal de-
9 scription of St. Marys Airport shall be determined
10 by a survey satisfactory to the Secretary and con-
11 curred in by the Administrator.

12 (2) PLANNING OF REGIONAL AIRPORT.—Any
13 planning effort for the development of a regional air-
14 port in southeast Georgia shall be conducted in co-
15 ordination with the Secretary, and shall ensure that
16 any such regional airport does not interfere with the
17 operations, functions, and missions of Naval Sub-
18 marine Base, Kings Bay, Georgia. The determina-
19 tion of the Secretary shall be final as to whether the
20 operations of a new regional airport in southeast
21 Georgia would interfere with such military oper-
22 ations.

1 **SEC. 2812. TEMPORARY AUTHORITY TO UNDERTAKE CON-**
 2 **VERSION PROJECTS AS REPAIR PROJECTS.**

3 Section 2811 of title 10, United States Code, is
 4 amended by adding at the end the following new sub-
 5 section:

6 “(f) TEMPORARY AUTHORITY FOR CONVERSIONS AS
 7 REPAIR.—(1) Notwithstanding subsection (e), the Sec-
 8 retary concerned may carry out a repair project that con-
 9 verts a real property facility, system, or component to a
 10 new functional purpose without increasing its external di-
 11 mensions.

12 “(2) The maximum amount that the Secretary
 13 concerned may obligate in any fiscal year under this
 14 subsection is \$60,000,000.

15 “(3) The authority provided by this subsection
 16 expires on September 30, 2021.”.

17 **TITLE XXIX—DEFENSE BASE**
 18 **CLOSURE AND REALIGNMENT**

19 **SEC. 2901. SHORT TITLE AND PURPOSE.**

20 (a) SHORT TITLE.—This title may be cited as the
 21 “Defense Base Closure and Realignment Act of 2016”.

22 (b) PURPOSE.—The purpose of this title is to provide
 23 a fair process that will result in the timely closure and
 24 realignment of military installations inside the United
 25 States.

1 **SEC. 2902. THE COMMISSION.**

2 (a) ESTABLISHMENT.—There is established an inde-
3 pendent commission to be known as the “Defense Base
4 Closure and Realignment Commission”.

5 (b) DUTIES.—The Commission shall carry out the
6 duties specified for it in this title.

7 (c) APPOINTMENT.—(1)(A) The Commission shall be
8 composed of nine members appointed by the President, by
9 and with the advice and consent of the Senate.

10 (B) Subject to the certifications required under sec-
11 tion 2903(b), the President may commence a round for
12 the selection of military installations for closure and re-
13 alignment under this title in 2019 by transmitting to the
14 Senate, not later than February 1, 2019, nominations for
15 appointment to the Commission.

16 (C) If the President does not transmit to Congress
17 the nominations for appointment to the Commission on
18 or before the date specified, the process by which military
19 installations may be selected for closure or realignment
20 under this title with respect to that year shall be termi-
21 nated.

22 (2) In selecting individuals for nominations for ap-
23 pointments to the Commission, the President should con-
24 sult with—

25 (A) the Speaker of the House of Representa-
26 tives concerning the appointment of two members;

1 (B) the majority leader of the Senate con-
2 cerning the appointment of two members;

3 (C) the minority leader of the House of Rep-
4 resentatives concerning the appointment of one
5 member; and

6 (D) the minority leader of the Senate con-
7 cerning the appointment of one member.

8 (3) At the time the President nominates individuals
9 for appointment to the Commission for each session of
10 Congress referred to in paragraph (1)(B), the President
11 shall designate one such individual who shall serve as
12 Chairman of the Commission.

13 (d) TERMS.—(1) Except as provided in paragraph
14 (2), each member of the Commission shall serve until the
15 adjournment of Congress sine die for the session during
16 which the member was appointed to the Commission.

17 (2) The Chairman of the Commission shall serve until
18 the confirmation of a successor.

19 (e) MEETINGS.—(1) The Commission shall meet only
20 during calendar year 2019.

21 (2)(A) Each meeting of the Commission, other than
22 meetings in which classified information is to be discussed,
23 shall be open to the public.

1 (B) All the proceedings, information, and delibera-
2 tions of the Commission shall be open, upon request, to
3 the following:

4 (i) The Chairman and the ranking minority
5 party member of the Subcommittee on Readiness
6 and Management Support of the Committee on
7 Armed Services of the Senate, or such other mem-
8 bers of the Subcommittee designated by such Chair-
9 man or ranking minority party member.

10 (ii) The Chairman and the ranking minority
11 party member of the Subcommittee on Readiness of
12 the Committee on Armed Services of the House of
13 Representatives, or such other members of the Sub-
14 committee designated by such Chairman or ranking
15 minority party member.

16 (iii) The Chairmen and ranking minority party
17 members of the subcommittees with jurisdiction for
18 military construction of the Committees on Appro-
19 priations of the Senate and of the House of Rep-
20 resentatives, or such other members of the sub-
21 committees designated by such Chairmen or ranking
22 minority party members.

23 (iv) The Chairmen and Ranking Members of
24 the Subcommittees on Defense of the Committees on
25 Appropriations of the Senate and the House of Rep-

1 representatives, or such other members of the sub-
2 committees designated by such Chairmen or ranking
3 minority party members.

4 (C) A Commissioner shall be recused from consider-
5 ation of matters before the Commission, in accordance
6 with section 208 of title 18, United States Code. A Com-
7 missioner shall not participate in the deliberations on, or
8 vote regarding any matter from which the Commissioner
9 is recused.

10 (f) VACANCIES.—A vacancy in the Commission shall
11 be filled in the same manner as the original appointment,
12 but the individual appointed to fill the vacancy shall serve
13 only for the unexpired portion of the term for which the
14 individual's predecessor was appointed.

15 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
16 member, other than the Chairman, shall be paid at a rate
17 equal to the daily equivalent of the minimum annual rate
18 of basic pay payable for level IV of the Executive Schedule
19 under section 5315 of title 5, United States Code, for each
20 day (including travel time) during which the member is
21 engaged in the actual performance of duties vested in the
22 Commission.

23 (B) The Chairman shall be paid for each day referred
24 to in subparagraph (A) at a rate equal to the daily equiva-
25 lent of the minimum annual rate of basic pay payable for

1 level III of the Executive Schedule under section 5314,
2 of title 5, United States Code.

3 (2) Members shall receive travel expenses, including
4 per diem in lieu of subsistence, in accordance with sections
5 5702 and 5703 of title 5, United States Code.

6 (h) DIRECTOR OF STAFF.—(1) The Commission
7 shall, without regard to section 5311 of title 5, United
8 States Code, appoint a Director who has not served on
9 active duty in the Armed Forces or as a civilian employee
10 of the Department of Defense during the one-year period
11 preceding the date of such appointment.

12 (2) The Director shall be paid at the rate of basic
13 pay payable for level IV of the Executive Schedule under
14 section 5315 of title 5, United States Code.

15 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
16 the Director, with the approval of the Commission, may
17 appoint and fix the pay of additional personnel.

18 (2) The Director may make such appointments with-
19 out regard to the provisions of title 5, United States Code,
20 governing appointments in the competitive service, and
21 any personnel so appointed may be paid without regard
22 to the provisions of chapter 51 and subchapter III of chap-
23 ter 53 of that title relating to classification and General
24 Schedule pay rates, except that an individual so appointed

1 may not receive pay in excess of the annual rate of basic
2 pay payable for GS-15 of the General Schedule.

3 (3)(A) Not more than one-third of the personnel em-
4 ployed by or detailed to the Commission may be on detail
5 from the Department of Defense.

6 (B)(i) Not more than one-fifth of the professional an-
7 alysts of the Commission staff may be persons detailed
8 from the Department of Defense to the Commission.

9 (ii) No person detailed from the Department of De-
10 fense to the Commission may be assigned as the lead pro-
11 fessional analyst with respect to a military department or
12 defense agency.

13 (C) A person may not be detailed from the Depart-
14 ment of Defense to the Commission if, within 12 months
15 before the detail is to begin, that person participated per-
16 sonally and substantially in any matter within the Depart-
17 ment of Defense concerning the preparation of rec-
18 ommendations for closures or realignments of military in-
19 stallations.

20 (D) No member of the Armed Forces, and no officer
21 or employee of the Department of Defense, may—

22 (i) prepare any report concerning the effective-
23 ness, fitness, or efficiency of the performance on the
24 staff of the Commission of any person detailed from
25 the Department of Defense to that staff;

1 (ii) review the preparation of such a report; or

2 (iii) approve or disapprove such a report.

3 (4) Upon request of the Director, the head of any
4 Federal department or agency may detail any of the per-
5 sonnel of that department or agency to the Commission
6 to assist the Commission in carrying out its duties under
7 this title.

8 (5) The Comptroller General of the United States
9 shall provide assistance, including the detailing of employ-
10 ees, to the Commission in accordance with an agreement
11 entered into with the Commission.

12 (6) The Chairman of the Commission shall certify to
13 the congressional defense committees by April 1, 2019,
14 that the Commission and its staff have adequate capacity
15 to review the recommendations to be submitted by the Sec-
16 retary of Defense pursuant to section 2903 of this title.

17 (7) The following restrictions relating to the per-
18 sonnel of the Commission shall apply during the period
19 beginning January 1, 2020 and ending April 15, 2020:

20 (A) There may not be more than 15 persons on
21 the staff at any one time.

22 (B) The staff may perform only such functions
23 as are necessary to prepare for the termination of
24 the Commission and transfer all records to the De-
25 partment of Defense or national archives.

1 (C) No member of the Armed Forces and no
2 employee of the Department of Defense may serve
3 on the staff.

4 (j) OTHER AUTHORITY.—(1) The Commission may
5 procure by contract, to the extent funds are available, the
6 temporary or intermittent services of experts or consult-
7 ants pursuant to section 3109 of title 5, United States
8 Code.

9 (2) The Commission may lease space and acquire per-
10 sonal property to the extent funds are available.

11 (k) FUNDING.—(1) There are authorized to be appro-
12 priated to the Commission such funds as are necessary
13 to carry out its duties under this title. Such funds shall
14 remain available until expended.

15 (2) If no funds are appropriated to the Commission
16 by the end of the second session of the 115th Congress,
17 the Secretary of Defense may transfer to the Commission
18 for purposes of its activities under this title in that year
19 such funds as the Commission may require to carry out
20 such activities. The Secretary may transfer funds under
21 the preceding sentence from any funds available to the
22 Secretary. Funds so transferred shall remain available to
23 the Commission for such purposes until expended.

24 (l) TERMINATION.—The Commission shall terminate
25 on April 15, 2020.

1 (m) PROHIBITION AGAINST RESTRICTING COMMU-
2 NICATIONS.—Section 1034 of title 10, United States
3 Code, shall apply with respect to communications with the
4 Commission.

5 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS**
6 **FOR BASE CLOSURES AND REALIGNMENTS.**

7 (a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE
8 INVENTORY.—

9 (1) PREPARATION AND SUBMISSION.—As part
10 of the budget justification documents submitted to
11 Congress in support of the budget for the Depart-
12 ment of Defense for fiscal year 2019, the Secretary
13 shall submit to Congress the following:

14 (A) A force-structure plan for the Armed
15 Forces based on an assessment by the Sec-
16 retary of the probable threats to the national
17 security during the 20-year period beginning
18 with that fiscal year, the probable end-strength
19 levels and major military force units (including
20 land force divisions, carrier and other major
21 combatant vessels, air wings, and other com-
22 parable units) needed to meet these threats,
23 and the anticipated levels of funding that will
24 be available for national defense purposes dur-
25 ing such period.

1 (B) A comprehensive inventory of military
2 installations world-wide for each military de-
3 partment, with specifications of the number and
4 type of facilities in the active and reserve forces
5 of each military department.

6 (2) RELATIONSHIP OF PLAN AND INVEN-
7 TORY.—Using the force-structure plan and infra-
8 structure inventory prepared under paragraph (1),
9 the Secretary shall prepare (and include as part of
10 the submission of such plan and inventory) the fol-
11 lowing:

12 (A) A description of the infrastructure nec-
13 essary to support the force structure described
14 in the force-structure plan.

15 (B) A discussion of categories of excess in-
16 frastructure and infrastructure capacity.

17 (C) An economic analysis of the effect of
18 the closure or realignment of military installa-
19 tions to reduce excess infrastructure.

20 (3) SPECIAL CONSIDERATIONS.—In determining
21 the level of necessary versus excess infrastructure
22 under paragraph (2), the Secretary shall consider
23 the following:

24 (A) The anticipated continuing need for
25 and availability of military installations outside

1 the United States, taking into account current
2 restrictions on the use of military installations
3 outside the United States and the potential for
4 future prohibitions or restrictions on the use of
5 such military installations.

6 (B) Any efficiencies that may be gained
7 from joint tenancy by more than one branch of
8 the Armed Forces at a military installation.

9 (4) REVISION.—The Secretary may revise the
10 force-structure plan and infrastructure inventory. If
11 the Secretary makes such a revision, the Secretary
12 shall submit the revised plan or inventory to Con-
13 gress not later than February 15th of the year fol-
14 lowing the year in which such plan was first sub-
15 mitted. For purposes of selecting military installa-
16 tions for closure or realignment under this title in
17 the year in which a revision is submitted, no revision
18 of the force-structure plan or infrastructure inven-
19 tory is authorized after that date.

20 (b) CERTIFICATION OF NEED FOR FURTHER CLO-
21 SURES AND REALIGNMENTS.—

22 (1) CERTIFICATION REQUIRED.—On the basis
23 of the force-structure plan and infrastructure inven-
24 tory prepared under subsection (a) and the descrip-
25 tions and economic analysis prepared under such

1 subsection, the Secretary shall include as part of the
2 submission of the plan and inventory—

3 (A) a certification regarding whether the
4 need exists for the closure or realignment of ad-
5 ditional military installations;

6 (B) if such need exists, a certification that
7 the additional round of closures and realign-
8 ments would result in annual net savings for
9 each of the military departments beginning not
10 later than six years following the commence-
11 ment of such closures and realignments; and

12 (C) a certification that the additional
13 round of closures and realignments will have
14 the primary objective of eliminating excess in-
15 frastructure capacity within the Department of
16 Defense and reconfiguring the Department's in-
17 frastructure to maximize efficiency and reduce
18 costs.

19 (2) EFFECT OF FAILURE TO CERTIFY.—If the
20 Secretary does not include the certifications referred
21 to in paragraph (1), the President may not com-
22 mence a round for the selection of military installa-
23 tions for closure and realignment under this title in
24 the year following submission of the force-structure
25 plan and infrastructure inventory.

1 (c) COMPTROLLER GENERAL EVALUATION.—

2 (1) EVALUATION REQUIRED.—If the certifi-
3 cation is provided under subsection (b), the Comp-
4 troller General shall prepare an evaluation of the fol-
5 lowing:

6 (A) The force-structure plan and infra-
7 structure inventory prepared under subsection
8 (a) and the final selection criteria specified in
9 paragraph (d), including an evaluation of the
10 accuracy and analytical sufficiency of such plan,
11 inventory, and criteria.

12 (B) The need for the closure or realign-
13 ment of additional military installations.

14 (2) SUBMISSION.—The Comptroller General
15 shall submit the evaluation to Congress not later
16 than 60 days after the date on which the force-
17 structure plan and infrastructure inventory are sub-
18 mitted to Congress.

19 (d) FINAL SELECTION CRITERIA.—

20 (1) IN GENERAL.—The final criteria to be used
21 by the Secretary in making recommendations for the
22 closure or realignment of military installations inside
23 the United States under this title in 2019 shall be
24 the military value and additional criteria specified in
25 paragraphs (2) and (3).

1 (2) MILITARY VALUE CRITERIA.—The military
2 value criteria are as follows:

3 (A) The current and future mission capa-
4 bilities and the impact on operational readiness
5 of the total force of the Department of Defense,
6 including the impact on joint warfighting, train-
7 ing, and readiness.

8 (B) The availability and condition of land,
9 facilities, and associated airspace (including
10 training areas suitable for maneuver by ground,
11 naval, or air forces throughout a diversity of cli-
12 mate and terrain areas and staging areas for
13 the use of the Armed Forces in homeland de-
14 fense missions) at both existing and potential
15 receiving locations.

16 (C) The ability to accommodate contin-
17 gency, mobilization, surge, and future total
18 force requirements at both existing and poten-
19 tial receiving locations to support operations
20 and training.

21 (D) The cost of operations and the man-
22 power implications.

23 (3) ADDITIONAL CRITERIA.—The additional cri-
24 teria that the Secretary shall use in making rec-
25 ommendations for the closure or realignment of mili-

1 tary installations inside the United States under this
2 title in 2019 are as follows:

3 (A) The extent and timing of potential
4 costs and savings, including the number of
5 years, beginning with the date of completion of
6 the closure or realignment, for the savings to
7 exceed the costs.

8 (B) The economic impact on existing com-
9 munities in the vicinity of military installations.

10 (C) The ability of the infrastructure of
11 both the existing and potential receiving com-
12 munities to support forces, missions, and per-
13 sonnel.

14 (D) The environmental impact, including
15 the impact of costs related to potential environ-
16 mental restoration, waste management, and en-
17 vironmental compliance activities.

18 (e) PRIORITY GIVEN TO MILITARY VALUE.—The
19 Secretary shall give priority consideration to the military
20 value criteria specified in subsection (d)(2) in the making
21 of recommendations for the closure or realignment of mili-
22 tary installations.

23 (f) DETERMINING COSTS.—When determining the
24 costs associated with a closure or realignment, the Sec-
25 retary shall consider the costs associated with military

1 construction, information technology, termination of pub-
2 lic-private contracts, guarantees, the costs of any other ac-
3 tivity of the Department of Defense or any other Federal
4 agency that may be required to assume responsibility for
5 activities at the military installations, and such other fac-
6 tors as the Secretary determines as contributing to the
7 cost of a closure or realignment.

8 (g) EMPHASIS GIVEN TO SAVINGS.—Subject to sub-
9 section (e) the Secretary shall emphasize those rec-
10 ommendations that yield net savings within 5 years of
11 completing such closure or realignment. The Secretary
12 shall not consider any recommendation that does not yield
13 net savings within 20 years, unless the Secretary expressly
14 determines that the military value of such recommenda-
15 tion supports or enhances a critical national security inter-
16 est of the United States.

17 (h) RELATION TO OTHER MATERIALS.—The final se-
18 lection criteria specified in this section shall be the only
19 criteria to be used, along with the force-structure plan and
20 infrastructure inventory referred to in subsection (a), in
21 making recommendations for the closure or realignment
22 of military installations inside the United States under
23 this title in 2019.

24 (i) DoD RECOMMENDATIONS.—(1) If the Secretary
25 makes the certifications required under subsection (b), the

1 Secretary shall, by no later than April 15, 2019, publish
2 in the Federal Register and transmit to the congressional
3 defense committees and to the Commission a list of the
4 military installations inside the United States that the
5 Secretary recommends for closure or realignment on the
6 basis of the force-structure plan and infrastructure inven-
7 tory prepared by the Secretary under subsection (a) and
8 the final selection criteria specified in subsection (d) that
9 are applicable to the year concerned.

10 (2) The Secretary shall include, with the list of rec-
11 ommendations published and transmitted pursuant to
12 paragraph (1), a summary of the selection process that
13 resulted in the recommendation for each installation, in-
14 cluding a justification for each recommendation. The Sec-
15 retary shall transmit the matters referred to in the pre-
16 ceding sentence not later than 7 days after the date of
17 the transmittal to the congressional defense committees
18 and the Commission of the list referred to in paragraph
19 (1).

20 (3)(A) In considering military installations for clo-
21 sure or realignment, the Secretary shall consider all mili-
22 tary installations inside the United States equally without
23 regard to whether the installation has been previously con-
24 sidered or proposed for closure or realignment by the De-
25 partment.

1 (B) In considering military installations for closure
2 or realignment, the Secretary may not take into account
3 for any purpose any advance conversion planning under-
4 taken by an affected community with respect to the antici-
5 pated closure or realignment of an installation.

6 (C) For purposes of subparagraph (B), in the case
7 of a community anticipating the economic effects of a clo-
8 sure or realignment of a military installation, advance con-
9 version planning—

10 (i) shall include community adjustment and eco-
11 nomic diversification planning undertaken by the
12 community before an anticipated selection of a mili-
13 tary installation in or near the community for clo-
14 sure or realignment; and

15 (ii) may include the development of contingency
16 redevelopment plans, plans for economic develop-
17 ment and diversification, and plans for the joint use
18 (including civilian and military use, public and pri-
19 vate use, civilian dual use, and civilian shared use)
20 of the property or facilities of the installation after
21 the anticipated closure or realignment.

22 (D) In making recommendations to the Commission,
23 the Secretary shall consider any notice received from a
24 local government in the vicinity of a military installation

1 that the government would approve of the closure or re-
2 alignment of the installation.

3 (E) Notwithstanding the requirement in subpara-
4 graph (D), the Secretary shall make the recommendations
5 referred to in that subparagraph based on the force-struc-
6 ture plan, infrastructure inventory, and final selection cri-
7 teria otherwise applicable to such recommendations.

8 (F) The recommendations shall include a statement
9 of the result of the consideration of any notice described
10 in subparagraph (D) that is received with respect to a
11 military installation covered by such recommendations.
12 The statement shall set forth the reasons for the result.

13 (4) In addition to making all information used by the
14 Secretary to prepare the recommendations under this sub-
15 section available to Congress (including any committee or
16 member of Congress), the Secretary shall also make such
17 information available to the Commission and the Comp-
18 troller General of the United States.

19 (5)(A) Each person referred to in subparagraph (B),
20 when submitting information to the Secretary of Defense
21 or the Commission concerning the closure or realignment
22 of a military installation, shall certify that such informa-
23 tion is accurate and complete to the best of that persons
24 knowledge and belief.

1 (B) Subparagraph (A) applies to the following per-
2 sons:

3 (i) The Secretaries of the military departments.

4 (ii) The heads of the Defense Agencies.

5 (iii) Each person who is in a position the duties
6 of which include personal and substantial involve-
7 ment in the preparation and submission of informa-
8 tion and recommendations concerning the closure or
9 realignment of military installations, as designated
10 in regulations which the Secretary of Defense shall
11 prescribe, regulations which the Secretary of each
12 military department shall prescribe for personnel
13 within that military department, or regulations
14 which the head of each Defense Agency shall pre-
15 scribe for personnel within that Defense Agency.

16 (6) Any information provided to the Commission by
17 a person described in paragraph (5)(B) shall also be sub-
18 mitted to the Senate and the House of Representatives
19 to be made available to the Members of the House con-
20 cerned in accordance with the rules of that House. The
21 information shall be submitted to the Senate and House
22 of Representatives within 48 hours after the submission
23 of the information to the Commission.

24 (j) REVIEW AND RECOMMENDATIONS BY THE COM-
25 MISSION.—(1) After receiving the recommendations from

1 the Secretary pursuant to subsection (h) for any year, the
2 Commission shall conduct public hearings on the rec-
3 ommendations. All testimony before the Commission at a
4 public hearing conducted under this paragraph shall be
5 presented under oath.

6 (2)(A) The Commission shall, by no later than Octo-
7 ber 1 of each year in which the Secretary transmits rec-
8 ommendations to it pursuant to subsection (h), transmit
9 to the President a report containing the Commission's
10 findings and conclusions based on a review and analysis
11 of the recommendations made by the Secretary, together
12 with the Commission's recommendations for closures and
13 realignments of military installations inside the United
14 States.

15 (B) Subject to subparagraphs (C) and (E), in making
16 its recommendations, the Commission may make changes
17 in any of the recommendations made by the Secretary if
18 the Commission determines that the Secretary deviated
19 substantially from the force-structure plan and final cri-
20 teria referred to in subsection (d)(1) in making rec-
21 ommendations.

22 (C) In the case of a change described in subpara-
23 graph (D) in the recommendations made by the Secretary,
24 the Commission may make the change only if—

25 (i) the Commission—

1 (I) makes the determination required by
2 subparagraph (B);

3 (II) determines that the change is con-
4 sistent with the force-structure plan and final
5 criteria referred to in subsection (d)(1);

6 (III) publishes a notice of the proposed
7 change in the Federal Register not less than 45
8 days before transmitting its recommendations
9 to the President pursuant to subparagraph (A);
10 and

11 (IV) conducts public hearings on the pro-
12 posed change;

13 (ii) at least two members of the Commission
14 visit the military installation before the date of the
15 transmittal of the report; and

16 (iii) the decision of the Commission to make the
17 change is supported by at least seven members of
18 the Commission.

19 (D) Subparagraph (C) shall apply to a change by the
20 Commission in the Secretary's recommendations that
21 would—

22 (i) add a military installation to the list of mili-
23 tary installations recommended by the Secretary for
24 closure;

1 (ii) add a military installation to the list of mili-
2 tary installations recommended by the Secretary for
3 realignment; or

4 (iii) increase the extent of a realignment of a
5 particular military installation recommended by the
6 Secretary.

7 (E) The Commission may not consider making a
8 change in the recommendations of the Secretary that
9 would add a military installation to the Secretary's list of
10 installations recommended for closure or realignment un-
11 less, in addition to the requirements of subparagraph
12 (C)—

13 (i) the Commission provides the Secretary with
14 at least a 15-day period, before making the change,
15 in which to submit an explanation of the reasons
16 why the installation was not included on the closure
17 or realignment list by the Secretary; and

18 (ii) the decision to add the installation for Com-
19 mission consideration is supported by at least seven
20 members of the Commission.

21 (F) In making recommendations under this para-
22 graph, the Commission may not take into account for any
23 purpose any advance conversion planning undertaken by
24 an affected community with respect to the anticipated clo-
25 sure or realignment of a military installation.

1 (3) The Commission shall explain and justify in its
2 report submitted to the President pursuant to paragraph
3 (2) any recommendation made by the Commission that is
4 different from the recommendations made by the Sec-
5 retary pursuant to subsection (h). The Commission shall
6 transmit a copy of such report to the congressional defense
7 committees on the same date on which it transmits its rec-
8 ommendations to the President under paragraph (2).

9 (4) After October 1 of each year in which the Com-
10 mission transmits recommendations to the President
11 under this subsection, the Commission shall promptly pro-
12 vide, upon request, to any Member of Congress informa-
13 tion used by the Commission in making its recommenda-
14 tions.

15 (5) The Comptroller General of the United States
16 shall—

17 (A) assist the Commission, to the extent re-
18 quested, in the Commission's review and analysis of
19 the recommendations made by the Secretary pursu-
20 ant to subsection (h); and

21 (B) by no later than June 3 of each year in
22 which the Secretary makes such recommendations,
23 transmit to the Congress and to the Commission a
24 report containing a detailed analysis of the Sec-
25 retary's recommendations and selection process.

1 (k) REVIEW BY THE PRESIDENT.—(1) The President
2 shall, by no later than October 15 of each year in which
3 the Commission makes recommendations under subsection
4 (i), transmit to the Commission and to the Congress a
5 report containing the President’s approval or disapproval
6 of the Commission’s recommendations.

7 (2) If the President approves all the recommenda-
8 tions of the Commission, the President shall transmit a
9 copy of such recommendations to the Congress, together
10 with a certification of such approval.

11 (3) If the President disapproves the recommendations
12 of the Commission, in whole or in part, the President shall
13 transmit to the Commission and the Congress the reasons
14 for that disapproval. The Commission shall then transmit
15 to the President, by no later than November 18 of the
16 year concerned, a revised list of recommendations for the
17 closure and realignment of military installations.

18 (4) If the President approves all of the revised rec-
19 ommendations of the Commission transmitted to the
20 President under paragraph (3), the President shall trans-
21 mit a copy of such revised recommendations to the Con-
22 gress, together with a certification of such approval.

23 (5) If the President does not transmit to the Con-
24 gress an approval and certification described in paragraph
25 (2) or (4) by December 2 of any year in which the Com-

1 mission has transmitted recommendations to the Presi-
2 dent under this title, the process by which military instal-
3 lations may be selected for closure or realignment under
4 this title with respect to that year shall be terminated.

5 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY IN-**
6 **STALLATIONS.**

7 (a) IN GENERAL.—Subject to subsection (b), the Sec-
8 retary shall—

9 (1) close all military installations recommended
10 for closure by the Commission in each report trans-
11 mitted to the Congress by the President pursuant to
12 section 2903(j);

13 (2) realign all military installations rec-
14 ommended for realignment by such Commission in
15 each such report;

16 (3) carry out the privatization in place of a
17 military installation recommended for closure or re-
18 alignment by the Commission only if privatization in
19 place is a method of closure or realignment of the
20 military installation specified in the recommenda-
21 tions of the Commission in such report and is deter-
22 mined by the Commission to be the most cost-effec-
23 tive method of implementation of the recommenda-
24 tion;

1 (4) initiate all such closures and realignments
2 no later than two years after the date on which the
3 President transmits a report to the Congress pursu-
4 ant to section 2903(j) containing the recommenda-
5 tions for such closures or realignments; and

6 (5) complete all such closures and realignments
7 no later than the end of the six-year period begin-
8 ning on the date on which the President transmits
9 the report pursuant to section 2903(j) containing
10 the recommendations for such closures or realign-
11 ments.

12 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-
13 retary may not carry out any closure or realignment rec-
14 ommended by the Commission in a report transmitted
15 from the President pursuant to section 2903(j) if a joint
16 resolution is enacted, in accordance with the provisions of
17 section 2908, disapproving such recommendations of the
18 Commission before the earlier of—

19 (A) the end of the 45-day period beginning on
20 the date on which the President transmits such re-
21 port; or

22 (B) the adjournment of Congress sine die for
23 the session during which such report is transmitted.

24 (2) For purposes of paragraph (1) of this subsection
25 and subsections (a) and (c) of section 2908, the days on

1 which either House of Congress is not in session because
2 of adjournment of more than three days to a day certain
3 shall be excluded in the computation of a period.

4 **SEC. 2905. IMPLEMENTATION.**

5 (a) IN GENERAL.—(1) In closing or realigning any
6 military installation under this title, the Secretary may—

7 (A) take such actions as may be necessary to
8 close or realign any military installation, including
9 the acquisition of such land, the construction of such
10 replacement facilities, the performance of such ac-
11 tivities, and the conduct of such advance planning
12 and design as may be required to transfer functions
13 from a military installation being closed or realigned
14 to another military installation, and may use for
15 such purpose funds in the Account or funds appro-
16 priated to the Department of Defense for use in
17 planning and design, minor construction, or oper-
18 ation and maintenance;

19 (B) provide—

20 (i) economic adjustment assistance to any
21 community located near a military installation
22 being closed or realigned; and

23 (ii) community planning assistance to any
24 community located near a military installation
25 to which functions will be transferred as a re-

1 sult of the closure or realignment of a military
2 installation,
3 if the Secretary of Defense determines that the fi-
4 nancial resources available to the community (by
5 grant or otherwise) for such purposes are inad-
6 equate, and may use for such purposes funds in the
7 Account or funds appropriated to the Department of
8 Defense for economic adjustment assistance or com-
9 munity planning assistance;

10 (C) carry out activities for the purposes of envi-
11 ronmental restoration and mitigation at any such in-
12 stallation, and shall use for such purposes funds in
13 the Account;

14 (D) provide outplacement assistance to civilian
15 employees employed by the Department of Defense
16 at military installations being closed or realigned,
17 and may use for such purpose funds in the Account
18 or funds appropriated to the Department of Defense
19 for outplacement assistance to employees; and

20 (E) reimburse other Federal agencies for ac-
21 tions performed at the request of the Secretary with
22 respect to any such closure or realignment, and may
23 use for such purpose funds in the Account or funds
24 appropriated to the Department of Defense and
25 available for such purpose.

1 (2) In carrying out any closure or realignment under
2 this title, the Secretary shall ensure that environmental
3 restoration of any property made excess to the needs of
4 the Department of Defense as a result of such closure or
5 realignment be carried out as soon as possible with funds
6 available for such purpose.

7 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

8 (1) The Administrator of General Services shall delegate
9 to the Secretary of Defense, with respect to excess and
10 surplus real property, facilities, and personal property lo-
11 cated at a military installation closed or realigned under
12 this title—

13 (A) the authority of the Administrator to utilize
14 excess property under subchapter II of chapter 5 of
15 title 40, United States Code;

16 (B) the authority of the Administrator to dis-
17 pose of surplus property under subchapter III of
18 chapter 5 of title 40, United States Code;

19 (C) the authority to dispose of surplus property
20 for public airports under sections 47151 through
21 47153 of title 49, United States Code; and

22 (D) the authority of the Administrator to deter-
23 mine the availability of excess or surplus real prop-
24 erty for wildlife conservation purposes in accordance
25 with the Act of May 19, 1948 (16 U.S.C. 667b).

1 (2)(A) Subject to subparagraph (B) and paragraphs
2 (3), (4), (5), and (6), the Secretary of Defense shall exer-
3 cise the authority delegated to the Secretary pursuant to
4 paragraph (1) in accordance with—

5 (i) all regulations governing the utilization of
6 excess property and the disposal of surplus property
7 under subtitle I of title 40, United States Code; and

8 (ii) all regulations governing the conveyance
9 and disposal of property under section 13(g) of the
10 Surplus Property Act of 1944 (50 U.S.C. App.
11 1622(g)).

12 (B) The Secretary may, with the concurrence of the
13 Administrator of General Services—

14 (i) prescribe general policies and methods for
15 utilizing excess property and disposing of surplus
16 property pursuant to the authority delegated under
17 paragraph (1); and

18 (ii) issue regulations relating to such policies
19 and methods, which shall supersede the regulations
20 referred to in subparagraph (A) with respect to that
21 authority.

22 (C) The Secretary of Defense may transfer real prop-
23 erty or facilities located at a military installation to be
24 closed or realigned under this title, with or without reim-
25 bursement, to a military department or other entity (in-

cluding a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this title, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) If a military installation to be closed, realigned, or placed in an inactive status under this title includes a road used for public access through, into, or around the installation, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the continued availability of the road for public use after the installation is closed, realigned, or placed in an inactive status.

(3)(A) Not later than 6 months after the date of approval of the closure or realignment of a military installation under this title, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

1 (i) inventory the personal property located at
2 the installation; and

3 (ii) identify the items (or categories of items) of
4 such personal property that the Secretary deter-
5 mines to be related to real property and anticipates
6 will support the implementation of the redevelop-
7 ment plan with respect to the installation.

8 (B) If no redevelopment authority referred to in sub-
9 paragraph (A) exists with respect to an installation, the
10 Secretary shall consult with—

11 (i) the local government in whose jurisdiction
12 the installation is wholly located; or

13 (ii) a local government agency or State govern-
14 ment agency designated for the purpose of such con-
15 sultation by the chief executive officer of the State
16 in which the installation is located.

17 (C)(i) Except as provided in subparagraphs (E) and
18 (F), the Secretary may not carry out any of the activities
19 referred to in clause (ii) with respect to an installation
20 referred to in that clause until the earlier of—

21 (I) one week after the date on which the rede-
22 velopment plan for the installation is submitted to
23 the Secretary;

1 (II) the date on which the redevelopment au-
2 thority notifies the Secretary that it will not submit
3 such a plan;

4 (III) twenty-four months after the date of ap-
5 proval of the closure or realignment of the installa-
6 tion; or

7 (IV) ninety days before the date of the closure
8 or realignment of the installation.

9 (ii) The activities referred to in clause (i) are activi-
10 ties relating to the closure or realignment of an installa-
11 tion to be closed or realigned under this title as follows:

12 (I) The transfer from the installation of items
13 of personal property at the installation identified in
14 accordance with subparagraph (A).

15 (II) The reduction in maintenance and repair of
16 facilities or equipment located at the installation
17 below the minimum levels required to support the
18 use of such facilities or equipment for nonmilitary
19 purposes.

20 (D) Except as provided in paragraph (4), the Sec-
21 retary may not transfer items of personal property located
22 at an installation to be closed or realigned under this title
23 to another installation, or dispose of such items, if such
24 items are identified in the redevelopment plan for the in-
25 stallation as items essential to the reuse or redevelopment

1 of the installation. In connection with the development of
2 the redevelopment plan for the installation, the Secretary
3 shall consult with the entity responsible for developing the
4 redevelopment plan to identify the items of personal prop-
5 erty located at the installation, if any, that the entity de-
6 sires to be retained at the installation for reuse or redevel-
7 opment of the installation.

8 (E) This paragraph shall not apply to any personal
9 property located at an installation to be closed or realigned
10 under this title if the property—

11 (i) is required for the operation of a unit, func-
12 tion, component, weapon, or weapons system at an-
13 other installation;

14 (ii) is uniquely military in character, and is
15 likely to have no civilian use (other than use for its
16 material content or as a source of commonly used
17 components);

18 (iii) is not required for the reutilization or rede-
19 velopment of the installation (as jointly determined
20 by the Secretary and the redevelopment authority);

21 (iv) is stored at the installation for purposes of
22 distribution (including spare parts or stock items);
23 or

24 (v)(I) meets known requirements of an author-
25 ized program of another Federal department or

1 agency for which expenditures for similar property
2 would be necessary; and

3 (II) is the subject of a written request by the
4 head of the department or agency.

5 (F) Notwithstanding subparagraphs (C)(i) and (D),
6 the Secretary may carry out any activity referred to in
7 subparagraph (C)(ii) or (D) if the Secretary determines
8 that the carrying out of such activity is in the national
9 security interest of the United States.

10 (4)(A) The Secretary may transfer real property and
11 personal property located at a military installation to be
12 closed or realigned under this title to the redevelopment
13 authority with respect to the installation for purposes of
14 job generation on the installation.

15 (B) The transfer of property located at a military in-
16 stallation under subparagraph (A) may be for consider-
17 ation at or below the estimated fair market value or with-
18 out consideration. The determination of such consider-
19 ation may account for the economic conditions of the local
20 affected community and the estimated costs to redevelop
21 the property. The Secretary may accept, as consideration,
22 a share of the revenues that the redevelopment authority
23 receives from third-party buyers or lessees from sales and
24 long-term leases of the conveyed property, consideration
25 in kind (including goods and services), real property and

1 improvements, or such other consideration as the Sec-
2 retary considers appropriate. The transfer of property lo-
3 cated at a military installation under subparagraph (A)
4 may be made for consideration below the estimated fair
5 market value or without consideration only if the redevel-
6 opment authority with respect to the installation—

7 (i) agrees that the proceeds from any sale or
8 lease of the property (or any portion thereof) re-
9 ceived by the redevelopment authority during at
10 least the first seven years after the date of the initial
11 transfer of property under subparagraph (A) shall
12 be used to support the economic redevelopment of,
13 or related to, the installation; and

14 (ii) executes the agreement for transfer of the
15 property and accepts control of the property within
16 a reasonable time after the date of the property dis-
17 posal record of decision or finding of no significant
18 impact under the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.).

20 (C) For purposes of subparagraph (B)(i), the use of
21 proceeds from a sale or lease described in such subpara-
22 graph to pay for, or offset the costs of, public investment
23 on or related to the installation for any of the following
24 purposes shall be considered a use to support the economic
25 redevelopment of, or related to, the installation:

- 1 (i) Road construction.
- 2 (ii) Transportation management facilities.
- 3 (iii) Storm and sanitary sewer construction.
- 4 (iv) Police and fire protection facilities and
- 5 other public facilities.
- 6 (v) Utility construction.
- 7 (vi) Building rehabilitation.
- 8 (vii) Historic property preservation.
- 9 (viii) Pollution prevention equipment or facili-
- 10 ties.
- 11 (ix) Demolition.
- 12 (x) Disposal of hazardous materials generated
- 13 by demolition.
- 14 (xi) Landscaping, grading, and other site or
- 15 public improvements.
- 16 (xii) Planning for or the marketing of the devel-
- 17 opment and reuse of the installation.
- 18 (D) The Secretary may recoup from a redevelopment
- 19 authority such portion of the proceeds from a sale or lease
- 20 described in subparagraph (B) as the Secretary deter-
- 21 mines appropriate if the redevelopment authority does not
- 22 use the proceeds to support economic redevelopment of,
- 23 or related to, the installation for the period specified in
- 24 subparagraph (B).

1 (E)(i) The Secretary may transfer real property at
2 an installation approved for closure or realignment under
3 this title (including property at an installation approved
4 for realignment which will be retained by the Department
5 of Defense or another Federal agency after realignment)
6 to the redevelopment authority for the installation if the
7 redevelopment authority agrees to lease, directly upon
8 transfer, one or more portions of the property transferred
9 under this subparagraph to the Secretary or to the head
10 of another department or agency of the Federal Govern-
11 ment. Subparagraph (B) shall apply to a transfer under
12 this subparagraph.

13 (ii) A lease under clause (i) shall be for a term of
14 not to exceed 50 years, but may provide for options for
15 renewal or extension of the term by the department or
16 agency concerned.

17 (iii) A lease under clause (i) may not require rental
18 payments by the United States.

19 (iv) A lease under clause (i) shall include a provision
20 specifying that if the department or agency concerned
21 ceases requiring the use of the leased property before the
22 expiration of the term of the lease, the remainder of the
23 lease term may be satisfied by the same or another depart-
24 ment or agency of the Federal Government using the prop-
25 erty for a use similar to the use under the lease. Exercise

1 of the authority provided by this clause shall be made in
2 consultation with the redevelopment authority concerned.

3 (v) Notwithstanding clause (iii), if a lease under
4 clause (i) involves a substantial portion of the installation,
5 the department or agency concerned may obtain facility
6 services for the leased property and common area mainte-
7 nance from the redevelopment authority or the redevelop-
8 ment authority's assignee as a provision of the lease. The
9 facility services and common area maintenance shall be
10 provided at a rate no higher than the rate charged to non-
11 Federal tenants of the transferred property. Facility serv-
12 ices and common area maintenance covered by the lease
13 shall not include—

14 (I) municipal services that a State or local gov-
15 ernment is required by law to provide to all land-
16 owners in its jurisdiction without direct charge; or

17 (II) firefighting or security-guard functions.

18 (F) The transfer of personal property under subpara-
19 graph (A) shall not be subject to the provisions of sub-
20 chapters II and III of chapter 5 of title 40, United States
21 Code, if the Secretary determines that the transfer of such
22 property is necessary for the effective implementation of
23 a redevelopment plan with respect to the installation at
24 which such property is located.

1 (G) The provisions of section 120(h) of the Com-
2 prehensive Environmental Response, Compensation, and
3 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to
4 any transfer of real property under this paragraph.

5 (H) The Secretary may require any additional terms
6 and conditions in connection with a transfer under this
7 paragraph as such Secretary considers appropriate to pro-
8 tect the interests of the United States.

9 (5)(A) Except as provided in subparagraphs (B) and
10 (C), the Secretary shall take such actions as the Secretary
11 determines necessary to ensure that final determinations
12 under paragraph (1) regarding whether another depart-
13 ment or agency of the Federal Government has identified
14 a use for any portion of a military installation to be closed
15 or realigned under this title, or will accept transfer of any
16 portion of such installation, are made not later than 6
17 months after the date of approval of closure or realign-
18 ment of that installation.

19 (B) The Secretary may, in consultation with the rede-
20 velopment authority with respect to an installation, post-
21 pone making the final determinations referred to in sub-
22 paragraph (A) with respect to the installation for such pe-
23 riod as the Secretary determines appropriate if the Sec-
24 retary determines that such postponement is in the best

1 interests of the communities affected by the closure or re-
2 alignment of the installation.

3 (C)(i) Before acquiring non-Federal real property as
4 the location for a new or replacement Federal facility of
5 any type, the head of the Federal agency acquiring the
6 property shall consult with the Secretary regarding the
7 feasibility and cost advantages of using Federal property
8 or facilities at a military installation closed or realigned
9 or to be closed or realigned under this title as the location
10 for the new or replacement facility. In considering the
11 availability and suitability of a specific military installa-
12 tion, the Secretary and the head of the Federal agency
13 involved shall obtain the concurrence of the redevelopment
14 authority with respect to the installation and comply with
15 the redevelopment plan for the installation.

16 (ii) Not later than 30 days after acquiring non-Fed-
17 eral real property as the location for a new or replacement
18 Federal facility, the head of the Federal agency acquiring
19 the property shall submit to Congress a report containing
20 the results of the consultation under clause (i) and the
21 reasons why military installations referred to in such
22 clause that are located within the area to be served by
23 the new or replacement Federal facility or within a 200-
24 mile radius of the new or replacement facility, whichever

1 area is greater, were considered to be unsuitable or un-
2 available for the site of the new or replacement facility.

3 (6)(A) The disposal of buildings and property located
4 at installations approved for closure or realignment under
5 this title shall be carried out in accordance with this para-
6 graph.

7 (B)(i) Not later than the date on which the Secretary
8 of Defense completes the final determinations referred to
9 in paragraph (5) relating to the use or transferability of
10 any portion of an installation covered by this paragraph,
11 the Secretary shall—

12 (I) identify the buildings and property at the
13 installation for which the Department of Defense
14 has a use, for which another department or agency
15 of the Federal Government has identified a use, or
16 of which another department or agency will accept
17 a transfer;

18 (II) take such actions as are necessary to iden-
19 tify any building or property at the installation not
20 identified under subclause (I) that is excess property
21 or surplus property;

22 (III) submit to the Secretary of Housing and
23 Urban Development and to the redevelopment au-
24 thority for the installation (or the chief executive of-
25 ficer of the State in which the installation is located

1 if there is no redevelopment authority for the instal-
2 lation at the completion of the determination de-
3 scribed in the stem of this sentence) information on
4 any building or property that is identified under sub-
5 clause (II); and

6 (IV) publish in the Federal Register and in a
7 newspaper of general circulation in the communities
8 in the vicinity of the installation information on the
9 buildings and property identified under subclause
10 (II).

11 (ii) Upon the recognition of a redevelopment author-
12 ity for an installation covered by this paragraph, the Sec-
13 retary of Defense shall publish in the Federal Register and
14 in a newspaper of general circulation in the communities
15 in the vicinity of the installation information on the rede-
16 velopment authority.

17 (C)(i) State and local governments, representatives of
18 the homeless, and other interested parties located in the
19 communities in the vicinity of an installation covered by
20 this paragraph shall submit to the redevelopment author-
21 ity for the installation a notice of the interest, if any, of
22 such governments, representatives, and parties in the
23 buildings or property, or any portion thereof, at the instal-
24 lation that are identified under subparagraph (B)(i)(II).
25 A notice of interest under this clause shall describe the

1 need of the government, representative, or party concerned
2 for the buildings or property covered by the notice.

3 (ii) The redevelopment authority for an installation
4 shall assist the governments, representatives, and parties
5 referred to in clause (i) in evaluating buildings and prop-
6 erty at the installation for purposes of this subparagraph.

7 (iii) In providing assistance under clause (ii), a rede-
8 velopment authority shall—

9 (I) consult with representatives of the homeless
10 in the communities in the vicinity of the installation
11 concerned; and

12 (II) undertake outreach efforts to provide infor-
13 mation on the buildings and property to representa-
14 tives of the homeless, and to other persons or enti-
15 ties interested in assisting the homeless, in such
16 communities.

17 (iv) It is the sense of Congress that redevelopment
18 authorities should begin to conduct outreach efforts under
19 clause (iii)(II) with respect to an installation as soon as
20 is practicable after the date of approval of closure or re-
21 alignment of the installation.

22 (D)(i) State and local governments, representatives
23 of the homeless, and other interested parties shall submit
24 a notice of interest to a redevelopment authority under

1 subparagraph (C) not later than the date specified for
2 such notice by the redevelopment authority.

3 (ii) The date specified under clause (i) shall be—

4 (I) in the case of an installation for which a re-
5 development authority has been recognized as of the
6 date of the completion of the determinations referred
7 to in paragraph (5), not earlier than 3 months and
8 not later than 6 months after the date of publication
9 of such determination in a newspaper of general cir-
10 culation in the communities in the vicinity of the in-
11 stallation under subparagraph (B)(i)(IV); and

12 (II) in the case of an installation for which a
13 redevelopment authority is not recognized as of such
14 date, not earlier than 3 months and not later than
15 6 months after the date of the recognition of a rede-
16 velopment authority for the installation.

17 (iii) Upon specifying a date for an installation under
18 this subparagraph, the redevelopment authority for the in-
19 stallation shall—

20 (I) publish the date specified in a newspaper of
21 general circulation in the communities in the vicinity
22 of the installation concerned; and

23 (II) notify the Secretary of Defense of the date.

24 (E)(i) In submitting to a redevelopment authority
25 under subparagraph (C) a notice of interest in the use

1 of buildings or property at an installation to assist the
2 homeless, a representative of the homeless shall submit the
3 following:

4 (I) A description of the homeless assistance
5 program that the representative proposes to carry
6 out at the installation.

7 (II) An assessment of the need for the program.

8 (III) A description of the extent to which the
9 program is or will be coordinated with other home-
10 less assistance programs in the communities in the
11 vicinity of the installation.

12 (IV) A description of the buildings and property
13 at the installation that are necessary in order to
14 carry out the program.

15 (V) A description of the financial plan, the or-
16 ganization, and the organizational capacity of the
17 representative to carry out the program.

18 (VI) An assessment of the time required in
19 order to commence carrying out the program.

20 (ii) A redevelopment authority may not release to the
21 public any information submitted to the redevelopment au-
22 thority under clause (i)(V) without the consent of the rep-
23 resentative of the homeless concerned unless such release
24 is authorized under Federal law and under the law of the

1 State and communities in which the installation concerned
2 is located.

3 (F)(i) The redevelopment authority for each installa-
4 tion covered by this paragraph shall prepare a redevelop-
5 ment plan for the installation. The redevelopment author-
6 ity shall, in preparing the plan, consider the interests in
7 the use to assist the homeless of the buildings and prop-
8 erty at the installation that are expressed in the notices
9 submitted to the redevelopment authority under subpara-
10 graph (C).

11 (ii)(I) In connection with a redevelopment plan for
12 an installation, a redevelopment authority and representa-
13 tives of the homeless shall prepare legally binding agree-
14 ments that provide for the use to assist the homeless of
15 buildings and property, resources, and assistance on or off
16 the installation. The implementation of such agreements
17 shall be contingent upon the decision regarding the dis-
18 posal of the buildings and property covered by the agree-
19 ments by the Secretary of Defense under subparagraph
20 (K) or (L).

21 (II) Agreements under this clause shall provide for
22 the reversion to the redevelopment authority concerned, or
23 to such other entity or entities as the agreements shall
24 provide, of buildings and property that are made available
25 under this paragraph for use to assist the homeless in the

1 event that such buildings and property cease being used
2 for that purpose.

3 (iii) A redevelopment authority shall provide oppor-
4 tunity for public comment on a redevelopment plan before
5 submission of the plan to the Secretary of Defense and
6 the Secretary of Housing and Urban Development under
7 subparagraph (G).

8 (iv) A redevelopment authority shall complete prepa-
9 ration of a redevelopment plan for an installation and sub-
10 mit the plan under subparagraph (G) not later than 9
11 months after the date specified by the redevelopment au-
12 thority for the installation under subparagraph (D).

13 (G)(i) Upon completion of a redevelopment plan
14 under subparagraph (F), a redevelopment authority shall
15 submit an application containing the plan to the Secretary
16 of Defense and to the Secretary of Housing and Urban
17 Development.

18 (ii) A redevelopment authority shall include in an ap-
19 plication under clause (i) the following:

20 (I) A copy of the redevelopment plan, including
21 a summary of any public comments on the plan re-
22 ceived by the redevelopment authority under sub-
23 paragraph (F)(iii).

24 (II) A copy of each notice of interest of use of
25 buildings and property to assist the homeless that

1 was submitted to the redevelopment authority under
2 subparagraph (C), together with a description of the
3 manner, if any, in which the plan addresses the in-
4 terest expressed in each such notice and, if the plan
5 does not address such an interest, an explanation
6 why the plan does not address the interest.

7 (III) A summary of the outreach undertaken by
8 the redevelopment authority under subparagraph
9 (C)(iii)(II) in preparing the plan.

10 (IV) A statement identifying the representatives
11 of the homeless and the homeless assistance plan-
12 ning boards, if any, with which the redevelopment
13 authority consulted in preparing the plan, and the
14 results of such consultations.

15 (V) An assessment of the manner in which the
16 redevelopment plan balances the expressed needs of
17 the homeless and the need of the communities in the
18 vicinity of the installation for economic develop-
19 ment and other development.

20 (VI) Copies of the agreements that the redevel-
21 opment authority proposes to enter into under sub-
22 paragraph (F)(ii).

23 (H)(i) Not later than 60 days after receiving a rede-
24 velopment plan under subparagraph (G), the Secretary of
25 Housing and Urban Development shall complete a review

1 of the plan. The purpose of the review is to determine
2 whether the plan, with respect to the expressed interest
3 and requests of representatives of the homeless—

4 (I) takes into consideration the size and nature
5 of the homeless population in the communities in the
6 vicinity of the installation, the availability of existing
7 services in such communities to meet the needs of
8 the homeless in such communities, and the suit-
9 ability of the buildings and property covered by the
10 plan for the use and needs of the homeless in such
11 communities;

12 (II) takes into consideration any economic im-
13 pact of the homeless assistance under the plan on
14 the communities in the vicinity of the installation;

15 (III) balances in an appropriate manner the
16 needs of the communities in the vicinity of the in-
17 stallation for economic redevelopment and other de-
18 velopment with the needs of the homeless in such
19 communities;

20 (IV) was developed in consultation with rep-
21 resentatives of the homeless and the homeless assist-
22 ance planning boards, if any, in the communities in
23 the vicinity of the installation; and

24 (V) specifies the manner in which buildings and
25 property, resources, and assistance on or off the in-

1 stallation will be made available for homeless assist-
2 ance purposes.

3 (ii) It is the sense of Congress that the Secretary of
4 Housing and Urban Development shall, in completing the
5 review of a plan under this subparagraph, take into con-
6 sideration and be receptive to the predominant views on
7 the plan of the communities in the vicinity of the installa-
8 tion covered by the plan.

9 (iii) The Secretary of Housing and Urban Develop-
10 ment may engage in negotiations and consultations with
11 a redevelopment authority before or during the course of
12 a review under clause (i) with a view toward resolving any
13 preliminary determination of the Secretary that a redevel-
14 opment plan does not meet a requirement set forth in that
15 clause. The redevelopment authority may modify the rede-
16 velopment plan as a result of such negotiations and con-
17 sultations.

18 (iv) Upon completion of a review of a redevelopment
19 plan under clause (i), the Secretary of Housing and Urban
20 Development shall notify the Secretary of Defense and the
21 redevelopment authority concerned of the determination of
22 the Secretary of Housing and Urban Development under
23 that clause.

24 (v) If the Secretary of Housing and Urban Develop-
25 ment determines as a result of such a review that a rede-

1 velopment plan does not meet the requirements set forth
2 in clause (i), a notice under clause (iv) shall include—

3 (I) an explanation of that determination; and

4 (II) a statement of the actions that the redevelop-
5 ment authority must undertake in order to ad-
6 dress that determination.

7 (I)(i) Upon receipt of a notice under subparagraph
8 (H)(iv) of a determination that a redevelopment plan does
9 not meet a requirement set forth in subparagraph (H)(i),
10 a redevelopment authority shall have the opportunity to—

11 (I) revise the plan in order to address the deter-
12 mination; and

13 (II) submit the revised plan to the Secretary of
14 Defense and the Secretary of Housing and Urban
15 Development.

16 (ii) A redevelopment authority shall submit a revised
17 plan under this subparagraph to such Secretaries, if at
18 all, not later than 90 days after the date on which the
19 redevelopment authority receives the notice referred to in
20 clause (i).

21 (J)(i) Not later than 30 days after receiving a revised
22 redevelopment plan under subparagraph (I), the Secretary
23 of Housing and Urban Development shall review the re-
24 vised plan and determine if the plan meets the require-
25 ments set forth in subparagraph (H)(i).

1 (ii) The Secretary of Housing and Urban Develop-
2 ment shall notify the Secretary of Defense and the redevel-
3 opment authority concerned of the determination of the
4 Secretary of Housing and Urban Development under this
5 subparagraph.

6 (K)(i) Upon receipt of a notice under subparagraph
7 (H)(iv) or (J)(ii) of the determination of the Secretary of
8 Housing and Urban Development that a redevelopment
9 plan for an installation meets the requirements set forth
10 in subparagraph (H)(i), the Secretary of Defense shall dis-
11 pose of the buildings and property at the installation.

12 (ii) For purposes of carrying out an environmental
13 assessment of the closure or realignment of an installa-
14 tion, the Secretary of Defense shall treat the redevelop-
15 ment plan for the installation (including the aspects of the
16 plan providing for disposal to State or local governments,
17 representatives of the homeless, and other interested par-
18 ties) as part of the proposed Federal action for the instal-
19 lation.

20 (iii) The Secretary of Defense shall dispose of build-
21 ings and property under clause (i) in accordance with the
22 record of decision or other decision document prepared by
23 the Secretary in accordance with the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
25 preparing the record of decision or other decision docu-

1 ment, the Secretary shall give substantial deference to the
2 redevelopment plan concerned.

3 (iv) The disposal under clause (i) of buildings and
4 property to assist the homeless shall be without consider-
5 ation.

6 (v) In the case of a request for a conveyance under
7 clause (i) of buildings and property for public benefit
8 under section 550 of title 40, United States Code, or sec-
9 tions 47151 through 47153 of title 49, United States
10 Code, the sponsoring Federal agency shall use the eligi-
11 bility criteria set forth in such section or subchapter II
12 of chapter 471 of title 49, United States Code (as the case
13 may be) to determine the eligibility of the applicant and
14 use proposed in the request for the public benefit convey-
15 ance. The determination of such eligibility should be made
16 before submission of the redevelopment plan concerned
17 under subparagraph (G).

18 (L)(i) If the Secretary of Housing and Urban Devel-
19 opment determines under subparagraph (J) that a revised
20 redevelopment plan for an installation does not meet the
21 requirements set forth in subparagraph (H)(i), or if no
22 revised plan is so submitted, that Secretary shall—

23 (I) review the original redevelopment plan sub-
24 mitted to that Secretary under subparagraph (G),
25 including the notice or notices of representatives of

1 the homeless referred to in clause (ii)(II) of that
2 subparagraph;

3 (II) consult with the representatives referred to
4 in subclause (I), if any, for purposes of evaluating
5 the continuing interest of such representatives in the
6 use of buildings or property at the installation to as-
7 sist the homeless;

8 (III) request that each such representative sub-
9 mit to that Secretary the items described in clause
10 (ii); and

11 (IV) based on the actions of that Secretary
12 under subclauses (I) and (II), and on any informa-
13 tion obtained by that Secretary as a result of such
14 actions, indicate to the Secretary of Defense the
15 buildings and property at the installation that meet
16 the requirements set forth in subparagraph (H)(i).

17 (ii) The Secretary of Housing and Urban Develop-
18 ment may request under clause (i)(III) that a representa-
19 tive of the homeless submit to that Secretary the following:

20 (I) A description of the program of such rep-
21 resentative to assist the homeless.

22 (II) A description of the manner in which the
23 buildings and property that the representative pro-
24 poses to use for such purpose will assist the home-
25 less.

1 (III) Such information as that Secretary re-
2 quires in order to determine the financial capacity of
3 the representative to carry out the program and to
4 ensure that the program will be carried out in com-
5 pliance with Federal environmental law and Federal
6 law against discrimination.

7 (IV) A certification that police services, fire
8 protection services, and water and sewer services
9 available in the communities in the vicinity of the in-
10 stallation concerned are adequate for the program.

11 (iii) Not later than 90 days after the date of the re-
12 ceipt of a revised plan for an installation under subpara-
13 graph (J), the Secretary of Housing and Urban Develop-
14 ment shall—

15 (I) notify the Secretary of Defense and the re-
16 development authority concerned of the buildings
17 and property at an installation under clause (i)(IV)
18 that the Secretary of Housing and Urban Develop-
19 ment determines are suitable for use to assist the
20 homeless; and

21 (II) notify the Secretary of Defense of the ex-
22 tent to which the revised plan meets the criteria set
23 forth in subparagraph (H)(i).

24 (iv)(I) Upon notice from the Secretary of Housing
25 and Urban Development with respect to an installation

1 under clause (iii), the Secretary of Defense shall dispose
2 of buildings and property at the installation in consulta-
3 tion with the Secretary of Housing and Urban Develop-
4 ment and the redevelopment authority concerned.

5 (II) For purposes of carrying out an environmental
6 assessment of the closure or realignment of an installa-
7 tion, the Secretary of Defense shall treat the redevelop-
8 ment plan submitted by the redevelopment authority for
9 the installation (including the aspects of the plan pro-
10 viding for disposal to State or local governments, rep-
11 resentatives of the homeless, and other interested parties)
12 as part of the proposed Federal action for the installation.
13 The Secretary of Defense shall incorporate the notification
14 of the Secretary of Housing and Urban Development
15 under clause (iii)(I) as part of the proposed Federal action
16 for the installation only to the extent, if any, that the Sec-
17 retary of Defense considers such incorporation to be ap-
18 propriate and consistent with the best and highest use of
19 the installation as a whole, taking into consideration the
20 redevelopment plan submitted by the redevelopment au-
21 thority.

22 (III) The Secretary of Defense shall dispose of build-
23 ings and property under subclause (I) in accordance with
24 the record of decision or other decision document prepared
25 by the Secretary in accordance with the National Environ-

1 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
2 preparing the record of decision or other decision docu-
3 ment, the Secretary shall give deference to the redevelop-
4 ment plan submitted by the redevelopment authority for
5 the installation.

6 (IV) The disposal under subclause (I) of buildings
7 and property to assist the homeless shall be without con-
8 sideration.

9 (V) In the case of a request for a conveyance under
10 subclause (I) of buildings and property for public benefit
11 under section 550 of title 40, United States Code, or sec-
12 tions 47151 through 47153 of title 49, United States
13 Code, the sponsoring Federal agency shall use the eligi-
14 bility criteria set forth in such section or subchapter II
15 of chapter 471 of title 49, United States Code (as the case
16 may be) to determine the eligibility of the applicant and
17 use proposed in the request for the public benefit convey-
18 ance. The determination of such eligibility should be made
19 before submission of the redevelopment plan concerned
20 under subparagraph (G).

21 (M)(i) In the event of the disposal of buildings and
22 property of an installation pursuant to subparagraph (K)
23 or (L), the redevelopment authority for the installation
24 shall be responsible for the implementation of and compli-

1 ance with agreements under the redevelopment plan de-
2 scribed in that subparagraph for the installation.

3 (ii) If a building or property reverts to a redevelop-
4 ment authority under such an agreement, the redevelop-
5 ment authority shall take appropriate actions to secure,
6 to the maximum extent practicable, the utilization of the
7 building or property by other homeless representatives to
8 assist the homeless. A redevelopment authority may not
9 be required to utilize the building or property to assist
10 the homeless.

11 (N) The Secretary of Defense may postpone or ex-
12 tend any deadline provided for under this paragraph in
13 the case of an installation covered by this paragraph for
14 such period as the Secretary considers appropriate if the
15 Secretary determines that such postponement is in the in-
16 terests of the communities affected by the closure or re-
17 alignment of the installation. The Secretary shall make
18 such determinations in consultation with the redevelop-
19 ment authority concerned and, in the case of deadlines
20 provided for under this paragraph with respect to the Sec-
21 retary of Housing and Urban Development, in consulta-
22 tion with the Secretary of Housing and Urban Develop-
23 ment.

24 (O) For purposes of this paragraph, the term “com-
25 munities in the vicinity of the installation”, in the case

1 of an installation, means the communities that constitute
2 the political jurisdictions (other than the State in which
3 the installation is located) that comprise the redevelop-
4 ment authority for the installation.

5 (P) For purposes of this paragraph, the term “other
6 interested parties”, in the case of an installation, includes
7 any parties eligible for the conveyance of property of the
8 installation under section 550 of title 40, United States
9 Code, or sections 47151 through 47153 of title 49, United
10 States Code, whether or not the parties assist the home-
11 less.

12 (7)(A) Subject to subparagraph (C), the Secretary
13 may enter into agreements (including contracts, coopera-
14 tive agreements, or other arrangements for reimburse-
15 ment) with local governments for the provision of police
16 or security services, fire protection services, airfield oper-
17 ation services, or other community services by such gov-
18 ernments at military installations to be closed under this
19 title, or at facilities not yet transferred or otherwise dis-
20 posed of in the case of installations closed under this title,
21 if the Secretary determines that the provision of such serv-
22 ices under such agreements is in the best interests of the
23 Department of Defense.

1 (B) The Secretary may exercise the authority pro-
2 vided under this paragraph without regard to the provi-
3 sions of chapter 146 of title 10, United States Code.

4 (C) The Secretary may not exercise the authority
5 under subparagraph (A) with respect to an installation
6 earlier than 180 days before the date on which the instal-
7 lation is to be closed.

8 (D) The Secretary shall include in a contract for serv-
9 ices entered into with a local government under this para-
10 graph a clause that requires the use of professionals to
11 furnish the services to the extent that professionals are
12 available in the area under the jurisdiction of such govern-
13 ment.

14 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL
15 POLICY ACT OF 1969.—(1) The provisions of the National
16 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
17 seq.) shall not apply to the actions of the President, the
18 Commission, and, except as provided in paragraph (2), the
19 Department of Defense in carrying out this title.

20 (2)(A) The provisions of the National Environmental
21 Policy Act of 1969 shall apply to actions of the Depart-
22 ment of Defense under this title (i) during the process of
23 property disposal, and (ii) during the process of relocating
24 functions from a military installation being closed or re-
25 aligned to another military installation after the receiving

1 installation has been selected but before the functions are
2 relocated.

3 (B) In applying the provisions of the National Envi-
4 ronmental Policy Act of 1969 to the processes referred
5 to in subparagraph (A), the Secretary of Defense and the
6 Secretary of the military departments concerned shall not
7 have to consider—

8 (i) the need for closing or realigning the mili-
9 tary installation which has been recommended for
10 closure or realignment by the Commission;

11 (ii) the need for transferring functions to any
12 military installation which has been selected as the
13 receiving installation; or

14 (iii) military installations alternative to those
15 recommended or selected.

16 (3) A civil action for judicial review, with respect to
17 any requirement of the National Environmental Policy Act
18 of 1969 to the extent such Act is applicable under para-
19 graph (2), of any act or failure to act by the Department
20 of Defense during the closing, realigning, or relocating of
21 functions referred to in clauses (i) and (ii) of paragraph
22 (2)(A), may not be brought more than 60 days after the
23 date of such act or failure to act.

1 (d) WAIVER.—The Secretary of Defense may close or
2 realign military installations under this title without re-
3 gard to—

4 (1) any provision of law restricting the use of
5 funds for closing or realigning military installations
6 included in any appropriations or authorization Act;
7 and

8 (2) sections 2662 and 2687 of title 10, United
9 States Code.

10 (e) TRANSFER AUTHORITY IN CONNECTION WITH
11 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

12 (1)(A) Subject to paragraph (2) of this subsection and sec-
13 tion 120(h) of the Comprehensive Environmental Re-
14 sponse, Compensation, and Liability Act of 1980 (42
15 U.S.C. 9620(h)), the Secretary may enter into an agree-
16 ment to transfer by deed real property or facilities referred
17 to in subparagraph (B) with any person who agrees to
18 perform all environmental restoration, waste management,
19 and environmental compliance activities that are required
20 for the property or facilities under Federal and State laws,
21 administrative decisions, agreements (including schedules
22 and milestones), and concurrences.

23 (B) The real property and facilities referred to in
24 subparagraph (A) are the real property and facilities lo-
25 cated at an installation closed or to be closed, or realigned

1 or to be realigned, under this title that are available exclu-
2 sively for the use, or expression of an interest in a use,
3 of a redevelopment authority under subsection (b)(6)(F)
4 during the period provided for that use, or expression of
5 interest in use, under that subsection. The real property
6 and facilities referred to in subparagraph (A) are also the
7 real property and facilities located at an installation ap-
8 proved for closure or realignment under this title after
9 2001 that are available for purposes other than to assist
10 the homeless.

11 (C) The Secretary may require any additional terms
12 and conditions in connection with an agreement author-
13 ized by subparagraph (A) as the Secretary considers ap-
14 propriate to protect the interests of the United States.

15 (2) A transfer of real property or facilities may be
16 made under paragraph (1) only if the Secretary certifies
17 to Congress that—

18 (A) the costs of all environmental restoration,
19 waste management, and environmental compliance
20 activities otherwise to be paid by the Secretary with
21 respect to the property or facilities are equal to or
22 greater than the fair market value of the property
23 or facilities to be transferred, as determined by the
24 Secretary; or

1 (B) if such costs are lower than the fair market
2 value of the property or facilities, the recipient of
3 the property or facilities agrees to pay the difference
4 between the fair market value and such costs.

5 (3) In the case of property or facilities covered by
6 a certification under paragraph (2)(A), the Secretary may
7 pay the recipient of such property or facilities an amount
8 equal to the lesser of—

9 (A) the amount by which the costs incurred by
10 the recipient of such property or facilities for all en-
11 vironmental restoration, waste, management, and
12 environmental compliance activities with respect to
13 such property or facilities exceed the fair market
14 value of such property or facilities as specified in
15 such certification; or

16 (B) the amount by which the costs (as deter-
17 mined by the Secretary) that would otherwise have
18 been incurred by the Secretary for such restoration,
19 management, and activities with respect to such
20 property or facilities exceed the fair market value of
21 such property or facilities as so specified.

22 (4) As part of an agreement under paragraph (1),
23 the Secretary shall disclose to the person to whom the
24 property or facilities will be transferred any information
25 of the Secretary regarding the environmental restoration,

1 waste management, and environmental compliance activi-
 2 ties described in paragraph (1) that relate to the property
 3 or facilities. The Secretary shall provide such information
 4 before entering into the agreement.

5 (5) Nothing in this subsection shall be construed to
 6 modify, alter, or amend the Comprehensive Environmental
 7 Response, Compensation, and Liability Act of 1980 (42
 8 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42
 9 U.S.C. 6901 et seq.).

10 (6) Section 330 of the National Defense Authoriza-
 11 tion Act for Fiscal Year 1993 (Public Law 102–484; 10
 12 U.S.C. 2687 note) shall not apply to any transfer under
 13 this subsection to persons or entities described in sub-
 14 section (a)(2) of such section 330, except in the case of
 15 releases or threatened releases not disclosed pursuant to
 16 paragraph (4).

17 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**
 18 **COUNT 2016.**

19 (a) IN GENERAL.—(1) If the Secretary makes the
 20 certifications required under section 2903(b), there shall
 21 be established on the books of the Treasury an account
 22 to be known as the “Department of Defense Base Closure
 23 Account 2016” (in this section referred to as the “Ac-
 24 count”). The Account shall be administered by the Sec-
 25 retary as a single account.

1 (2) There shall be deposited into the Account—

2 (A) funds authorized for and appropriated to
3 the Account;

4 (B) any funds that the Secretary may, subject
5 to approval in an appropriation Act, transfer to the
6 Account from funds appropriated to the Department
7 of Defense for any purpose, except that such funds
8 may be transferred only after the date on which the
9 Secretary transmits written notice of, and justifica-
10 tion for, such transfer to the congressional defense
11 committees; and

12 (C) except as provided in subsection (d), pro-
13 ceeds received from the lease, transfer, or disposal of
14 any property at a military installation that is closed
15 or realigned under this title.

16 (3) The Account shall be closed at the time and in
17 the manner provided for appropriation accounts under sec-
18 tion 1555 of title 31, United States Code. Unobligated
19 funds which remain in the Account upon closure shall be
20 held by the Secretary of the Treasury until transferred
21 by law after the congressional defense committees receive
22 the final report transmitted under subsection (c)(2).

23 (b) USE OF FUNDS.—(1) The Secretary may use the
24 funds in the Account only for the purposes described in

1 section 2905 with respect to military installations ap-
2 proved for closure or realignment under this title.

3 (2) When a decision is made to use funds in the Ac-
4 count to carry out a construction project under section
5 2905(a) and the cost of the project will exceed the max-
6 imum amount authorized by law for a minor military con-
7 struction project, the Secretary shall notify in writing the
8 congressional defense committees of the nature of, and
9 justification for, the project and the amount of expendi-
10 tures for such project. Any such construction project may
11 be carried out without regard to section 2802(a) of title
12 10, United States Code.

13 (c) REPORTS.—(1)(A) No later than 60 days after
14 the end of each fiscal year in which the Secretary carries
15 out activities under this title using amounts in the Ac-
16 count, the Secretary shall transmit a report to the con-
17 gressional defense committees of—

18 (i) the amount and nature of the deposits into,
19 and the expenditures from, the Account during such
20 fiscal year;

21 (ii) the amount and nature of other expendi-
22 tures made pursuant to section 2905(a) during such
23 fiscal year;

24 (iii) the amount and nature of anticipated de-
25 posits to be made into, and the anticipated expendi-

1 tures to be made from, the Account during the first
2 fiscal year commencing after the submission of the
3 report; and

4 (iv) the amount and nature of anticipated ex-
5 penditures to be made pursuant to section 2905(a)
6 during the first fiscal year commencing after the
7 submission of the report.

8 (B) The report for a fiscal year shall include the fol-
9 lowing:

10 (i) The obligations and expenditures from the
11 Account during the fiscal year, identified by sub-
12 account and installation, for each military depart-
13 ment and Defense Agency.

14 (ii) The fiscal year in which appropriations for
15 such expenditures were made and the fiscal year in
16 which finds were obligated for such expenditures.

17 (iii) Each military construction project for
18 which such obligations and expenditures were made,
19 identified by installation and project title.

20 (iv) A description and explanation of the extent,
21 if any, to which expenditures for military construc-
22 tion projects for the fiscal year differed from pro-
23 posals for projects and funding levels that were in-
24 cluded in the justification transmitted to Congress
25 under section 2907(1), or otherwise, for the funding

1 proposals for the Account for such fiscal year, in-
2 cluding an explanation of—

3 (I) any failure to carry out military con-
4 struction projects that were so proposed; and

5 (II) any expenditures for military construc-
6 tion projects that were not so proposed.

7 (v) An estimate of the net revenues to be re-
8 ceived from property disposals to be completed dur-
9 ing the first fiscal year commencing after the sub-
10 mission of the report at military installations ap-
11 proved for closure or realignment under this title.

12 (2) No later than 60 days after the closure of the
13 Account under subsection (a)(3), the Secretary shall
14 transmit to the congressional defense committees a report
15 containing an accounting of—

16 (A) all the funds deposited into and expended
17 from the Account or otherwise expended under this
18 title with respect to such installations; and

19 (B) any amount remaining in the Account.

20 (d) DISPOSAL OR TRANSFER OF COMMISSARY
21 STORES AND PROPERTY PURCHASED WITH NON-
22 APPROPRIATED FUNDS.—(1) If any real property or facil-
23 ity acquired, constructed, or improved (in whole or in part)
24 with commissary store funds or nonappropriated funds is
25 transferred or disposed of in connection with the closure

1 or realignment of a military installation under this title,
2 a portion of the proceeds of the transfer or other disposal
3 of property on that installation shall be deposited in the
4 reserve account established under section 204(b)(7)(C) of
5 the Defense Authorization Amendments and Base Closure
6 and Realignment Act (10 U.S.C. 2687 note).

7 (2) The amount so deposited shall be equal to the
8 depreciated value of the investment made with such funds
9 in the acquisition, construction, or improvement of that
10 particular real property or facility. The depreciated value
11 of the investment shall be computed in accordance with
12 regulations prescribed by the Secretary.

13 (3) The Secretary may use amounts in the reserve
14 account, without further appropriation, for the purpose of
15 acquiring, constructing, and improving—

16 (A) commissary stores; and

17 (B) real property and facilities for non-
18 appropriated fund instrumentalities.

19 (4) As used in this subsection:

20 (A) The term “commissary store funds” means
21 funds received from the adjustment of, or surcharge
22 on, selling prices at commissary stores fixed under
23 section 2685 of title 10, United States Code.

1 (B) The term “nonappropriated funds” means
2 funds received from a nonappropriated fund instru-
3 mentality.

4 (C) The term “nonappropriated fund instru-
5 mentality” means an instrumentality of the United
6 States under the jurisdiction of the Armed Forces
7 (including the Army and Air Force Exchange Serv-
8 ice, the Navy Resale and Services Support Office,
9 and the Marine Corps exchanges) which is conducted
10 for the comfort, pleasure, contentment, or physical
11 or mental improvement of members of the Armed
12 Forces.

13 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR
14 ENVIRONMENTAL RESTORATION PROJECTS.—Except for
15 funds deposited into the Account under subsection (a),
16 funds appropriated to the Department of Defense may not
17 be used for purposes described in section 2905(a)(1)(C).
18 The prohibition in this subsection shall expire upon the
19 closure of the Account under subsection (a)(3).

20 (f) AUTHORIZED COST AND SCOPE OF WORK VARI-
21 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost
22 authorized for a military construction project or military
23 family housing project to be carried out using funds in
24 the Account may not be increased or reduced by more than
25 20 percent or \$2,000,000, whichever is less, of the amount

1 specified for the project in the conference report to accom-
2 pany the Military Construction Authorization Act author-
3 izing the project. The scope of work for such a project
4 may not be reduced by more than 25 percent from the
5 scope specified in the most recent budget documents for
6 the projects listed in such conference report.

7 (2) Paragraph (1) shall not apply to a military con-
8 struction project or military family housing project to be
9 carried out using funds in the Account with an estimated
10 cost of less than \$5,000,000, unless the project has not
11 been previously identified in any budget submission for the
12 Account and exceeds the applicable minor construction
13 threshold under section 2805 of title 10, United States
14 Code.

15 (3) The limitation on cost or scope variation in para-
16 graph (1) shall not apply if the Secretary of Defense
17 makes a determination that an increase or reduction in
18 cost or a reduction in the scope of work for a military
19 construction project or military family housing project to
20 be carried out using funds in the Account needs to be
21 made for the sole purpose of meeting unusual variations
22 in cost or scope. If the Secretary makes such a determina-
23 tion, the Secretary shall notify the congressional defense
24 committees of the variation in cost or scope not later than
25 21 days before the date on which the variation is made

1 in connection with the project or, if the notification is pro-
2 vided in an electronic medium pursuant to section 480 of
3 title 10, United States Code, not later than 14 days before
4 the date on which the variation is made. The Secretary
5 shall include the reasons for the variation in the notifica-
6 tion.

7 **SEC. 2907. REPORTS.**

8 (a) **REPORTING REQUIREMENT.**—As part of the
9 budget request for fiscal year 2021 and for each fiscal
10 year thereafter through fiscal year 2032 for the Depart-
11 ment of Defense, the Secretary shall transmit to the con-
12 gressional defense committees—

13 (1) a schedule of the closure actions to be car-
14 ried out under this title in the fiscal year for which
15 the request is made and an estimate of the total ex-
16 penditures required and cost savings to be achieved
17 by each such closure and of the time period in which
18 these savings are to be achieved in each case, to-
19 gether with the Secretary's assessment of the envi-
20 ronmental effects of such actions;

21 (2) a description of the military installations,
22 including those under construction and those
23 planned for construction, to which functions are to
24 be transferred as a result of such closures, together

1 with the Secretary's assessment of the environmental
2 effects of such transfers;

3 (3) a description of the closure actions already
4 carried out at each military installation since the
5 date of the installation's approval for closure under
6 this title and the current status of the closure of the
7 installation, including whether—

8 (A) a redevelopment authority has been
9 recognized by the Secretary for the installation;

10 (B) the screening of property at the instal-
11 lation for other Federal use has been com-
12 pleted; and

13 (C) a redevelopment plan has been agreed
14 to by the redevelopment authority for the in-
15 stallation;

16 (4) a description of redevelopment plans for
17 military installations approved for closure under this
18 title, the quantity of property remaining to be dis-
19 posed of at each installation as part of its closure,
20 and the quantity of property already disposed of at
21 each installation;

22 (5) a list of the Federal agencies that have re-
23 quested property during the screening process for
24 each military installation approved for closure under
25 this title, including the date of transfer or antici-

1 pated transfer of the property to such agencies, the
2 acreage involved in such transfers, and an expla-
3 nation for any delays in such transfers;

4 (6) a list of known environmental remediation
5 issues at each military installation approved for clo-
6 sure under this title, including the acreage affected
7 by these issues, an estimate of the cost to complete
8 such environmental remediation, and the plans (and
9 timelines) to address such environmental remedi-
10 ation; and

11 (7) an estimate of the date for the completion
12 of all closure actions at each military installation ap-
13 proved for closure or realignment under this title.

14 **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMIS-**
15 **SION REPORT.**

16 (a) **TERMS OF THE RESOLUTION.**—For purposes of
17 section 2904(b), the term “joint resolution” means only
18 a joint resolution which is introduced within the 10-day
19 period beginning on the date on which the President trans-
20 mits the report to the Congress under section 2903(j),
21 and—

22 (1) which does not have a preamble;

23 (2) the matter after the resolving clause of
24 which is as follows: “That Congress disapproves the
25 recommendations of the Defense Base Closure and

1 Realignment Commission as submitted by the Presi-
2 dent on ” the blank space being filled in with
3 the appropriate date; and

4 (3) the title of which is as follows: “Joint reso-
5 lution disapproving the recommendations of the De-
6 fense Base Closure and Realignment Commission.”.

7 (b) REFERRAL.—A resolution described in subsection
8 (a) that is introduced in the House of Representatives
9 shall be referred to the Committee on Armed Services of
10 the House of Representatives. A resolution described in
11 subsection (a) introduced in the Senate shall be referred
12 to the Committee on Armed Services of the Senate.

13 (c) DISCHARGE.—If the committee to which a resolu-
14 tion described in subsection (a) is referred has not re-
15 ported such a resolution (or an identical resolution) by the
16 end of the 20-day period beginning on the date on which
17 the President transmits the report to the Congress under
18 section 2903(j), such committee shall be, at the end of
19 such period, discharged from further consideration of such
20 resolution, and such resolution shall be placed on the ap-
21 propriate calendar of the House involved.

22 (d) CONSIDERATION.—(1) On or after the third day
23 after the date on which the committee to which such a
24 resolution is referred has reported, or has been discharged
25 (under subsection (c)) from further consideration of, such

1 a resolution, it is in order (even though a previous motion
2 to the same effect has been disagreed to) for any Member
3 of the respective House to move to proceed to the consider-
4 ation of the resolution. A member may make the motion
5 only on the day after the calendar day on which the Mem-
6 ber announces to the House concerned the Member's in-
7 tention to make the motion, except that, in the case of
8 the House of Representatives, the motion may be made
9 without such prior announcement if the motion is made
10 by direction of the committee to which the resolution was
11 referred. All points of order against the resolution (and
12 against consideration of the resolution) are waived. The
13 motion is highly privileged in the House of Representatives
14 and is privileged in the Senate and is not debatable. The
15 motion is not subject to amendment, or to a motion to
16 postpone, or to a motion to proceed to the consideration
17 of other business. A motion to reconsider the vote by
18 which the motion is agreed to or disagreed to shall not
19 be in order. If a motion to proceed to the consideration
20 of the resolution is agreed to, the respective House shall
21 immediately proceed to consideration of the joint resolu-
22 tion without intervening motion, order, or other business,
23 and the resolution shall remain the unfinished business of
24 the respective House until disposed of.

1 (2) Debate on the resolution, and on all debatable
2 motions and appeals in connection therewith, shall be lim-
3 ited to not more than 2 hours, which shall be divided
4 equally between those favoring and those opposing the res-
5 olution. An amendment to the resolution is not in order.
6 A motion further to limit debate is in order and not debat-
7 able. A motion to postpone, or a motion to proceed to the
8 consideration of other business, or a motion to recommit
9 the resolution is not in order. A motion to reconsider the
10 vote by which the resolution is agreed to or disagreed to
11 is not in order.

12 (3) Immediately following the conclusion of the de-
13 bate on a resolution described in subsection (a) and a sin-
14 gle quorum call at the conclusion of the debate if re-
15 quested in accordance with the rules of the appropriate
16 House, the vote on final passage of the resolution shall
17 occur.

18 (4) Appeals from the decisions of the Chair relating
19 to the application of the rules of the Senate or the House
20 of Representatives, as the case may be, to the procedure
21 relating to a resolution described in subsection (a) shall
22 be decided without debate.

23 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
24 fore the passage by one House of a resolution of that
25 House described in subsection (a), that House receives

1 from the other House a resolution described in subsection
 2 (a), then the following procedures shall apply:

3 (A) The resolution of the other House shall not
 4 be referred to a committee and may not be consid-
 5 ered in the House receiving it except in the case of
 6 final passage as provided in subparagraph (B)(ii).

7 (B) With respect to a resolution described in
 8 subsection (a) of the House receiving the resolu-
 9 tion—

10 (i) the procedure in that House shall be
 11 the same as if no resolution had been received
 12 from the other House; but

13 (ii) the vote on final passage shall be on
 14 the resolution of the other House.

15 (2) Upon disposition of the resolution received from
 16 the other House, it shall no longer be in order to consider
 17 the resolution that originated in the receiving House.

18 (f) RULES OF THE SENATE AND HOUSE.—This sec-
 19 tion is enacted by Congress—

20 (1) as an exercise of the rulemaking power of
 21 the Senate and House of Representatives, respec-
 22 tively, and as such it is deemed a part of the rules
 23 of each House, respectively, but applicable only with
 24 respect to the procedure to be followed in that
 25 House in the case of a resolution described in sub-

1 section (a), and it supersedes other rules only to the
2 extent that it is inconsistent with such rules; and

3 (2) with full recognition of the constitutional
4 right of either House to change the rules (so far as
5 relating to the procedure of that House) at any time,
6 in the same manner, and to the same extent as in
7 the case of any other rule of that House.

8 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AU-**
9 **THORITY.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (c), during the period beginning on the date of the enact-
12 ment of this Act, and ending on April 15, 2020, this title
13 shall be the exclusive authority for selecting for closure
14 or realignment, or for carrying out any closure or realign-
15 ment of, a military installation inside the United States.

16 (b) RESTRICTION.—Except as provided in subsection
17 (c), none of the funds available to the Department of De-
18 fense may be used, other than under this title, during the
19 period specified in subsection (a)—

20 (1) to identify, through any transmittal to the
21 Congress or through any other public announcement
22 or notification, any military installation inside the
23 United States as an installation to be closed or re-
24 aligned or as an installation under consideration for
25 closure or realignment; or

1 (2) to carry out any closure or realignment of
2 a military installation inside the United States.

3 (c) EXCEPTION.—Nothing in this title affects the au-
4 thority of the Secretary to carry out closures and realign-
5 ments to which section 2687 of title 10, United States
6 Code, is not applicable, including closures and realign-
7 ments carried out for reasons of national security or a
8 military emergency referred to in subsection (c) of such
9 section.

10 **SEC. 2910. DEFINITIONS.**

11 As used in this title:

12 (1) The term “Account” means the Department
13 of Defense Base Closure Account established by sec-
14 tion 2906(a)(1).

15 (2) The term “congressional defense commit-
16 tees” means the Committee on Armed Services and
17 the Committee on Appropriations of the Senate and
18 the Committee on Armed Services and the Com-
19 mittee on Appropriations of the House of Represent-
20 atives.

21 (3) The term “Commission” means the Com-
22 mission established by section 2902.

23 (4) The term “military installation” means a
24 base, camp, post, station, yard, center, homeport fa-
25 cility for any ship, or other activity under the juris-

1 diction of the Department of Defense, including any
2 leased facility. Such term does not include any facil-
3 ity used primarily for civil works, rivers and harbors
4 projects, flood control, or other projects not under
5 the primary jurisdiction or control of the Depart-
6 ment of Defense.

7 (5) The term “realignment” includes any action
8 which both reduces and relocates functions and civil-
9 ian personnel positions but does not include a reduc-
10 tion in force resulting from workload adjustments,
11 reduced personnel or funding levels, or skill imbal-
12 ances.

13 (6) The term “Secretary” means the Secretary
14 of Defense.

15 (7) The term “United States” means the 50
16 States, the District of Columbia, the Commonwealth
17 of Puerto Rico, Guam, the Virgin Islands, American
18 Samoa, and any other commonwealth, territory, or
19 possession of the United States.

20 (8) The term “date of approval”, with respect
21 to a closure or realignment of an installation, means
22 the date on which the authority of Congress to dis-
23 approve a recommendation of closure or realign-
24 ment, as the case may be, of such installation under
25 this title expires.

1 (9) The term “redevelopment authority”, in the
2 case of an installation to be closed or realigned
3 under this title, means any entity (including an enti-
4 ty established by a State or local government) recog-
5 nized by the Secretary of Defense as the entity re-
6 sponsible for developing the redevelopment plan with
7 respect to the installation or for directing the imple-
8 mentation of such plan.

9 (10) The term “redevelopment plan” in the
10 case of an installation to be closed or realigned
11 under this title, means a plan that—

12 (A) is agreed to by the local redevelopment
13 authority with respect to the installation; and

14 (B) provides for the reuse or redevel-
15 opment of the real property and personal property
16 of the installation that is available for such
17 reuse and redevelopment as a result of the clo-
18 sure or realignment of the installation.

19 (11) The term “representative of the homeless”
20 has the meaning given such term in section
21 501(i)(4) of the Stewart B. McKinney Homeless As-
22 sistance Act (42 U.S.C. 11411(i)(4)).

1 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**
2 **POSES OF OTHER PROVISIONS OF LAW.**

3 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE
4 10.—Section 101(a)(17) of title 10, United States Code,
5 is amended by adding at the end the following new sub-
6 paragraph:

7 “(D) The Defense Base Closure and Re-
8 alignment Act of 2016.”.

9 (b) DEFINITION OF “BASE CLOSURE LAW” IN
10 OTHER LAWS.—

11 (1) Section 131(b) of Public Law 107–249 (10
12 U.S.C. 221 note) is amended by striking “means”
13 and all that follows and inserting “has the meaning
14 given the term ‘base closure law’ in section
15 101(a)(17) of title 10, United States Code.”.

16 (2) Section 1334(k)(1) of the National Defense
17 Authorization Act for Fiscal Year 1994 (Public Law
18 103–160; 10 U.S.C. 2701 note) is amended by add-
19 ing at the end the following new subparagraph:

20 “(C) The Defense Base Closure and Re-
21 alignment Act of 2016.”.

22 (3) Section 2918(a)(1) of the National Defense
23 Authorization Act for Fiscal Year 1994 (Public Law
24 103–160; 10 U.S.C. 2687 note) is amended by add-
25 ing at the end the following new subparagraph:

1 “(C) The Defense Base Closure and Re-
2 alignment Act of 2016.”.

3 **SEC. 2912. CONFORMING AMENDMENTS.**

4 (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Sec-
5 tion 2667(e) of title 10, United States Code, is amended—

6 (1) in paragraph (5), by striking “on or after
7 January 1, 2005,” and inserting “from January 1,
8 2005 through December 31, 2005,”; and

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

11 “(6) Money rentals received by the United
12 States from a lease under subsection (g) at a mili-
13 tary installation approved for closure or realignment
14 under a base closure law on or after January 1,
15 2006, shall be deposited into the account established
16 under section 2906 of the Defense Base Closure and
17 Realignment Act of 2016.”.

18 (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY
19 FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,
20 United States Code, is amended by striking “section 2687
21 of title 10, section 201 of the Defense Authorization
22 Amendments and Base Closure and Realignment Act (10
23 U.S.C. 2687 note), or section 2905 of the Defense Base
24 Closure and Realignment Act of 1990 (10 U.S.C. 2687

1 note)” and inserting “a base closure law, as that term is
2 defined in section 101(a)(17) of title 10,”.

3 (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of
4 title 5, United States Code, is amended by striking “the
5 Defense Base Closure and Realignment Act of 1990 (part
6 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
7 note)” and inserting “a base closure law, as that term is
8 defined in section 101(a)(17) of title 10,”.

9 **TITLE XXX—MILITARY** 10 **CONSTRUCTION FUNDING**

11 **SEC. 3001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-** 12 **BLES.**

13 (a) IN GENERAL.—Whenever a funding table in this
14 title specifies a dollar amount authorized for a project,
15 program, or activity, the obligation and expenditure of the
16 specified dollar amount for the project, program, or activ-
17 ity is hereby authorized, subject to the availability of ap-
18 propriations.

19 (b) MERIT-BASED DECISIONS.—A decision to com-
20 mit, obligate, or expend funds with or to a specific entity
21 on the basis of a dollar amount authorized pursuant to
22 subsection (a) shall—

23 (1) be based on merit-based selection proce-
24 dures in accordance with the requirements of sec-

tions 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this title may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under any other provision of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

SEC. 3002. MILITARY CONSTRUCTION TABLE.

SEC. 3002. MILITARY CONSTRUCTION (In Thousands of Dollars)			
Account	State/Country and Installation	Project Title	FY 2017 Budget Request
Army	Alaska Fort Wainwright California	Unmanned Aerial Vehicle Hangar	\$47,000

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
Army	Concord	Access Control Point	\$12,600
	Colorado		
Army	Fort Carson	Automated Infantry Platoon Battle Course	\$8,100
Army	Fort Carson	Unmanned Aerial Vehicle Hangar	\$5,000
	Cuba		
Army	Guantanamo Bay	Mass Migration Complex	\$33,000
	Georgia		
Army	Fort Gordon	Cyber Protection Team Ops Facility	\$90,000
Army	Fort Stewart	Automated Qualification/Training Range	\$14,800
	Germany		
Army	Garmisch	Dining Facility	\$9,600
Army	Wiesbaden Army Airfield	Controlled Humidity Warehouse	\$16,500
Army	Wiesbaden Army Airfield	Hazardous Material Storage Building	\$2,700
Army	East Camp Grafenwoehr	Training Support Center	\$22,000
	Hawaii		
Army	Fort Shafter	Command and Control Facility, Iner 2	\$40,000
	Texas		
Army	Fort Hood	Automated Infantry Platoon Battle Course	\$7,600
	Utah		
Army	Camp Williams	Live Fire Exercise Shoothouse	\$7,400
	Virginia		
Army	Fort Belvoir	Secure Admin/Operations Facility, Iner 2	\$64,000
	Worldwide Unspecified Location		
Army	Unspecified Worldwide Locations	Host Nation Support FY17	\$18,000
Army	Unspecified Worldwide Locations	Minor Construction FY17	\$25,000
Army	Unspecified Worldwide Locations	Planning and Design FY17	\$80,159
Total Military Construction, Army			\$503,459
	Arizona		
Navy	Yuma	VMX-22 Maintenance Hangar	\$48,355
	California		
Navy	Coronado	Coastal Campus Entry Control Point	\$13,044
Navy	Coronado	Coastal Campus Utilities Infrastructure	\$81,104
Navy	Coronado	Grace Hopper Data Center Power Upgrades	\$10,353
Navy	Lemoore	F-35C Engine Repair Facility	\$26,723
Navy	San Diego	Energy Security Hospital Microgrid	\$6,183
Navy	Seal Beach	Missile Magazines	\$21,007
	Florida		
Navy	Eglin Air Force Base	WMD Field Training Facilities	\$20,489
	Guam		
Navy	Joint Region Marianas	Hardening of Guam POL Infrastructure	\$26,975
Navy	Joint Region Marianas	Power Upgrade - Harmon	\$62,210
	Hawaii		
Navy	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys	\$43,384
Navy	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility	\$72,565
	Japan		
Navy	Kadena Air Base	Aircraft Maintenance Complex	\$26,489
Navy	Sasebo	Shore Power (Juliet Pier)	\$16,420
	Maine		
Navy	Kittery	Unaccompanied Housing	\$17,773
Navy	Kittery	Utility Improvements for Nuclear Platforms	\$30,119
	Maryland		
Navy	Patuxent River	UCLASS RDT&E Hangar	\$40,576
	Nevada		
Navy	Fallon	Air Wing Simulator Facility	\$13,523
	North Carolina		
Navy	Cherry Point Marine Corps Air Station	Central Heating Plant Conversion	\$12,515
Navy	Camp Lejeune	Range Facilities Safety Improvements	\$18,482
	South Carolina		
Navy	Parris Island	Recruit Reconditioning Center & Barracks	\$29,882
Navy	Beaufort	Aircraft Maintenance Hangar	\$83,490
	Spain		
Navy	Rota	Communication Station	\$23,607
	Washington		
Navy	Bangor	Service Pier Electrical Upgrades	\$18,939
Navy	Bremerton	Nuclear Repair Facility	\$6,704
Navy	Kitsap	Submarine Refit Maint Support Facility	\$21,476
Navy	Whidbey Island	EA-18G Maintenance Hangar	\$45,501
Navy	Whidbey Island	Triton Mission Control Facility	\$30,475
	Worldwide Unspecified Location		
Navy	Unspecified Worldwide Locations	Planning and Design	\$88,230

SEC. 3002. MILITARY CONSTRUCTION (In Thousands of Dollars)			
Account	State/Country and Installation	Project Title	FY 2017 Budget Request
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	\$29,790
Navy	Various Worldwide Locations	Triton Forward Operating Base Hangar	\$41,380
Total Military Construction, Navy			\$1,027,763
Alaska			
AF	Clear Air Force Station	Fire Station	\$20,000
AF	Eielson Air Force Base	F-35A ADAL Field Training Detachment Fae	\$22,100
AF	Eielson Air Force Base	F-35A Aircraft Weather Shelter (Sqd 2)	\$82,300
AF	Eielson Air Force Base	F-35A Aircraft Weather Shelters (Sqd 1)	\$79,500
AF	Eielson Air Force Base	F-35A Earth Covered Magazines	\$11,300
AF	Eielson Air Force Base	F-35A Hangar/Propulsion MX/Dispatch	\$44,900
AF	Eielson Air Force Base	F-35A Hangar/Squad Ops/AMU Sq #2	\$42,700
AF	Eielson Air Force Base	F-35A Missile Maintenance Facility	\$12,800
AF	Joint Base Elmendorf-Richardson	Add/Alter AWACS Alert Hangar	\$29,000
Arizona			
AF	Luke Air Force Base	F-35A Squad Ops/Aircraft Maint Unit #5	\$20,000
Australia			
AF	Darwin	APR - Aircraft MX Support Facility	\$1,800
AF	Darwin	APR - Expand Parking Apron	\$28,600
California			
AF	Edwards Air Force Base	Flightline Fire Station	\$24,000
Colorado			
AF	Buckley Air Force Base	Small Arms Range Complex	\$13,500
Delaware			
AF	Dover Air Force Base	Aircraft Maintenance Hangar	\$39,000
Florida			
AF	Eglin Air Force Base	Advanced Munitions Technology Complex	\$75,000
AF	Eglin Air Force Base	Flightline Fire Station	\$13,600
AF	Patrick Air Force Base	Fire/Crash Rescue Station	\$13,500
Georgia			
AF	Moody Air Force Base	Personnel Recovery 4-Bay Hangar/Helo Mx Unit	\$30,900
Germany			
AF	Spangdahlem Air Base	EIC - Site Development and Infrastructure	\$43,465
AF	Ramstein Air Base	37 AS Squadron Operations/Aircraft Maint Unit	\$13,437
Guam			
AF	Joint Region Marianas	APR - Munitions Storage Igloos, Ph 2	\$35,300
AF	Joint Region Marianas	APR - SATCOM C4I Facility	\$14,200
AF	Joint Region Marianas	Block 40 Maintenance Hangar	\$31,158
Japan			
AF	Kadena Air Base	APR - Replace Munitions Structures	\$19,815
AF	Yokota Air Base	C-130J Corrosion Control Hangar	\$23,777
AF	Yokota Air Base	Construct Combat Arms Training & Maint Fae	\$8,243
Kansas			
AF	McConnell Air Force Base	Air Traffic Control Tower	\$11,200
AF	McConnell Air Force Base	KC-46A ADAL Taxiway Delta	\$5,600
AF	McConnell Air Force Base	KC-46A Alter Flight Simulator Bldgs	\$3,000
Louisiana			
AF	Barksdale Air Force Base	Consolidated Communication Facility	\$21,000
Mariana Islands			
AF	Unspecified Location	APR - Land Acquisition	\$9,000
Maryland			
AF	Joint Base Andrews	21 Points Enclosed Firing Range	\$13,000
AF	Joint Base Andrews	PAR Relocate JADOC Satellite Site	\$3,500
Massachusetts			
AF	Hanscom Air Force Base	System Management Engineering Facility	\$20,000
Montana			
AF	Malmstrom Air Force Base	Missile Maintenance Facility	\$14,600
Nevada			
AF	Nellis Air Force Base	F-35A POL Fill Stand Addition	\$10,600
New Mexico			
AF	Cannon Air Force Base	North Fitness Center	\$21,000
AF	Holloman Air Force Base	Hazardous Cargo Pad and Taxiway	\$10,600
AF	Kirtland Air Force Base	Combat Rescue Helicopter (CRH) Simulator	\$7,300
Ohio			
AF	Wright-Patterson Air Force Base	Relocated Entry Control Facility 26A	\$12,600
Oklahoma			
AF	Altus Air Force Base	KC-46A FTU/FTC Simulator Facility Ph 2	\$11,600
AF	Tinker Air Force Base	KC-46A Depot System Integration Laboratory	\$17,000
Texas			
AF	Joint Base San Antonio	BMT Recruit Dormitory 6	\$67,300
Turkey			
AF	Incirlik Air Base	Airfield Fire/Crash Rescue Station	\$13,449
United Arab Emirates			

SEC. 3002. MILITARY CONSTRUCTION (In Thousands of Dollars)			
Account	State/Country and Installation	Project Title	FY 2017 Budget Request
AF	Al Dhafra	Large Aircraft Maintenance Hangar	\$35,400
	United Kingdom		
AF	Croughton RAF	JLAC Consolidation - Ph 3	\$53,082
AF	Croughton RAF	Main Gate Complex	\$16,500
	Utah		
AF	Hill Air Force Base	649 MUNS Munitions Storage Magazines	\$6,600
AF	Hill Air Force Base	649 MUNS Precision Guided Missile MX Facility	\$8,700
AF	Hill Air Force Base	649 MUNS STAMP/Maint & Inspection Facility	\$12,000
AF	Hill Air Force Base	Composite Aircraft Antenna Calibration Fac	\$7,100
AF	Hill Air Force Base	F-35A Munitions Maintenance Complex	\$10,100
	Virginia		
AF	Joint Base Langley-Eustis	Air Force Targeting Center	\$45,000
AF	Joint Base Langley-Eustis	Fuel System Maintenance Dock	\$14,200
	Washington		
AF	Fairchild Air Force Base	Pipeline Dorm, USAF SERE School (150 RM)	\$27,000
	Worldwide Unspecified Location		
AF	Various Worldwide Locations	Planning & Design	\$143,582
AF	Various Worldwide Locations	Unspecified Minor Military Construction	\$30,000
	Wyoming		
AF	F. E. Warren Air Force Base	Missile Transfer Facility Bldg 4331	\$5,550
Total Military Construction, Air Force			\$1,481,058
	Alaska		
Def-Wide	Clear Air Force Station	Long Range Discrim Radar Sys Complex Ph1	\$155,000
Def-Wide	Fort Greely	Missile Defense Complex Switchgear Facility	\$9,560
Def-Wide	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	\$4,900
	Arizona		
Def-Wide	Fort Huachuca	JITC Building 52110 Renovation	\$4,493
	California		
Def-Wide	Coronado	SOF Human Performance Training Center	\$15,578
Def-Wide	Coronado	SOF Seal Team Ops Facility	\$47,290
Def-Wide	Coronado	SOF Seal Team Ops Facility	\$47,290
Def-Wide	Coronado	SOF Special RECON Team ONE Operations Fac	\$20,949
Def-Wide	Coronado	SOF Training Detachment ONE Ops Facility	\$44,305
Def-Wide	Travis Air Force Base	Replace Hydrant Fuel System	\$26,500
	Delaware		
Def-Wide	Dover Air Force Base	Welch ES/Dover MS Replacement	\$44,115
	Diego Garcia		
Def-Wide	Diego Garcia	Improve Wharf Refueling Capability	\$30,000
	Florida		
Def-Wide	Patrick Air Force Base	Replace Fuel Tanks	\$10,100
	Georgia		
Def-Wide	Fort Gordon	Medical Clinic Replacement	\$25,000
Def-Wide	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar	\$4,820
	Germany		
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Iner 6	\$58,063
Def-Wide	Kaiserslautern	Sembach Elementary/Middle School Replacement	\$45,221
	Japan		
Def-Wide	Iwakuni	Construct Truck Offload & Loading Facilities	\$6,664
Def-Wide	Kadena Air Base	Kadena Elementary School Replacement	\$84,918
Def-Wide	Kadena Air Base	Medical Materiel Warehouse	\$20,881
Def-Wide	Kadena Air Base	SOF Maintenance Hangar	\$42,823
Def-Wide	Kadena Air Base	SOF Simulator Facility (MC-130)	\$12,602
Def-Wide	Yokota Air Base	Airfield Apron	\$41,294
Def-Wide	Yokota Air Base	Hangar/AMU	\$39,466
Def-Wide	Yokota Air Base	Operations and Warehouse Facilities	\$26,710
Def-Wide	Yokota Air Base	Simulator Facility	\$6,261
	Kwajalein		
Def-Wide	Kwajalein Atoll	Replace Fuel Storage Tanks	\$85,500
	Maine		
Def-Wide	Portsmouth	Medical/Dental Clinic Replacement	\$27,100
	Maryland		
Def-Wide	Fort Meade	Access Control Facility	\$21,000
Def-Wide	Fort Meade	NSAW Campus Feeders Phase 3	\$17,000
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Iner 2	\$195,000
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration Iner 1	\$50,000
	Missouri		
Def-Wide	St Louis	Land Acquisition-Next NGA West (N2W) Campus	\$801
	North Carolina		
Def-Wide	Fort Bragg	SOF Combat Medie Training Facility	\$10,905
Def-Wide	Fort Bragg	SOF Parachute Rigging Facility	\$21,420

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
Def-Wide	Fort Bragg	SOF Special Tactics Facility (PH3)	\$30,670
Def-Wide	Fort Bragg	SOF Tactical Equipment Maintenance Facility	\$23,598
Def-Wide	Camp Lejeune	Dental Clinic Replacement	\$31,000
	South Carolina		
Def-Wide	Joint Base Charleston	Construct Hydrant Fuel System	\$17,000
	Texas		
Def-Wide	Sheppard Air Force Base	Medical/Dental Clinic Replacement	\$91,910
Def-Wide	Red River Army Depot	Construct Warehouse & Open Storage	\$44,700
	United Kingdom		
Def-Wide	Royal Air Force Croughton	Croughton Elem/Middle/High School Replacement	\$71,424
Def-Wide	Royal Air Force Lakenheath	Construct Hydrant Fuel System	\$13,500
	Virginia		
Def-Wide	Pentagon	Pentagon Metro Entrance Facility	\$12,111
Def-Wide	Pentagon	Upgrade IT Facilities Infrastructure-RRMC	\$8,105
	Wake Island		
Def-Wide	Wake Island	Test Support Facility	\$11,670
	Worldwide Unspecified Location		
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	\$10,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	\$150,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DEFW	\$13,450
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DLA	\$27,660
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DODEA	\$23,585
Def-Wide	Unspecified Worldwide Locations	Planning and Design, ECIP Design	\$10,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NSA	\$71,647
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NSA	\$24,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, SOCOM	\$27,653
Def-Wide	Unspecified Worldwide Locations	Planning and Design, WHS	\$3,427
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DEFW	\$3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DHA	\$8,500
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DODEA	\$3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, Exercise Related	\$8,631
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, MDA	\$2,414
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, NSA	\$3,913
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, SOCOM	\$5,994
Total Military Construction, Defense-Wide			\$2,056,091
	Worldwide Unspecified Location		
Def-Wide	NATO Security Investment Program	NATO Security Investment Program	\$177,932
Total NATO Security Investment Program			\$177,932
	Hawaii		
Army NG	Hilo	Combined Support Maintenance Shop	\$31,000
	Iowa		
Army NG	Davenport	National Guard Readiness Center	\$23,000
	Kansas		
Army NG	Fort Leavenworth	National Guard Readiness Center	\$29,000
	New Hampshire		
Army NG	Hooksett	National Guard Vehicle Maintenance Shop	\$11,000
Army NG	Rochester	National Guard Vehicle Maintenance Shop	\$8,900
	Oklahoma		
Army NG	Ardmore	National Guard Readiness Center	\$22,000
	Pennsylvania		
Army NG	York	National Guard Readiness Center	\$9,300
	Rhode Island		
Army NG	East Greenwich	National Guard/Reserve Center Building (JFHQ)	\$20,000
	Utah		

SEC. 3002. MILITARY CONSTRUCTION (In Thousands of Dollars)			
Account	State/Country and Installation	Project Title	FY 2017 Budget Request
Army NG	Camp Williams	National Guard Readiness Center	\$37,000
	Worldwide Unspecified Location		
Army NG	Unspecified Worldwide Locations	Planning and Design	\$8,729
		Unspecified Minor Construction	\$12,001
	Wyoming		
Army NG	Laramie	National Guard Readiness Center	\$21,000
Total Military Construction, Army National Guard			\$232,930
	California		
Army Res	Camp Parks	Transient Training Barracks	\$19,000
	Fort Hunter Liggett	Emergency Services Center	\$21,500
	Virginia		
Army Res	Dublin	Organizational Maintenance Shop/AMSA	\$6,000
	Wisconsin		
Army Res	Fort McCoy	AT/MOB Dining Facility	\$11,400
	Worldwide Unspecified Location		
Army Res	Unspecified Worldwide Locations	Planning and Design	\$7,500
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	\$2,830
Total Military Construction, Army Reserve			\$68,230
	Louisiana		
N/MC Res	New Orleans	Joint Reserve Intelligence Center	\$11,207
	New York		
N/MC Res	Brooklyn	Electric Feeder Duct bank	\$1,964
N/MC Res	Syracuse	Marine Corps Reserve Center	\$13,229
	Texas		
N/MC Res	Galveston	Reserve Center Annex	\$8,414
	Worldwide Unspecified Location		
N/MC Res	Unspecified Worldwide Locations	MCNR Planning & Design	\$3,783
Total Military Construction, Navy and Marine Corps Reserve			\$38,597
	Connecticut		
Air NG	Bradley IAP	Construct Small Air Terminal	\$6,300
	Florida		
Air NG	Jacksonville IAP	Replace Fire Crash/Rescue Station	\$9,000
	Hawaii		
Air NG	Joint Base Pearl Harbor-Hickam	F-22 Composite Repair Facility	\$11,000
	Iowa		
Air NG	Sioux Gateway Airport	Construct Consolidated Support Functions	\$12,600
	Minnesota		
Air NG	Duluth IAP	Load Crew Training/Weapon Shops	\$7,600
	New Hampshire		
Air NG	Pease International Trade Port	KC-46A Install Fuselage Trainer Bldg 251	\$1,500
	North Carolina		
Air NG	Charlotte/Douglas IAP	C-17 Corrosion Control/Fuel Cell Hangar	\$29,600
Air NG	Charlotte/Douglas IAP	C-17 Type III Hydrant Refueling System	\$21,000
	South Carolina		
Air NG	McEntire ANG	Replace Operations and Training Facility	\$8,400
	Texas		
Air NG	Ellington Field	Consolidate Crew Readiness Facility	\$4,500
	Vermont		
Air NG	Burlington IAP	F-35 Beddown 4-Bay Flight Simulator	\$4,500
	Worldwide Unspecified Location		
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction	\$17,495
Air NG	Various Worldwide Locations	Planning and Design	\$10,462
Total Military Construction, Air National Guard			\$143,957
	North Carolina		
AF Res	Seymour Johnson Air Force Base	KC-46A ADAL Bldg for AGE/Fuselage Training	\$5,700
AF Res	Seymour Johnson Air Force Base	KC-46A ADAL Squadron Operations Facilities	\$2,250
AF Res	Seymour Johnson Air Force Base	KC-46A Two Bay Corrosion/Fuel Cell Hangar	\$90,000
	Pennsylvania		
AF Res	Pittsburgh IAP	C-17 ADAL Fuel Hydrant System	\$22,800

SEC. 3002. MILITARY CONSTRUCTION (In Thousands of Dollars)			
Account	State/Country and Installation	Project Title	FY 2017 Budget Request
AF Res	Pittsburgh IAP	C-17 Const/Overlay/Taxiway and Apron	\$8,200
AF Res	Pittsburgh IAP	C-17 Construct Two Bay Corrosion/Fuel Hangar	\$54,000
	Worldwide Unspecified Location		
AF Res	Unspecified Worldwide Locations	Planning & Design	\$4,500
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	\$1,500
Total Military Construction, Air Force Reserve			\$188,950
	Korea		
FH Con Army	Camp Walker	Family Housing New Construction	\$54,554
FH Con Army	Camp Humphreys	Family Housing New Construction	\$143,563
	Worldwide Unspecified Location		
FH Con Army	Unspecified Worldwide Locations	Planning & Design	\$2,618
Total Family Housing Construction, Army			\$200,735
	Worldwide Unspecified Location		
FH Ops Army	Unspecified Worldwide Locations	Furnishings	\$10,178
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	\$19,146
FH Ops Army	Unspecified Worldwide Locations	Leasing	\$131,761
FH Ops Army	Unspecified Worldwide Locations	Maintenance	\$60,745
FH Ops Army	Unspecified Worldwide Locations	Management	\$40,344
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	\$400
FH Ops Army	Unspecified Worldwide Locations	Services	\$7,993
FH Ops Army	Unspecified Worldwide Locations	Utilities	\$55,428
Family Housing Operation & Maintenance, Army			\$325,995
	Mariana Islands		
FH Con Navy	Guam	Replace Andersen Housing PH I	\$78,815
	Worldwide Unspecified Location		
FH Con Navy	Unspecified Worldwide Locations	Construction Improvements	\$11,047
FH Con Navy	Unspecified Worldwide Locations	Planning & Design	\$4,149
Total Family Housing Construction, Navy & Marine Corps			\$94,011
	Worldwide Unspecified Location		
FH Ops Navy	Unspecified Worldwide Locations	Furnishings	\$17,457
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	\$26,320
FH Ops Navy	Unspecified Worldwide Locations	Leasing	\$54,689
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	\$81,254
FH Ops Navy	Unspecified Worldwide Locations	Management	\$51,291
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	\$364
FH Ops Navy	Unspecified Worldwide Locations	Services	\$12,855
FH Ops Navy	Unspecified Worldwide Locations	Utilities	\$56,685
Total Family Housing Operation & Maintenance, Navy & Marine Corps			\$300,915
	Worldwide Unspecified Location		
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	\$56,984
FH Con AF	Unspecified Worldwide Locations	Planning & Design	\$4,368
Total Family Housing Construction, Air Force			\$61,352

SEC. 3002. MILITARY CONSTRUCTION (In Thousands of Dollars)			
Account	State/Country and Installation	Project Title	FY 2017 Budget Request
	Worldwide Unspecified Location		
FH Ops AF	Unspecified Worldwide Locations	Furnishings	\$31,690
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization Support	\$41,809
FH Ops AF	Unspecified Worldwide Locations	Leasing	\$20,530
FH Ops AF	Unspecified Worldwide Locations	Maintenance	\$85,469
FH Ops AF	Unspecified Worldwide Locations	Management	\$42,919
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	\$1,745
FH Ops AF	Unspecified Worldwide Locations	Services	\$13,026
FH Ops AF	Unspecified Worldwide Locations	Utilities	\$37,241
Total Family Housing Operation & Maintenance, Air Force			\$274,429
	Worldwide Unspecified Location		
FH Ops DW	Unspecified Worldwide Locations	Furnishings	\$919
FH Ops DW	Unspecified Worldwide Locations	Leasing	\$52,028
FH Ops DW	Unspecified Worldwide Locations	Maintenance	\$1,149
FH Ops DW	Unspecified Worldwide Locations	Management	\$388
FH Ops DW	Unspecified Worldwide Locations	Services	\$32
FH Ops DW	Unspecified Worldwide Locations	Utilities	\$4,641
Total Family Housing Operation & Maintenance, Defense-Wide			\$59,157
	Worldwide Unspecified Location		
DW FHIP	Unspecified Worldwide Locations	Program Expenses	\$3,258
Total DoD Family Housing Improvement Fund, Defense-Wide			\$3,258
	Worldwide Unspecified Location		
BRAC	Base Realignment & Closure, Army	Base Realignment and Closure	\$14,499
BRAC	Base Realignment & Closure, Navy	Base Realignment & Closure	\$110,606
BRAC	Unspecified Worldwide Locations	DON-100: Planning, Design and Management	\$4,604
BRAC	Unspecified Worldwide Locations	DON-101: Various Locations	\$10,461
BRAC	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME	\$557
BRAC	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO	\$100
BRAC	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA	\$4,648
BRAC	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg AP	\$3,397
BRAC	Unspecified Worldwide Locations	DoD BRAC Activities - Air Force	\$56,365
Total Base Realignment and Closure Account			\$205,237.

