

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 Representatives of the United States of America*
2 *in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. TABLE OF CONTENTS.**

6 (a) DIVISIONS.—This Act is organized into two divisions as follows:

7 (1) DIVISION A.—Department of Defense Authorizations.

8 (2) DIVISION B.—Military Construction Authorizations.

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

Section 1. Short title.

Sec. 2. Table of contents.

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TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense production act purchases.

Subtitle B—Air Force Programs

Sec. 111. Availability of Air Force procurement funds for certain commercial-off-the-shelf parts for intercontinental ballistic missile fuzes.

Sec. 112. Repeal of the requirement to preserve certain retired C-5 aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Authority to retain certain fees provided by a State to fund emergency telecommunications services on military installations.
- Sec. 303. Revision to authorities relating to mail service for members of the Armed Forces and defense civilians overseas.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for selected reserve.
- Sec. 412. End strengths for reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2017 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Equal consideration of officers for early retirement or discharge.

Subtitle B—Reserve Component Management

- Sec. 511. Repeal of requirement for review of certain Army Reserve officer unit vacancy promotions by commanders of associated active duty units.
- Sec. 512. Revision of deployability rating system and planning reform.
- Sec. 513. Technical correction to annual authorization for personnel strengths.
- Sec. 514. Extension of removal of restrictions on the transfer of officers between the active and inactive National Guard.
- Sec. 515. Extension of temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training.
- Sec. 516. Reconciliation of contradictory provisions relating to citizenship qualifications for enlistment in the reserve components of the Armed Forces.
- Sec. 517. Technical correction to voluntary separation pay and benefits.

Subtitle C—Member Education and Training

- Sec. 521. Inclusion of reserve service on active duty for preplanned missions as service that qualifies as active duty for post-9/11 educational assistance.

Subtitle D—Defense Dependents' Education and Military Family Readiness Matters

- Sec. 531. Repeal of Advisory Council on Dependents' Education.
- Sec. 532. Authority to provide additional any purpose leave for teachers in the Department of Defense dependents school system who are employed in supervisory positions.

Subtitle E—Other Matters

- Sec. 541. Expansion of authority to execute certain military instruments.
- Sec. 542. Enhanced flexibility in provision of relocation assistance to members of the Armed Forces and their families.
- Sec. 543. Enforcement of rights under chapter 43 of title 38, United States Code, with respect to a State or private employer.
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TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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TITLE VII—HEALTHCARE PROVISIONS

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- Sec. 701. Improved TRICARE health plan choices.
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- Sec. 703. Requirement for medicare participating physician or supplier to accept TRICARE and veterans affairs participating rates.
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- Sec. 711. Uniformed Services University of the Health Sciences support of undergraduate and other medical education and training programs for military medical personnel.
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TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

- Sec. 801. Revision to authorities relating to Department of Defense test resource management center.
- Sec. 802. Waiver of notification when acquiring tactical missiles and munitions above the budgeted quantity.
- Sec. 803. Extension of special emergency procurement authority.
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TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Protection and enhancement of access to and savings at commissaries and exchanges.
- Sec. 902. Revision to authority of the Secretary of Defense relating to protection of the Pentagon reservation and other Department of Defense facilities in the National Capital Region.
- Sec. 903. Reorganization and redesignation of Office of Family Policy and Office of Community Support for Military Families with Special Needs.
- Sec. 904. Change of period for Chairman of the Joint Chiefs of Staff review of the unified command plan to not less than every four years.
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- Sec. 1001. Liquidation of unpaid credits accrued as a result of transactions under a cross-servicing agreement.

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- Sec. 1011. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and of numerical limitation on assignment of United States personnel in Colombia.

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- Sec. 1021. Authority to make pro rata annual payments under operating agreements for vessels participating in maritime security fleet.
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- Sec. 1201. Extension of authority to provide assistance to the vetted Syrian opposition.
- Sec. 1202. Extension and modification of commanders' emergency response program in Afghanistan.
- Sec. 1203. Enhancement of interagency support during contingency operations and transition periods.
- Sec. 1204. Extension of and revised funding sources for training Eastern European national military forces in the course of multilateral exercises.

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- Sec. 1402. Joint Urgent Operational Needs Fund.
- Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1404. Drug interdiction and counter-drug activities, defense-wide.

- Sec. 1405. Authority to dispose of certain materials from and to acquire additional materials for the national defense stockpile.
- Sec. 1406. Defense Inspector General.
- Sec. 1407. Defense Health Program.

Subtitle B—Other Matters

- Sec. 1411. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1412. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

- Sec. 1501. Purpose.
- Sec. 1502. Army Procurement.
- Sec. 1503. Joint Improvised-threat Defeat Fund.
- Sec. 1504. Navy And Marine Corps Procurement.
- Sec. 1505. Air Force Procurement.
- Sec. 1506. Defense-Wide Activities Procurement.
- Sec. 1507. Research, Development, Test, and Evaluation.
- Sec. 1508. Operation and maintenance.
- Sec. 1509. Military personnel.
- Sec. 1510. Working capital funds.
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- Sec. 1513. Defense inspector general.

TITLE XVI—SERVICEMEMBERS CIVIL RELIEF ACT

- Sec. 1601. Short title; statutory references.
- Sec. 1602. Clarification of affidavit requirement.
- Sec. 1603. Extension of protections for servicemembers against default judgments.
- Sec. 1604. Residency of dependents of military personnel for voting purposes.
- Sec. 1605. Increase in civil penalties.
- Sec. 1606. Enforcement by the Attorney General.
- Sec. 1607. Application of private right of action.
- Sec. 1608. Definition of military orders and continental United States.
- Sec. 1609. Oral notice sufficient to invoke interest rate cap.
- Sec. 1610. Non-discrimination provision.
- Sec. 1611. Extension of protection against repossession for installment sales contracts.
- Sec. 1612. Harmonization of sections.
- Sec. 1613. Expansion of protection for termination of residential and motor vehicle leases.
- Sec. 1614. Military family professional license portability.
- Sec. 1615. Enhanced protection of servicemembers under Servicemembers Civil Relief Act relating to certain contract provisions.
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TITLE XVII— UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT

- Sec. 1701. Short title.
- Sec. 1702. Pre-election reporting requirements on availability and transmission of absentee ballots.
- Sec. 1703. Transmission requirements; repeal of waiver provision.
- Sec. 1704. Clarification of state responsibility, civil penalties, and private right of action.
- Sec. 1705. Technical clarifications to conform to 2009 Move Act amendments related to the federal write-in absentee ballot.

- Sec. 1706. Treatment of ballot requests.
- Sec. 1707. Inclusion of Northern Mariana Islands in the definition of “State” for purposes of the Uniformed and Overseas Citizens Absentee Voting Act.
- Sec. 1708. Requirement for presidential designee to revise the Federal post card application to allow voters to designate ballot requests.
- Sec. 1709. Requirement of plurality vote for Virgin Islands and Guam Federal elections.
- Sec. 1710. Extension of reporting deadline for the annual report on the assessment of the effectiveness of activities of the Federal voting assistance program.
- Sec. 1711. Treatment of post card form registrations.

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- Sec. 2801. Change in authorities relating to scope of work variations for military construction projects.
- Sec. 2802. Annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.
- Sec. 2803. Limited exceptions to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region.
- Sec. 2804. Transfer of Fort Belvoir Mark Center campus from the Secretary of the Army to the Secretary of Defense and applicability of certain provisions of law relating to the pentagon reservation.
- Sec. 2805. Repeal of sunset on statutory authority for laboratory revitalization projects.
- Sec. 2806. Standardization of expiration dates for military land withdrawals.
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TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

- Sec. 2901. Short title and purpose.
- Sec. 2902. The Commission.
- Sec. 2903. Procedure for making recommendations for base closures and realignments.
- Sec. 2904. Closure and realignment of military installations.
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- Sec. 2906. Department of Defense base closure account 2016.
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- Sec. 2912. Conforming amendments.

1 DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

1 **TITLE I—PROCUREMENT**

2 **Subtitle A—Authorization of Appropriations**

3 **SEC. 101. ARMY.**

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

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

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

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

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

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

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

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

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

15 (2) For weapons, including missiles and torpedoes, \$3,209,262,000.

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

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

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

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

20 **SEC. 103. AIR FORCE.**

21 Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for
22 the Air Force as follows:

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

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

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

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

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

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

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

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

9 Funds are hereby authorized to be appropriated for fiscal year 2017 for purchases under
10 the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) in the amount of \$44,065,000.

11 **Subtitle B—Air Force Programs**

12 **SEC. 111. AVAILABILITY OF AIR FORCE PROCUREMENT FUNDS FOR CERTAIN**
13 **COMMERCIAL-OFF-THE-SHELF PARTS FOR INTERCONTINENTAL**
14 **BALLISTIC MISSILE FUZES.**

15 (a) AVAILABILITY OF PROCUREMENT FUNDS.—Notwithstanding section 1502(a) of title
16 31, United States Code, of the amount authorized to be appropriated for fiscal year 2017 by
17 section 103 for Missile Procurement, Air Force, \$17,095,000 shall be available for the
18 procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl
19 Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015
20 (Public Law 113-291; 128 Stat. 3651).

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

1 **SEC. 112. REPEAL OF THE REQUIREMENT TO PRESERVE CERTAIN RETIRED C-**
2 **5 AIRCRAFT.**

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

5 **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

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

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

- 9 (1) For the Army, \$7,515,399,000.
10 (2) For the Navy, \$17,276,301,000.
11 (3) For the Air Force, \$28,112,251,000.
12 (4) For Defense-wide activities, \$18,308,826,000.
13 (5) For the Director of Operational Test and Evaluation, \$178,994,000.

14 **TITLE III—OPERATION AND MAINTENANCE**

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

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

- 19 (1) For the Army, \$33,809,040,000.
20 (2) For the Navy, \$39,483,581,000.
21 (3) For the Marine Corps, \$5,954,258,000.
22 (4) For the Air Force, \$37,518,056,000.
23 (5) For Defense-wide activities, \$32,571,590,000.

- 1 (6) For the Army Reserve, \$2,712,331,000.
- 2 (7) For the Navy Reserve, \$927,656,000.
- 3 (8) For the Marine Corps Reserve, \$270,633,000.
- 4 (9) For the Air Force Reserve, \$3,067,929,000.
- 5 (10) For the Army National Guard, \$6,825,370,000.
- 6 (11) For the Air National Guard, \$6,703,578,000.
- 7 (12) For the United States Court of Appeals for the Armed Forces, \$14,194,000.
- 8 (13) For Environmental Restoration, Army, \$170,167,000.
- 9 (14) For Environmental Restoration, Navy, \$281,762,000.
- 10 (15) For Environmental Restoration, Air Force, \$371,521,000.
- 11 (16) For Environmental Restoration, Defense-wide, \$9,009,000.
- 12 (17) For Environmental Restoration, Formerly Used Defense Sites, \$197,084,000.
- 13 (18) For Overseas Humanitarian, Disaster, and Civic Aid programs,
- 14 \$105,125,000.
- 15 (19) For Cooperative Threat Reduction programs, \$325,604,000.

16 **SEC. 302. AUTHORITY TO RETAIN CERTAIN FEES PROVIDED BY A STATE TO**

17 **FUND EMERGENCY TELECOMMUNICATIONS SERVICES ON**

18 **MILITARY INSTALLATIONS.**

19 Section 6(f) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C.

20 615a-1(f)) is amended by adding at the end the following new paragraph:

21 “(3) FEES PROVIDED TO MILITARY INSTALLATIONS.—If the Secretary of a military

22 department receives from a State, pursuant to an application by the Secretary or

23 otherwise, an amount remitted to the Secretary as a share of the fees and charges

1 collected by the State under this subsection from persons residing on a military
2 installation under the Secretary’s jurisdiction within the State, such amount shall be
3 credited to appropriations available for that military department to support or implement
4 9-1-1 or enhanced 9-1-1 services for that military installation and shall be available for
5 such purposes subject to the same availability, conditions, and limitations as the
6 appropriation to which credited.”.

7 **SEC. 303. REVISION TO AUTHORITIES RELATING TO MAIL SERVICE FOR**
8 **MEMBERS OF THE ARMED FORCES AND DEFENSE CIVILIANS**
9 **OVERSEAS.**

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

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

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

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

4 (b) SURFACE SHIPMENT OF MAIL AUTHORIZED.—Subsection (b) of such section is
5 amended to read as follows:

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

9 “(1) Letter mail communications having the character of personal
10 correspondence.

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

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

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

19 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

20 **Subtitle A—Active Forces**

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

22 The Armed Forces are authorized strengths for active duty personnel as of September
23 30, 2017, as follows:

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

5 **Subtitle B—Reserve Forces**

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

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

- 9 (1) The Army National Guard of the United States, 335,000.
- 10 (2) The Army Reserve, 195,000.
- 11 (3) The Navy Reserve, 58,000.
- 12 (4) The Marine Corps Reserve, 38,500.
- 13 (5) The Air National Guard of the United States, 105,700.
- 14 (6) The Air Force Reserve, 69,000.
- 15 (7) The Coast Guard Reserve, 7,000.

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

- 18 (1) the total authorized strength of units organized to serve as units of the Selected
19 Reserve of such component which are on active duty (other than for training) at the end
20 of the fiscal year; and
- 21 (2) the total number of individual members not in units organized to serve as units
22 of the Selected Reserve of such component who are on active duty (other than for

1 training or for unsatisfactory participation in training) without their consent at the end of
2 the fiscal year.

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

8 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF**
9 **THE RESERVES.**

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

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

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

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

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

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

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

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

1 The minimum number of military technicians (dual status) as of the last day of fiscal year
2 2017 for the reserve components of the Army and the Air Force (notwithstanding section 129 of
3 title 10, United States Code) shall be the following:

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

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

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

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

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

10 (a) LIMITATIONS.—

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

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

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

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

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

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

22 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE**
23 **ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

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

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

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

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

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

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

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

10 **Subtitle C—Authorization of Appropriations**

11 **SEC. 421. MILITARY PERSONNEL.**

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

14 **TITLE V—MILITARY PERSONNEL POLICY**

15 **Subtitle A—Officer Personnel Policy Generally**

16 **SEC. 501. EQUAL CONSIDERATION OF OFFICERS FOR EARLY RETIREMENT OR**
17 **DISCHARGE.**

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

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

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

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

3 “(B) whose names are not on a list of officers recommended for
4 promotion.”;

5 (2) by redesignating subsection (e) as subsection (f); and

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

7 “(e)(1) In the case of action under subsection (b)(4), the Secretary of the military
8 department concerned shall specify the total number of officers described in that subsection that
9 a selection board convened under section 611(b) of this title pursuant to the authority of that
10 subsection may recommend for early retirement or discharge. Officers who are eligible, or are
11 within two years of becoming eligible, to be retired under any provision of law (other than by
12 reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for
13 Fiscal Year 1993), if selected by the board, shall be retired or retained until becoming eligible to
14 retire under sections 3911, 6323, or 8911 of this title, and those officers who are otherwise
15 ineligible to retire under any provision of law shall, if selected by the board, be discharged.

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

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

21 “(B) the names of all eligible officers described in that subsection in a particular
22 grade and competitive category, whether or not they are eligible to be retired under any

1 provision of law, who are also in particular year groups, specialties, or retirement
2 categories, or any combination thereof, with that competitive category.

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

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

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

10 **Subtitle B—Reserve Component Management**

11 **SEC. 511. REPEAL OF REQUIREMENT FOR REVIEW OF CERTAIN ARMY** 12 **RESERVE OFFICER UNIT VACANCY PROMOTIONS BY** 13 **COMMANDERS OF ASSOCIATED ACTIVE DUTY UNITS.**

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

16 **SEC. 512. REVISION OF DEPLOYABILITY RATING SYSTEM AND PLANNING** 17 **REFORM.**

18 (a) DEPLOYMENT PRIORITIZATION AND READINESS.—

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

21 **“§ 10102a. Deployment prioritization and readiness of Army components**

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

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

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

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

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

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

12 “(A) documents all equipment required for deployment;

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

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

15 “(D) assesses the effect of missing components and sets on the readiness of
16 major equipment items.”.

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

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

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

1 **SEC. 513. TECHNICAL CORRECTION TO ANNUAL AUTHORIZATION FOR**
2 **PERSONNEL STRENGTHS.**

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

4 (1) in subsection (b)(1)—

5 (A) in subparagraph (B), by striking “502(f)(2)” and inserting

6 “502(f)(1)(B)”; and

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

8 “502(f)(1)(B)”; and

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

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

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

15 (1) in subsection (a) in the matter preceding paragraph (1), by striking

16 “December 31, 2016” and inserting “December 31, 2019”; and

17 (2) in subsection (b) in the matter preceding paragraph (1), by striking

18 “December 31, 2016” and inserting “December 31, 2019”.

19 **SEC. 515. EXTENSION OF TEMPORARY AUTHORITY TO USE AIR FORCE**
20 **RESERVE COMPONENT PERSONNEL TO PROVIDE TRAINING AND**
21 **INSTRUCTION REGARDING PILOT TRAINING.**

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

4 **SEC. 516. RECONCILIATION OF CONTRADICTION PROVISIONS RELATING TO**
5 **CITIZENSHIP QUALIFICATIONS FOR ENLISTMENT IN THE**
6 **RESERVE COMPONENTS OF THE ARMED FORCES.**

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

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

11 “(2) that person is authorized to enlist by the Secretary concerned under section
12 504(b)(2) of this title.”.

13 **SEC. 517. TECHNICAL CORRECTION TO VOLUNTARY SEPARATION PAY AND**
14 **BENEFITS.**

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

16 (1) in paragraph (2)—

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

18 and

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

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

1 **Subtitle C—Member Education and Training**

2 **SEC. 521. INCLUSION OF RESERVE SERVICE ON ACTIVE DUTY FOR**
3 **PREPLANNED MISSIONS AS SERVICE THAT QUALIFIES AS ACTIVE**
4 **DUTY FOR POST-9/11 EDUCATIONAL ASSISTANCE.**

5 Section 3301(1)(B) of title 38, United States Code, is amended by striking “or
6 12304” and inserting “12304, or 12304b”.

7 **Subtitle D—Defense Dependents’ Education and Military Family Readiness**
8 **Matters**

9 **SEC. 531. REPEAL OF ADVISORY COUNCIL ON DEPENDENTS’ EDUCATION.**

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

12 **SEC. 532. AUTHORITY TO PROVIDE ADDITIONAL ANY PURPOSE LEAVE FOR**
13 **TEACHERS IN THE DEPARTMENT OF DEFENSE DEPENDENTS**
14 **SCHOOL SYSTEM WHO ARE EMPLOYED IN SUPERVISORY**
15 **POSITIONS.**

16 Section 6(c) of the Defense Department Overseas Teachers Pay and Personnel
17 Practices Act (20 U.S.C. 904(c)) is amended in the matter following paragraph (4) by
18 inserting after “three days” the following: “(or in the case of a teacher employed in a
19 supervisory position or higher, 4 days)”.

20 **Subtitle E—Other Matters**

21 **SEC. 541. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY**
22 **INSTRUMENTS.**

1 (a) EXPANSION OF AUTHORITY TO EXECUTE MILITARY TESTAMENTARY
2 INSTRUMENTS.—

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

5 “(2) the execution of the instrument is notarized by—

6 “(A) a military legal assistance counsel;

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

9 “(i) is not an attorney; and

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

11 “(C) a State-licensed notary employed by a military department or the
12 Coast Guard who is supervised by a military legal assistance counsel;”.

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

16 (b) EXPANSION OF AUTHORITY TO NOTARIZE DOCUMENTS TO CIVILIANS SERVING IN
17 MILITARY LEGAL ASSISTANCE OFFICES.—

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

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

1 **SEC. 542. ENHANCED FLEXIBILITY IN PROVISION OF RELOCATION**

2 **ASSISTANCE TO MEMBERS OF THE ARMED FORCES AND THEIR**
3 **FAMILIES.**

4 (a) GEOGRAPHIC REQUIREMENT.—Paragraph (1) of subsection (c) of section 1056 of title
5 10, United States Code, is amended by striking the second, third, and fourth sentences and
6 inserting the following new sentence: “Such relocation assistance programs shall ensure that
7 members of the armed forces and their families are provided relocation assistance regardless of
8 geographic location.”.

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

10 (1) in paragraph (2)—

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

12 (B) by striking “all other military relocation assistance programs” and
13 inserting “the relocation assistance programs”; and

14 (2) in paragraph (3), by striking “Duties of each military relocation assistance
15 program shall include assisting” and inserting “Assistance shall be provided to”.

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

17 “(d) PROGRAM MANAGER.—The Secretary of Defense shall establish the position of
18 Program Manager of Military Relocation Assistance in the office of the Assistant Secretary of
19 (Manpower and Reserve Affairs). The Program Manager shall oversee development and
20 implementation of relocation assistance under this section.”.

21 **SEC. 543. ENFORCEMENT OF RIGHTS UNDER CHAPTER 43 OF TITLE 38, UNITED**
22 **STATES CODE, WITH RESPECT TO A STATE OR PRIVATE**
23 **EMPLOYER.**

1 (a) ACTION FOR RELIEF.—

2 (1) INITIATION OF ACTIONS.—Paragraph (1) of subsection (a) of section 4323 of
3 title 38, United States Code, is amended by striking the third sentence and inserting the
4 following new sentences: “If the Attorney General is reasonably satisfied that the person
5 on whose behalf the complaint is referred is entitled to the rights or benefits sought, the
6 Attorney General may commence an action for relief under this chapter. The person on
7 whose behalf the complaint is referred may, upon timely application, intervene in such
8 action and may obtain such appropriate relief as provided in subsections (d) and (e).”.

9 (2) ATTORNEY GENERAL NOTICE TO SERVICEMEMBER OF DECISION.—Paragraph (2)
10 of such subsection is amended to read as follows:

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

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

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

19 “(B) If the Attorney General notifies a person of when the Attorney General expects to
20 make a decision under subparagraph (A)(ii), the Attorney General shall, not later than 30 days
21 after the date on which the Attorney General makes such decision, notify, in writing, the person
22 of such decision.”.

23 (3) PATTERN OR PRACTICE CASES.—Such subsection is further amended—

1 (A) by redesignating paragraph (3) as paragraph (4); and
2 (B) by inserting after paragraph (2) (as amended by paragraph (2) of this
3 subsection) the following new paragraph (3):

4 “(3) Whenever the Attorney General has reasonable cause to believe that a State (as an
5 employer) or a private employer is engaged in a pattern or practice of resistance to the full
6 enjoyment of any of the rights or benefits secured by this chapter, the Attorney General may
7 commence an action under this chapter.”.

8 (4) ACTIONS BY PRIVATE PERSONS.—Subparagraph (C) of paragraph (4) of such
9 subsection, as redesignated by paragraph (3)(A), is amended by striking “refused” and all
10 that follows and inserting “notified by the Department of Justice that the Attorney
11 General does not intend to bring a civil action.”.

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

14 (b) SOVEREIGN IMMUNITY. —Paragraph (2) of subsection (b) of section 4323 of such title
15 is amended to read as follows:

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

1 “(B)(i) No State, instrumentality of such State, or officer or employee of such State or
2 instrumentality of such State, acting in that officer or employee’s official capacity, that receives
3 or uses Federal financial assistance for a program or activity shall be immune, under the
4 Eleventh Amendment of the Constitution or under any other doctrine of sovereign immunity,
5 from suit in Federal or State court by any person for any violation under this chapter related to
6 such program or activity.

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

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

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

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

16 “(C) if there is no district in which an action may otherwise be brought as
17 provided in subparagraph(A) or (B), any district in which the employer is subject to the
18 court’s personal jurisdiction with respect to such action.”.

19 (d) COMPENSATORY AND PUNITIVE DAMAGES.—

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

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

1 “(D) The court may require the employer (other than a government, government agency,
2 or political subdivision) to pay the person punitive damages if the court determines that the
3 employer failed to comply with the provisions of this chapter with reckless indifference to the
4 federally protected rights of the person.

5 “(E) The sum of the amount of compensatory damages awarded under subparagraph (C)
6 and the amount of punitive damages awarded under subparagraph (D) may not exceed, for each
7 person the following:

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

11 “(ii) In the case of an employer who has more than 100 and fewer than 201
12 employees in each of 20 or more calendar weeks in the current or preceding calendar
13 year, \$100,000.

14 “(iii) In the case of an employer who has more than 200 and fewer than 501
15 employees in each of 20 or more calendar weeks in the current or preceding calendar
16 year, \$200,000.

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

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

21 “(2)(A) Any compensation awarded under subparagraph (B), (C), or (D) of paragraph (1)
22 shall be in addition to, and shall not diminish, any of the other rights and benefits provided for
23 under this chapter.

1 “(B) In the case of an action commenced in the name of the United States for which the
2 relief includes compensation awarded under subparagraph (B), (C), or (D) of paragraph (1), such
3 compensation shall be held in a special deposit account and shall be paid, on order of the
4 Attorney General, directly to the person. If the compensation is not paid to the person because of
5 inability to do so within a period of 3 years, the compensation shall be covered into the Treasury
6 of the United States as miscellaneous receipts.”.

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

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

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

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

12 “(j) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY

13 GENERAL.—(1) Whenever the Attorney General has reason to believe that any person may be in
14 possession, custody, or control of any documentary material relevant to an investigation under
15 this chapter, the Attorney General may, before commencing a civil action under subsection (a),
16 issue in writing and cause to be served upon such person, a civil investigative demand
17 requiring—

18 “(A) the production of such documentary material for inspection and copying;

19 “(B) that the custodian of such documentary material answer in writing written
20 questions with respect to such documentary material; or

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

22 “(2) The provisions governing the authority to issue, use, and enforce civil investigative
23 demands under section 3733 of title 31 (known as the ‘False Claims Act’) shall govern the

1 authority to issue, use, and enforce civil investigative demands under paragraph (1), except that
2 for purposes of that paragraph—

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

5 “(B) a reference to interrogatories shall be applied as referring to written
6 questions, and answers to such need not be under oath;

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

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

10 (g) PENSION CONTRIBUTION CALCULATIONS.—Subsection (b) of section 4318 of such title
11 is amended—

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

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

15 “(4) The basis for a computation under paragraph (3) to which subparagraph (B) of that
16 paragraph applies is as follows:

17 “(A) If the period of service described in subsection (a)(2)(B) is one year or less,
18 the computation shall be made on the basis of the employee’s average rate of
19 compensation during the 12-month period immediately preceding such period or, if
20 shorter, the period of employment immediately preceding such period.

21 “(B) If the period of such service is more than one year, the computation shall be
22 made on the basis of the average rate of compensation during such period of service of

1 employees of that employer who are similarly situated to the servicemember in terms of
2 having similar seniority, status, and pay.”.

3 (h) DISABILITY DISCOVERED AFTER EMPLOYEE RESUMES EMPLOYMENT.—Subsection
4 (a)(3) of section 4313 of such title is amended by inserting “including a disability that is brought
5 to the employer’s attention within five years after the person resumes employment,” after
6 “during, such service,”.

7 (i) BURDEN OF IDENTIFYING PROPER REEMPLOYMENT POSITIONS.—Section 4313 of such
8 title is amended by adding at the end the following new subsection:

9 “(c) For purposes of this section, the employer shall have the burden of identifying the
10 appropriate reemployment positions.”.

11 **SEC. 544. ENHANCED ROLE FOR DEPARTMENT OF JUSTICE UNDER MILITARY**

12 **LENDING ACT.**

13 (a) ENFORCEMENT BY THE ATTORNEY GENERAL.—Subsection (f) of section 987 of title
14 10, United States Code, is amended by adding at the end the following new paragraph:

15 “(7) ENFORCEMENT BY THE ATTORNEY GENERAL.—

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

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

19 “(ii) engages in a violation of this section that raises an issue of
20 general public importance.

21 “(B) RELIEF.—In a civil action commenced under subparagraph (A), the
22 court—

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

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

5 “(iii) may, to vindicate the public interest, assess a civil penalty—

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

8 “(II) in an amount not exceeding \$220,000 for any
9 subsequent violation.

10 “(C) INTERVENTION.—Upon timely application, a person aggrieved by a
11 violation of this section with respect to which the civil action is commenced may
12 intervene in such action, and may obtain such appropriate relief as the person
13 could obtain in a civil action under paragraph (5) with respect to that violation,
14 along with costs and a reasonable attorney fee.

15 “(D) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

16 Whenever the Attorney General, or a designee, has reason to believe that any
17 person may be in possession, custody, or control of any documentary material
18 relevant to an investigation under this section, the Attorney General, or a
19 designee, may, before commencing a civil action under subparagraph (A), issue in
20 writing and cause to be served upon such person, a civil investigative demand
21 requiring—

22 “(i) the production of such documentary material for inspection
23 and copying;

1 “(ii) that the custodian of such documentary material answer in
2 writing written questions with respect to such documentary material; or

3 “(iii) the production of any combination of such documentary
4 material or answers.

5 “(E) RELATIONSHIP TO FALSE CLAIMS ACT.—The statutory provisions
6 governing the authority to issue, use, and enforce civil investigative demands
7 under section 3733 of title 31 (known as the ‘False Claims Act’) shall govern the
8 authority to issue, use, and enforce civil investigative demands under
9 subparagraph (D), except that—

10 “(i) any reference in that section to false claims law investigators
11 or investigations shall be applied for purposes of subparagraph (D) as
12 referring to investigators or investigations under this section;

13 “(ii) any reference in that section to interrogatories shall be applied
14 for purposes of subparagraph (D) as referring to written questions and
15 answers to such need not be under oath;

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

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

20 (b) CONSULTATION WITH DEPARTMENT OF JUSTICE.—Subsection (h)(3) of such section is
21 amended by adding at the end the following new subparagraph:

22 “(H) The Department of Justice.”.

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

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

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

5 **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

6 **Subtitle A—Pay and Allowances**

7 **SEC. 601. ALLOWANCE OF PAYMENTS PURSUANT TO POWER OF ATTORNEY.**

8 Section 602(e) of title 37, United States Code, is amended by inserting after “court of
9 competent jurisdiction” the following: “or the member has granted authority to an individual to
10 manage these funds pursuant to a valid and legally executed durable power of attorney,”.

11 **Subtitle B—Bonuses and Special Incentive Pays**

12 **SEC. 611. CONFORMING AMENDMENT TO CONSOLIDATION OF SPECIAL PAY, 13 INCENTIVE PAY, AND BONUS AUTHORITIES.**

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

16 **Subtitle C—Retired Pay**

17 **SEC. 621. TERMINATION OF AUTOMATIC REENROLLMENT IN THRIFT 18 SAVINGS PLAN.**

19 Paragraph (2) of section 8432(b) of title 5, United States Code, as amended by
20 section 632(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law
21 114–92; 129 Stat. ____), is amended by striking subparagraph (F).

22 **SEC. 622. MATCHING CONTRIBUTIONS.**

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

4 **SEC. 623. SEPARATION DETERMINATIONS FOR MEMBERS PARTICIPATING IN**
5 **THE THRIFT SAVINGS PLAN.**

6 Paragraph (6) of section 8432(g) of title 5, United States Code, as added by section
7 632(c)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–
8 92; 129 Stat. ____), is repealed.

9 **SEC. 624. THRIFT SAVINGS PLAN DEFAULT INVESTMENT TYPE.**

10 Paragraph (2) of section 8438(c) of title 5, United States Code, as amended by
11 section 632(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law
12 114–92; 129 Stat. ____), is amended—

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

15 (2) by adding at the end the following new subparagraph:

16 “(B) Contributions made by a full TSP member (as defined in section 8440e(a) of
17 this title) in accordance with section 8432 of this title shall be designated Roth contributions
18 until the full TSP member elects not to designate such contributions as Roth contributions.”.

19 **SEC. 625. MAXIMUM AMOUNT OF THRIFT SAVINGS PLAN CONTRIBUTIONS;**
20 **MATCHING CONTRIBUTION PERCENTAGE INCREASE.**

21 (a) MAXIMUM AMOUNT.—Paragraph (2) of section 8440e(e) of title 5, United States
22 Code, as added by section 632(a)(2) of the National Defense Authorization Act for Fiscal

1 Year 2016 (Public Law 114–92; 129 Stat. ____), is amended by striking “5 percent” and
2 inserting “6 percent”.

3 (b) MATCHING CONTRIBUTION PERCENTAGE INCREASE.—Paragraph (2) of section
4 8432(c) of title 5, United States Code, is amended by adding at the end the following new
5 subparagraph:

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

11 **SEC. 626. DURATION OF THRIFT SAVINGS PLAN CONTRIBUTIONS.**

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

15 (1) in subparagraph (A)—

16 (A) by striking clause (ii);

17 (B) by striking “pay period during” and all that follows through

18 “begins—” and inserting “pay period that begins—”;

19 (C) by redesignating subclauses (I) and (II) as clauses (i) and (ii),
20 respectively, and moving the margins of such clauses, as so redesignated, 2
21 ems to the left; and

22 (D) in clause (ii), as redesignated by subparagraph (C), by striking “;
23 and” and inserting a period; and

1 (2) in subparagraph (B)—

2 (A) by striking clause (ii);

3 (B) by striking “pay period during” and all that follows through
4 “begins—” and inserting “pay period that begins—”;

5 (C) by redesignating subclauses (I) and (II) (as amended by section
6 622 of this subtitle) as clauses (i) and (ii), respectively, and moving the
7 margins of such clauses, as so redesignated, 2 ems to the left; and

8 (D) in clause (ii), as redesignated by subparagraph (C), by striking “;
9 and” and inserting a period.

10 **SEC. 627. ELECTION PERIOD TO PARTICIPATE IN THE MODERNIZED**
11 **RETIREMENT SYSTEM.**

12 Subparagraph (C) of section 1409(b)(4) of title 10, United States Code, as added by
13 section 631(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law
14 114–92; 129 Stat. ____), is amended—

15 (1) in clause (i), by striking “and (iii)” and inserting “, (iii), (iv) and (v)”;

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

17 “(iv) CADETS AND MIDSHIPMEN, ETC.—A member of a uniformed
18 service who serves as a cadet, midshipman, or member of the Senior
19 Reserve Officers’ Training Corps during the election period specified in
20 clause (i) shall make the election described in subparagraph (B)—

21 “(I) on or after the date on which such cadet, midshipman,
22 or member of the Senior Reserve Officers’ Training Corps is

1 appointed as a commissioned officer or otherwise begins to receive
2 basic pay; and

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

5 “(v) INACTIVE RESERVISTS.—A member of a reserve component
6 who is not in an active status during the election period specified in clause
7 (i) shall make the election described in subparagraph (B)—

8 “(I) on or after the date on which such member is
9 transferred from an inactive status to an active status or active
10 duty; and

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

13 **SEC. 628. COMBAT-RELATED SPECIAL COMPENSATION COORDINATING**
14 **AMENDMENT.**

15 Subparagraph (B) of section 1413a(b)(3) of title 10, United States Code, is amended
16 by striking “2 ½ percent of the member’s years of creditable service” and inserting “the
17 retired pay multiplier determined for the member under section 1409 of this title”.

18 **SEC. 629. DISCRETIONARY CONTINUATION PAY FOR MEMBERS WHO HAVE**
19 **COMPLETED 8 TO 16 YEARS OF SERVICE.**

20 (a) CONTINUATION PAY.—Section 356 of title 37, United States Code, as added by
21 section 634 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law
22 114–92; 129 Stat. ____), is amended—

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

3 (2) in subsection (a)—

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

6 (B) by striking paragraph (1) and inserting the following:

7 “(1) has completed not less than 8 and not more than 16 years of service in a
8 uniformed service; and”; and

9 (C) in paragraph (2), by striking “an additional 4 years” and inserting
10 “not less than 3 additional years”;

11 (3) by amending subsection (b) to read as follows:

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

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

19 “(2) in the case of any member not covered by paragraph (1), 6 times the
20 amount of monthly basic pay to which the member would be entitled for the month
21 during which the agreement under subsection (a)(2) is entered into if the member
22 were serving on active duty at the time the agreement is entered into.”;

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

3 (5) by amending subsection (d) to read as follows:

4 “(d) TIMING OF PAYMENT.—The Secretary concerned shall pay continuation pay
5 under subsection (a) to a full TSP member when the member has completed not less than 8
6 and not more than 16 years of service in a uniformed service.”.

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

12 **SEC. 630. EFFECTIVE DATE.**

13 The amendments made by this subtitle shall take effect on January 1, 2018,
14 immediately after the amendments made by the National Defense Authorization Act for
15 Fiscal Year 2016 (Public Law 114-92).

16 **TITLE VII—HEALTHCARE PROVISIONS**

17 **Subtitle A—TRICARE and Other Health Care Benefits**

18 **SEC. 701. IMPROVED TRICARE HEALTH PLAN CHOICES.**

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

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

- 1 “(1) TRICARE Select under section 1075 of this title.
- 2 “(2) TRICARE Choice under section 1075 of this title.
- 3 “(3) TRICARE-for-Life plan under section 1086(d) of this title.
- 4 “(4) TRICARE Second Payer plan under section 1075 of this title.”.

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

7 **“§ 1075. TRICARE health plan options**

8 “(a) IN GENERAL.—(1) This section establishes three principal health plan enrollment
9 options for covered beneficiaries under the TRICARE program:

- 10 “(A) TRICARE Select (the managed care option);
- 11 “(B) TRICARE Choice (the self-managed option); and
- 12 “(C) the Second Payer Option.

13 “(2) An additional option, the TRICARE-for-Life option, is established under section
14 1086(d) of this chapter.

15 “(b) BENEFICIARY CATEGORIES FOR ENROLLMENT ELIGIBILITY.—

16 “(1) BENEFICIARY CATEGORIES.—The beneficiary categories for purposes of
17 eligibility to enroll in a health plan option under this section and cost sharing
18 requirements applicable to those options are as follows:

19 “(A) ACTIVE-DUTY MEMBERS.—This category consists of beneficiaries
20 who are covered by section 1074(a) of this title.

21 “(B) ACTIVE-DUTY FAMILY MEMBERS.—This category consists of
22 beneficiaries who are—

1 “(i) covered by section 1079 of this title (as dependents of active
2 duty members);

3 “(ii) disability retirees and their family members covered by
4 section 1086(c)(1) of this title by reason of being retired under chapter 61
5 of this title or being a dependent of such a member; or

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

7 “(C) RETIRED.—This category consists of beneficiaries covered by section
8 1086(c) of this title other than those beneficiaries referred to in paragraphs (B)(ii)
9 or (iii).

10 “(c) TRICARE SELECT OPTION.—

11 “(1) IN GENERAL.—The Secretary of Defense shall establish in areas in which a
12 facility of the uniformed services (other than a facility limited to members of the armed
13 forces) is located the TRICARE Select Option, to provide reduced cost-sharing amounts
14 for enrolled beneficiaries whose care is provided by or managed by a designated primary
15 care manager and network providers. TRICARE Select is the managed care option.

16 “(2) ELIGIBILITY.—

17 “(A) A beneficiary in the active duty family member beneficiary category
18 (as described in paragraph (b)(1)(B) of this section) is eligible to enroll in the
19 TRICARE Select Option.

20 “(B) A beneficiary in the retired beneficiary category (as described in
21 paragraph (b)(1)(C)) is eligible to enroll in the Managed Care Option in selected
22 locations to the extent a facility of the uniformed services in the location has, in
23 the judgment of the Secretary, a significant number of uniformed health care

1 providers, including specialty providers, and sufficient capability to support
2 efficient operation of the TRICARE Select Option in the area for the projected
3 enrollees.

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

7 “(3) REFERRAL REQUIRED.—A TRICARE Select Option enrollee shall, subject to
8 such regulations as the Secretary of Defense may establish, be required to obtain care or a
9 referral for care from a designated primary care manager (or other care coordinator) prior
10 to obtaining care under the TRICARE program. In the case of an unexcused failure to
11 obtain such referral, the cost-sharing requirement for such care (referred to as point-of-
12 service charges) shall be equal to the amount that is 50 percent of the allowed charge for
13 such care.

14 “(d) TRICARE CHOICE OPTION.—

15 “(1) IN GENERAL.—The Secretary of Defense shall establish in all areas a
16 TRICARE Choice Option under which eligible beneficiaries will generally not have
17 restrictions on their freedom of choice of health care providers. TRICARE Choice is a
18 self-managed option.

19 “(2) ELIGIBILITY.—A beneficiary in the active duty family member beneficiary
20 category or the retired beneficiary category is eligible to enroll in the TRICARE Choice
21 Option.

1 “(e) COST-SHARING REQUIREMENTS UNDER THE TRICARE SELECT OPTION AND THE
2 TRICARE CHOICE OPTION.—This subsection establishes cost sharing requirements under the
3 TRICARE Select Option and the TRICARE Choice Option.

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

6 “(2) DEDUCTIBLE AMOUNT.—Neither option has a deductible for health care
7 services received from network providers. Both options have a deductible amount for
8 health care services received from non-network providers. The deductible amount refers
9 to the initial cost incurred by an individual or family unit during a calendar year for
10 services provided by a non-network provider before costs may be paid under the plan
11 option.

12 “(3) COPAYMENTS.—Under both options, copayments are generally required for
13 services provided outside of facilities of the uniformed services and generally not
14 required for services inside such facilities.

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

19 “(f) COST-SHARING AMOUNTS.—

20 “(1) AMOUNTS IN CALENDAR YEAR 2018.—Beneficiaries (other than active duty
21 members) enrolled in the TRICARE Select Option and the TRICARE Choice Option
22 shall be subject to cost-sharing requirements in accordance with the amounts and

- 1 percentages under the following table during calendar year 2018 and as such amounts are
- 2 adjusted under paragraph (2) for subsequent years:

	<u>ADFM Category</u> <u>TRICARE Select Option</u>	<u>ADFM Category</u> <u>TRICARE Choice Option</u>	<u>Retired Category</u> <u>TRICARE Select Option</u>	<u>Retired Category</u> <u>TRICARE Choice Option</u>
Fees, Deductible and Catastrophic Caps				
Annual Enrollment Fee	\$0	\$0	\$350 Individual \$700 Family	\$450 Individual \$900 Family
Annual Deductible	\$0	<u>E4 and below (E4 <)</u> \$100 Individual \$200 Family	\$0	\$300 Individual \$600 Family
		<u>E5 and above (E5 >)</u> \$300 Individual \$600 Family		
Annual Catastrophic 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 20% out of network After Deductible	\$30 network With Authorization*	\$40 network Without deductible 25% out of network After deductible
Ambulatory Surgery MTF	\$0	\$0	\$0	\$0
Ambulatory 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
Ambulance Service MTF	\$0	\$0	\$0	\$0
Ambulance Service Civilian	\$0	\$15	\$20	\$25
Durable Medical Equipment MTF	\$0	\$0	\$0	\$0
Durable Medical Equipment Civilian	\$0	10%	20%	20%
Hospitalization MTF	\$0	\$0	\$0	\$0
Hospitalization Civilian	\$0 With Authorization*	\$80 per admission - network Without deductible 20% out of network After Deductible	\$200/Admission With Authorization*	\$250 per admission - network Without deductible 25% out of network After deductible
Inpatient Skilled Nursing/Rehabilitation - MTF/Network	\$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 Choice option chooses to receive care without authorization, the beneficiary will be subject to the deductible and a 50% costshare that will not count toward the catastrophic cap.

Correction: In the footnote, “TRICARE Choice” should be “TRICARE Select”.

1 “(2) ADJUSTMENTS TO AMOUNTS AFTER CALENDAR YEAR 2018.—Each dollar
2 amount expressed as a fixed dollar amount in the table set forth in paragraph 1 shall be
3 annually indexed by the National Health Expenditures per capita rate, as established by
4 the Secretary of Health and Human Services, rounded to the next lower multiple of \$1.
5 The remaining amount above such multiple of \$1 shall be carried over to, and
6 accumulated with, the amount of the increase for the subsequent year or years and made
7 when the aggregate amount of increases carried over under this clause for a year is \$ 1 or
8 more.

9 “(g) SPECIAL RULES REGARDING COST SHARING.—

10 “(1) ACTIVE DUTY MEMBERS.—There are no cost-sharing requirements under this
11 section for active duty members.

12 “(2) TRICARE-FOR-LIFE BENEFICIARIES.—Cost sharing under this section does
13 not apply to a Medicare-eligible beneficiary for care covered by section 1086(d)(3) of
14 this title, except that the catastrophic cap does apply to such care.

15 “(3) EXTENDED HEALTH-CARE SERVICES.—Cost sharing under this section does
16 not apply to extended health care services under subsections (d) and (e) of section 1079
17 of this title.

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

21 “(5) PHARMACY BENEFITS PROGRAM.—Required copayments for services under
22 the Pharmacy Benefits Program are set forth in section 1074g of this title. The enrollment

1 fee, deductible, and catastrophic cap under this section apply to the Pharmacy Benefits
2 Program under that section.

3 “(6) REMOTE AREA DEPENDENTS.—Cost sharing requirements for a remote area
4 dependent (as described in subsection 1079(o) of this title) are those established under the
5 TRICARE Select Option but without a referral requirement.

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

15 “(8) CALENDAR YEAR ENROLLMENT PERIOD.—Enrollment fees, deductible
16 amounts, and catastrophic caps under this section are on a calendar-year basis.

17 “(h) REGULATIONS.—The Secretary of Defense, after consultation with the other
18 administering Secretaries, shall prescribe regulations to carry out this section. Such regulations
19 shall include the following provisions.

20 “(1) ACCESS TO HEALTH CARE.—A covered beneficiary enrolled in the TRICARE
21 Select Option shall have access to primary care and specialty care services from facilities
22 of the uniformed services or network providers in the applicable area within specific

1 timeliness standards that are at least comparable to those of leading health care systems in
2 the United States.

3 “(2) URGENT CARE SERVICES.—In implementing the requirements of paragraph
4 (1), the Secretary shall make special provisions for appropriate access to urgent care
5 services.

6 “(3) TRANSPARENCY OF PERFORMANCE METRICS.—As part of the administration of
7 the TRICARE Select Option and the TRICARE Choice Option under this section, the
8 Secretary shall publish on a publically available Internet website of the Department of
9 Defense data on all measures the Secretary considers appropriate that are used by the
10 Department to assess patient safety, quality of care, patient satisfaction, and health
11 outcomes. Such measures shall include appropriate measures for each military medical
12 treatment facility. The published measures shall be updated no less frequently than
13 quarterly.

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

1 “(5) VALUE-BASED INCENTIVES.—As part of the administration of the TRICARE
2 Select Option and the TRICARE Choice Option under this section, the Secretary shall
3 develop and implement value-based incentives to promote improvement in the quality of
4 care, the experience or care, the health of beneficiaries, and the cost-effectiveness of the
5 TRICARE program. The Secretary shall ensure an ongoing process of evidence-based
6 assessment and improvement of such incentives.

7 “(6) OPEN SEASON ENROLLMENT.—In the administration of this section, the
8 Secretary shall provide covered beneficiaries an annual open season enrollment period
9 and opportunities during other periods for enrollment modifications under appropriate
10 circumstances.

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

16 “(i) DEFINITIONS.—In this section:

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

19 “(2) The term ‘out-of-network provider’ means a health care provider, other than
20 a provider referred to in paragraph (1), who has met the requirements established by the
21 Secretary to be an authorized provider.”.

22 “(c) TRANSITION RULES FOR LAST QUARTER OF CALENDAR YEAR 2017.—With respect to
23 cost sharing requirements applicable under sections 1079, 1086, or 1097 of title 10, United States

1 Code, to a covered beneficiary under such sections during the period October 1, 2017, through
2 December 31, 2017:

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

5 (2) Any deductible amount applicable during fiscal year 2017 shall apply for the
6 15-month period of October 1, 2016, through December 31, 2017.

7 (3) Any catastrophic cap applicable during fiscal year 2017 shall apply for the 15-
8 month period of October 1, 2016, through December 31, 2017.

9 (e) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United
10 States Code is amended as follows:

11 (1) Section 1072 is amended by striking paragraph (7) and inserting the following:

12 “(7) The term ‘TRICARE program’ means the various programs carried out by
13 the Secretary of Defense under this chapter and any other provision of law providing for
14 the furnishing of medical and dental care and health benefits to members and former
15 members of the uniformed services and their dependents. It includes the following health
16 plan options:

17 “(A) TRICARE Select (a managed care option).

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

19 “(C) TRICARE-for-Life.

20 “(D) TRICARE Second Payer.”.

21 (2) Section 1074(c)(2) is amended by striking “TRICARE Prime” and inserting
22 “TRICARE Select”.

1 (3) Section 1076d is amended by striking “TRICARE Standard” each place it
2 appears (including in the heading of such section) and inserting “TRICARE Reserve
3 Select”.

4 (4) Section 1076e is amended by striking “TRICARE Standard” each place it
5 appears (including in the heading of such section) and inserting “TRICARE Retired
6 Reserve”.

7 (5) Section 1076e is further amended by striking “TRICARE Retired Reserve
8 Coverage at age 60” (as inserted by paragraph (4)) and inserting “TRICARE coverage at
9 age 60”.

10 (6) Section 1079 is amended—

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

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

13 (B) by striking subsection (c);

14 (C) by striking the designation of paragraph (1) and striking paragraphs

15 (2) through (5); and

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

18 (7) Section 1079a is amended—

19 (A) by striking “**CHAMPUS**” in the heading and inserting “**TRICARE**
20 **program**”;

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

23 and

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

3 (8) Section 1086(b) is amended to read as follows:

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

5 (9) Section 1097(e) is amended to read as follows:

6 “(e) CHARGES FOR HEALTH CARE.—Section 1075 of this title applies to health care
7 services under this section.”.

8 (10) Section 1097a is repealed.

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

11 (1) by inserting after the item relating to section 1074n the following new item:

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

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

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

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

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

19 (h) EFFECTIVE DATES.—

20 (1) IN GENERAL.—Except as provided in paragraph (2), this section and the
21 amendments made by this section shall take effect on January 1, 2018.

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

1 **SEC. 702. REVISIONS TO COST-SHARING REQUIREMENTS FOR TRICARE FOR**
2 **LIFE AND THE PHARMACY BENEFITS PROGRAM.**

3 (a) TRICARE for Life Enrollment Fee.—

4 (1) ANNUAL ENROLLMENT FEE FOR CERTAIN BENEFICIARIES.—Section
5 1086(d)(3) of title 10, United States Code, is amended—

6 (A) by redesignating subparagraph (C) as subparagraph (D); and

7 (B) by inserting after subparagraph (B) the following new
8 subparagraph (C):

9 “(C)(i) A person described in paragraph (2) (except as provided in clauses (vi)
10 and (vii)) shall be required to pay an annual enrollment fee as a condition of eligibility for
11 health care benefits under this section. Such enrollment fee shall be an amount (rounded
12 to the nearest dollar) equal to the applicable percentage (specified in clause (ii)) of the
13 annual retired pay of the member or former member upon whom the covered
14 beneficiary’s eligibility is based, except that the amount of such enrollment fee shall not
15 be in excess of the applicable maximum enrollment fee (specified in clause (iii)). In the
16 case of enrollment for a period less than a full calendar year, the enrollment fee shall be a
17 pro-rated amount of the full-year enrollment fee.

18 “(ii) The applicable percentage of retired pay shall be determined in accordance
19 with the 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%

1 “(iii) For any year 2016 through 2019, the applicable maximum enrollment fee for
 2 a family group of two or more persons shall be determined in accordance with the
 3 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

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

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

10 “(vi) Clause (i) does not apply to—

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

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

14 “(III) a dependent of such a member.

15 “(vii) Clause (i) does not apply to a person who, before January 1, 2017, met the
 16 conditions described in paragraphs (2)(A) and (B).”.

17 (2) EFFECTIVE DATE.—Subparagraph (C) of section 1086(d)(3) of title 10, United
 18 States Code, as added by paragraph (1), shall take effect on January 1, 2017.

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

3 “(6)(A) In the case of any of the calendar years 2017 through 2025 the cost sharing
 4 referred to in paragraph (5) shall be payment by an eligible covered beneficiary of amounts
 5 determined in accordance with the following table:

For:	The cost sharing amount for 30-day supply of a retail generic is:	The cost sharing amount for 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
2020	\$11	\$34	\$11	\$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

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

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

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

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

1 “(iii) a dependent of such a member.”.

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

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

7 (2) in subsection (c)—

8 (A) by striking “The Secretary” and inserting “(1) Except as provided in
9 paragraph (2), the Secretary”; and

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

11 “(2) If for any fiscal year the Secretary of Defense determines at the beginning of that
12 fiscal year that the amount that would otherwise be required to be certified under paragraph (1)
13 for that fiscal year would not be accurate if there were to be enacted during the current session of
14 Congress a significant change in law then under active consideration by Congress that upon
15 enactment would reduce the amount otherwise required to be certified under paragraph (1) for
16 that fiscal year, the Secretary may certify to the Secretary of the Treasury under paragraph (1) a
17 reduced amount for that fiscal year taking into consideration the amount of the reduction for that
18 fiscal year that would occur upon enactment of such change in law.

19 “(3) Not later than 120 days after the beginning of a fiscal year for which a
20 certification under paragraph (1) is submitted pursuant to paragraph (2), the Secretary of
21 Defense—

22 “(A) shall notify the Secretary of the Treasury whether since the beginning of
23 the fiscal year a significant change in law has been enacted which if in effect at the

1 beginning of the fiscal year would have resulted in a revised amount certified under
2 paragraph (1) without regard to paragraph (2); and

3 “(B) based upon any such change in law since the beginning of the fiscal year,
4 shall certify a final amount for the fiscal year.

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

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

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

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

16 **SEC. 703. REQUIREMENT FOR MEDICARE PARTICIPATING PHYSICIAN OR**
17 **SUPPLIER TO ACCEPT TRICARE AND VETERANS AFFAIRS**
18 **PARTICIPATING RATES.**

19 Section 1842(h)(1) of the Social Security Act (42 U.S.C. 1395u(h)(1)) is amended by
20 adding at the end the following new sentence: “Any physician or supplier who voluntarily enters
21 into an agreement with the Secretary to become a participating physician or supplier shall be
22 deemed to have agreed to be a participating provider of medical care or services under any health
23 plan contracted for under section 1079 or 1086 of title 10, United States Code, or under section

1 1781 of title 38, United States Code, in accordance with the payment methodology and amounts
2 prescribed under joint regulations prescribed by the Secretary, the Secretary of Defense, and the
3 Secretary of Homeland Security pursuant to sections 1079 and 1086 of title 10, United States
4 Code, and regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1781
5 of title 38, United States Code.”.

6 **SEC. 704. EXPANSION OF TRICARE-COVERED PREVENTIVE HEALTH CARE**
7 **SERVICES.**

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

10 (1) by redesignating subsection (b) as subsection (c); and

11 (2) by inserting after subsection (a) the following new subsection:

12 “(b) ADDITIONAL PREVENTIVE HEALTH CARE SERVICES.—(1) In addition to the
13 preventive services provided under subsection (a), persons entitled to medical care under
14 this chapter shall also be entitled, to the extent practicable, to the coverage of preventive
15 health services comparable to the coverage required to be provided by a group health plan
16 and a health insurance issuer offering group or individual health insurance coverage under
17 section 2713 of the Public Health Service Act (42 U.S.C. 300gg-13). Such entitlement shall
18 supersede any otherwise applicable exclusions to the contrary.

19 “(2) Persons entitled to medical care under this chapter shall also be entitled to other
20 evidence-based preventive health care services and screenings, as may be prescribed in
21 regulations by the Secretary of Defense.

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

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

4 “(B) ensure that a beneficiary pays nothing for such preventive services
5 during a year without regard to whether the beneficiary has paid the amount
6 necessary to cover the beneficiary’s deductible for the year.”.

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

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

11 (c) EXPANDED WELL CHILD CARE AND ACCESS TO HEALTH PROMOTION AND DISEASE
12 PREVENTION VISITS.—Section 1079(a)(2) of title 10, United States Code, is amended by
13 striking “schedule of immunizations” and all that follows through subparagraph (B) and
14 inserting “schedule of immunizations, health promotion and disease prevention visits and
15 immunizations (including the preventive care and screenings required pursuant to section
16 1074d(b) of this title) may be provided to dependents.”.

17 (d) EFFECTIVE DATE.—The amendments made by this section shall take effect on
18 October 1, 2017. The Secretary of Defense may issue an interim final rule or take such
19 other action as necessary to ensure implementation of such amendments on such date.

20 **SEC. 705. TRICARE BENEFICIARY ELIGIBILITY FOR PARTICIPATION IN THE**
21 **FEDERAL DENTAL AND VISION INSURANCE PROGRAMS.**

22 (a) ELIGIBILITY.—

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

3 (A) in paragraph (3), by striking “paragraph (1) or (2)” and inserting
4 “paragraph (1), (2), or (8)”; and

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

6 “(8) The term “covered TRICARE-eligible individual” means an individual
7 entitled to dental care under chapter 55 of title 10, pursuant to section 1076c of such
8 title, that the Secretary of Defense determines should be a covered TRICARE-
9 eligible individual for purposes of this chapter.”.

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

12 (A) in paragraph (3), by striking “paragraph (1) or (2)” and inserting
13 “paragraph (1), (2), or (8)”; and

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

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

20 (b) CONFORMING AMENDMENTS.—

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

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

1 (B) in paragraph (2), by striking the period and inserting “; or”; and

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

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

5 “(A) the pay (including retired pay) of the appropriate eligible member
6 of the uniformed services; or

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

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

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

12 (B) in paragraph (2), by striking the period and inserting “; or”; and

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

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

16 “(A) the pay of the appropriate eligible member of the uniformed
17 services; or

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

20 (3) PLAN FOR DENTAL INSURANCE FOR CERTAIN RETIREES, SURVIVING SPOUSES,
21 AND OTHER DEPENDENTS.—Subsection (a) of section 1076c of title 10, United States
22 Code, is amended to read as follows:

1 “(a) REQUIREMENT FOR PLAN.—(1) The Secretary of Defense shall establish a dental
2 insurance plan for retirees of the uniformed services, certain unremarried surviving spouses,
3 and dependents in accordance with this section.

4 “(2) The Secretary may satisfy the requirement under paragraph (1) by entering into
5 an agreement with the Office of Personnel Management to allow eligible beneficiaries to
6 enroll in an insurance plan through the Federal Employees Health Benefit Plan that provides
7 benefits similar to those benefits required to be provided under subsection (d).”.

8 **SEC. 706. REDUCTION OF ADMINISTRATIVE COSTS RELATING TO AUTOMATIC**
9 **RENEWAL OF ENROLLMENTS IN TRICARE PRIME.**

10 Section 1097a(b) of title 10, United States Code, is amended—

11 (1) by striking “(1)” before “An enrollment”; and

12 (2) by striking paragraph (2).

13 **Subtitle B—Health Care Administration**

14 **SEC. 711. UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES**

15 **SUPPORT OF UNDERGRADUATE AND OTHER MEDICAL EDUCATION**

16 **AND TRAINING PROGRAMS FOR MILITARY MEDICAL PERSONNEL.**

17 (a) LOCATION AND HEADQUARTERS OF UNIVERSITY.—Section 2112(a) of title 10,
18 United States Code, is amended to read as follows:

19 “(a)(1) There is a Uniformed Services University of the Health Sciences (in this
20 chapter referred to as the ‘University’) with authority to grant appropriate certificates and
21 certifications, undergraduate degrees, and advanced degrees. The University shall be so
22 organized as to graduate not less than 100 medical students annually.

1 “(2) The headquarters of the University shall be at a site or sites selected by the
2 Secretary of Defense within 25 miles of the District of Columbia.”.

3 (b) TECHNICAL AMENDMENTS TO REPEAL EXPIRED PROVISION.—Section 2112a of
4 such title is amended by striking subsections (a) and (b) and inserting the following: “The
5 University may not be closed.”.

6 (c) ADMINISTRATION.—Section 2113 of such title is amended—

7 (1) in subsection (d)—

8 (A) in the first sentence by striking “located in or near the District of
9 Columbia”;

10 (B) in the third sentence, by striking “in or near the District of
11 Columbia”; and

12 (C) by striking the fifth sentence; and

13 (2) in subsection (e)(3), by inserting after “programs” the following: “, including
14 certificate and certification and undergraduate degree programs,” .

15 **SEC. 712. LICENSURE REQUIREMENTS FOR DEPARTMENT OF DEFENSE**

16 **VETERINARY PROFESSIONALS.**

17 (a) LICENSURE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is
18 amended by inserting after section 1094a the following new section:

19 **“§ 1094b. Licensure requirement for veterinary professionals**

20 “(a) Notwithstanding any law regarding the licensure of veterinary care and service
21 providers, a veterinary professional described in subsection (b) or (c) may practice the
22 veterinary profession or professions of the veterinary professional at any location in any
23 State, the District of Columbia, or a Commonwealth, territory, or possession of the United

1 States, regardless of where such veterinary professional or the patient are located, so long as
2 the practice is within the scope of the authorized Federal duties.

3 “(b) A veterinary professional referred to in subsection (a) as being described in this
4 subsection is a member of the armed forces, civilian employee of the Department of
5 Defense, or other veterinary professional credentialed and privileged at a Federal veterinary
6 institution or location specially designated by the Secretary for this purpose who—

7 “(1) has a current license to practice veterinary care and services; and

8 “(2) is performing authorized duties for the Department of Defense.

9 “(c) A veterinary professional referred to in subsection (a) as being described in this
10 subsection is a member of the National Guard who—

11 “(1) has a current license to practice veterinary care and services; and

12 “(2) is performing training or duty under section 502(f) of title 32, United
13 States Code, in response to an actual or potential disaster or emergency.

14 “(d) In this section:

15 “(1) The term ‘license’ means a grant of permission by an official agency of a
16 State, the District of Columbia, or a Commonwealth, territory, or possession of the
17 United States to provide veterinary care independently as a veterinary professional.

18 “(2) The term ‘veterinary professional’ means a veterinarian certified as such by a
19 certification recognized by the Secretary of Defense.”.

20 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of
21 such title is amended by inserting after the item relating to section 1094a the following new
22 item:

“1094b. Licensure requirement for veterinary professionals.”.

1 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,**
2 **AND RELATED MATTERS**

3 **SEC. 801. REVISION TO AUTHORITIES RELATING TO DEPARTMENT OF**
4 **DEFENSE TEST RESOURCE MANAGEMENT CENTER.**

5 (a) DUTIES OF DIRECTOR.—Subsection (c)(1)(B) of section 196 of title 10, United States
6 Code, is amended by striking “of the Major Range and Test Facility Base including with respect
7 to the expansion, divestment, consolidation, or curtailment of activities,” and inserting “that
8 comprise the Major Range and Test Facility Base and other facilities and resources used to
9 support the acquisition programs of the Department of Defense”.

10 (b) STRATEGIC PLAN.—Subsection (d)(2)(E) of such section is amended—

11 (1) by striking “plans and business case analyses” and inserting “implementation
12 plans and analyses”;

13 (2) by striking “modification of” and inserting “changes to”; and

14 (3) by striking “period,” and all that follows and inserting “period.”.

15 (c) CERTIFICATION OF BUDGETS.—Subsection (e) of such section is amended—

16 (1) in paragraph (2)(A), by striking “such proposed budgets” and inserting “the
17 proposed budget year plus one succeeding year”; and

18 (2) in paragraph (3)—

19 (A) by striking “The Secretary” and inserting “If the Director does not
20 certify any one or more of the proposed budgets for the budget year plus one
21 succeeding year, the Secretary”; and

22 (B) by striking “those proposed budgets which the Director has not
23 certified under paragraph (2)(A) to be adequate” and inserting “those budgets”.

1 (d) APPROVAL OF CERTAIN MODIFICATIONS.—Subsection (f) of such section is
2 amended—

3 (1) in the subsection heading, by striking “MODIFICATIONS” and inserting
4 “CHANGES”;

5 (2) in paragraph (1)—

6 (A) by inserting “, without the Director’s approval,” after “may not
7 implement”;

8 (B) by striking “modification of” and inserting “change to”; and

9 (C) by striking “of the Department, ” and all that follows and inserting

10 “that comprise the Major Range and Test Facility Base and other facilities and
11 resources used to support the acquisition programs of the Department of Defense.

12 The Secretary or the head, as the case may be, shall submit to the Director an
13 implementation plan and analysis which supports such change. Such analysis
14 shall include cost considerations.”; and

15 (3) in paragraph (2)—

16 (A) by striking “each business case analysis” and inserting “each
17 implementation plan and analysis”; and

18 (B) by striking “paragraph (1)(B)” and inserting “paragraph (1)”.

19 (e) DEFINITIONS.—Subsection (i) of such section is amended to read as follows:

20 “(i) DEFINITIONS.—In this section:

21 “(1) The term ‘Major Range and Test Facility Base’ means the test and evaluation
22 facilities and resources that are designated by the Secretary of Defense as facilities and
23 resources comprising the Major Range and Test Facility Base.

1 “(2) The term ‘significant change’ means—

2 “(A) any action that will limit or preclude a test and evaluation capability
3 from fully performing its intended purpose;

4 “(B) any action that affects the ability of the Department to conduct test
5 and evaluation in a timely or cost-effective manner; or

6 “(C) any expansion or addition that develops a new significant test
7 capability.”.

8 **SEC. 802. WAIVER OF NOTIFICATION WHEN ACQUIRING TACTICAL MISSILES**
9 **AND MUNITIONS ABOVE THE BUDGETED QUANTITY.**

10 Section 2308(c) of title 10, United States Code, is amended by adding at the end the
11 following new sentence: “However, no such notification is required when the acquisition of
12 a higher quantity of an end item is for an end item under a primary tactical missile program
13 or a munition program.”.

14 **SEC. 803. EXTENSION OF SPECIAL EMERGENCY PROCUREMENT AUTHORITY.**

15 Section 1903(a) of title 41, United States Code, is amended—

16 (1) by striking “or” at the end of paragraph (1);

17 (2) by striking the period at the end of paragraph (2) and inserting a semicolon;

18 and

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

20 “(3) in support of a request from the Secretary of State or the Administrator of the
21 Agency for International Development to facilitate the provision of international disaster
22 assistance pursuant to the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

1 “(4) in support of an emergency or major disaster (as those terms are defined in
2 section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5122)).”.

4 **SEC. 804. REVISION TO EFFECTIVE DATE APPLICABLE TO PRIOR EXTENSION**
5 **OF APPLICABILITY OF THE SENIOR EXECUTIVE BENCHMARK**
6 **COMPENSATION AMOUNT FOR PURPOSES OF ALLOWABLE COST**
7 **LIMITATIONS UNDER DEFENSE CONTRACTS.**

8 (a) REPEAL OF RETROACTIVE APPLICABILITY.—Section 803(c) of the National Defense
9 Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485) is amended by
10 striking “amendments made by” and all that follows and inserting “amendments made by this
11 section shall apply with respect to costs of compensation incurred after January 1, 2012, under
12 contracts entered into on or after December 31, 2011.”.

13 (b) APPLICABILITY.—The amendment made by subsection (a) shall take effect as of
14 December 31, 2011, and shall apply as if included in the National Defense Authorization Act for
15 Fiscal Year 2012 as enacted.

16 **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND**
17 **MANAGEMENT**

18 **SEC. 901. PROTECTION AND ENHANCEMENT OF ACCESS TO AND SAVINGS AT**
19 **COMMISSARIES AND EXCHANGES.**

20 (a) OPTIMIZATION STRATEGY.—Section 2481(c) of title 10, United States Code, is
21 amended by adding at the end the following paragraph:

22 “(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy
23 to optimize management practices across the defense commissary system and the exchange

1 system that reduce reliance of those systems on appropriated funding without reducing benefits
2 to the patrons of those systems or the revenue generated by nonappropriated fund entities or
3 instrumentalities of the Department of Defense for the morale, welfare, and recreation of
4 members of the armed forces.

5 “(B) The Secretary shall ensure that savings generated due to such optimization practices
6 are shared by the defense commissary system and the exchange system through contracts or
7 agreements that appropriately reflect the participation of the systems in the development and
8 implementation of such practices.”.

9 (b) AUTHORIZATION TO SUPPLEMENT APPROPRIATIONS THROUGH BUSINESS

10 OPTIMIZATION.—Section 2483(c) of such title is amended by adding at the end the following
11 new sentence: “Such appropriated amounts may also be supplemented with additional funds
12 derived from improved management practices implemented pursuant to sections 2481(c)(3) and
13 2487(c) of this title and the alternative pricing program implemented pursuant to section 2484(i)
14 of this title.”.

15 (c) ALTERNATIVE PRICING PILOT PROGRAM.—Section 2484 of such title is amended by
16 adding at the end the following new subsections:

17 “(i) ALTERNATIVE PRICING PROGRAM.—(1) The Secretary is authorized to establish an
18 alternative pricing program pursuant to which prices may be established in response to market
19 conditions and customer demand, in accordance with the requirements of this subsection.
20 Notwithstanding the amount of the uniform surcharge assessed in subsection (d), the Secretary
21 may provide for an alternative surcharge of not more than 5 percent of sales proceeds under such
22 alternative pricing program to be made available for the purposes specified in subsection (h).

1 “(2) Before establishing an alternative pricing program under this subsection, the
2 Secretary shall establish the following:

3 “(A) Specific, measurable benchmarks for success in the provision of high quality
4 grocery merchandise, discount savings to patrons, and levels of customer satisfaction
5 while achieving savings for the Department of Defense.

6 “(B) A baseline of overall savings to patrons achieved by commissary stores prior
7 to the initiation of the alternative pricing program, based on a comparison of prices
8 charged by those stores on a regional basis with prices charged by relevant local
9 competitors for a representative market basket of goods.

10 “(3) The Secretary shall ensure that the defense commissary system implements the
11 alternative pricing program by conducting price comparisons using the methodology established
12 for paragraph (2)(B) and adjusting pricing as necessary to ensure that pricing in the alternative
13 pricing program achieves overall savings to patrons that are reasonably consistent with the
14 baseline savings established for the relevant region pursuant to such paragraph.

15 “(j) CONVERSION TO NONAPPROPRIATED FUND ENTITY OR INSTRUMENTALITY.—(1) If the
16 Secretary determines that the alternative pricing program has met the benchmarks for success
17 established pursuant to subsection (i)(2)(A) and the savings requirements established pursuant to
18 subsection (i)(3) over a period of at least six months, the Secretary may convert the defense
19 commissary system to a nonappropriated fund entity or instrumentality, with operating expenses
20 financed in whole or in part by receipts from the sale of products and the sale of services. Upon
21 such conversion, appropriated funds shall be transferred to the defense commissary system only
22 in accordance with paragraph (2) or section 2491 of this title. The requirements of section 2483

1 shall not apply to the defense commissary system operating as a nonappropriated fund entity or
2 instrumentality.

3 “(2) If the Secretary determines that the defense commissary system operating as a
4 nonappropriated fund entity or instrumentality is likely to incur a loss in any fiscal year as a
5 result of compliance with the savings requirement established in subsection (i), the Secretary
6 shall authorize a transfer of appropriated funds available for such purpose to the commissary
7 system in an amount sufficient to offset the anticipated loss. Any funds so transferred shall be
8 considered to be nonappropriated funds for such purpose.

9 “(3) The Secretary of Defense may identify positions of employees in the defense
10 commissary system who are paid with appropriated funds whose status may be converted to the
11 status of an employee of a nonappropriated fund entity or instrumentality. The status and
12 conversion of such employees shall be addressed as provided in section 2491(c) for employees in
13 morale, welfare, and recreation programs. No individual who is an employee of the defense
14 commissary system as of the date of the enactment of this subsection shall suffer any loss of or
15 decrease in pay as a result of the conversion.”.

16 (d) ESTABLISHMENT OF COMMON BUSINESS PRACTICES.—Section 2487 of such title is
17 amended—

18 (1) by redesignating subsection (c) as subsection (d); and

19 (2) by inserting after subsection (b) the following new subsection (c):

20 “(c) COMMON BUSINESS PRACTICES.—(1) Notwithstanding subsections (a) and (b), the
21 Secretary of Defense may establish common business processes, practices, and systems—

22 “(A) to exploit synergies between the operations of the defense commissary
23 system and the exchange system; and

1 “(B) to optimize the operations of the defense retail systems as a whole and the
2 benefits provided by the commissaries and exchanges.

3 “(2) The Secretary may authorize the defense commissary system and the exchange
4 system to enter into contracts or other agreements—

5 “(A) for products and services that are shared by the defense commissary system
6 and the exchange system; and

7 “(B) for the acquisition of supplies, resale goods, and services on behalf of both
8 the defense commissary system and the exchange system.

9 “(3) For the purpose of a contract or agreement authorized under paragraph (2), the
10 Secretary may—

11 “(A) use funds appropriated pursuant to section 2483 of this title to reimburse a
12 nonappropriated fund entity or instrumentality for the portion of the cost of a contract or
13 agreement entered by the nonappropriated fund entity or instrumentality that is
14 attributable to the defense commissary system; and

15 “(B) authorize the defense commissary system to accept reimbursement from a
16 nonappropriated fund entity or instrumentality for the portion of the cost of a contract or
17 agreement entered by the defense commissary system that is attributable to the
18 nonappropriated fund entity or instrumentality.”.

19 (e) CLARIFICATION OF REFERENCES TO ‘THE EXCHANGE SYSTEM’.—Section 2481(a) of
20 title 10, United States Code, is amended by adding at the end the following new sentence: “Any
21 reference in this chapter to ‘the exchange system’ shall be treated as referring to each separate
22 administrative entity within the Department of Defense through which the Secretary of Defense

1 has implemented the requirement under this subsection for a world-wide system of exchange
2 stores.”.

3 (f) OPERATION OF DEFENSE COMMISSARY SYSTEM AS A NONAPPROPRIATED FUND
4 ENTITY.—In the event that the defense commissary system is converted to a nonappropriated
5 fund entity or instrumentality as authorized by section 2484(j)(1) of title 10, United States Code,
6 as added by subsection (c) of this section, the Secretary may—

7 (1) provide for the transfer of commissary assets, including inventory and
8 available funds, to the nonappropriated fund entity or instrumentality; and

9 (2) ensure that revenues accruing to the defense commissary system are
10 appropriately credited to the nonappropriated fund entity or instrumentality.

11 (g) CONFORMING CHANGE.—Section 2643(b) of such title is amended by adding at the
12 end the following new sentence: “Such appropriated funds may be supplemented with additional
13 funds derived from improved management practices implemented pursuant to sections
14 2481(c)(3) and 2487(c) of this title.”.

15 **SEC. 902. REVISION TO AUTHORITY OF THE SECRETARY OF DEFENSE**
16 **RELATING TO PROTECTION OF THE PENTAGON RESERVATION**
17 **AND OTHER DEPARTMENT OF DEFENSE FACILITIES IN THE**
18 **NATIONAL CAPITAL REGION.**

19 (a) LAW ENFORCEMENT AUTHORITY.—Subsection (b) of section 2674 of title 10, United
20 States Code, is amended—

21 (1) by redesignating paragraph (2) as paragraph (5);

22 (2) by striking the matter in such subsection preceding such paragraph and
23 inserting the following:

1 “(b) LAW ENFORCEMENT AUTHORITIES AND PERSONNEL.—(1) The Secretary shall protect
2 the buildings, grounds, and property located in the National Capital Region that are occupied by,
3 or under the jurisdiction, custody, or control of, the Department of Defense, and the persons on
4 that property.

5 “(2) The Secretary may designate military or civilian personnel to perform law
6 enforcement functions and military, civilian, or contract personnel to perform security functions
7 for such buildings, grounds, property, and persons, including, with regard to civilian personnel
8 designated under this section, duty in areas outside the property referred to in paragraph (1) to
9 the extent necessary to protect that property and persons on that property. Subject to the
10 authorization of the Secretary, any such military or civilian personnel so designated may exercise
11 the authorities listed in subsection (c)(1)-(5) of section 2672 of this title.

12 “(3) The powers granted under paragraph (2) to military and civilian personnel
13 designated under that paragraph shall be exercised in accordance with guidelines prescribed by
14 the Secretary of Defense and approved by the Attorney General.

15 “(4) Nothing in this subsection shall be construed to—

16 “(A) preclude or limit the authority of any Defense Criminal Investigative
17 Organization or any other Federal law enforcement agency;

18 “(B) restrict the authority of the Secretary of Homeland Security under the
19 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or the authority of the
20 Administrator of General Services, including the authority to promulgate regulations
21 affecting property under the custody and control of that Secretary or the Administrator,
22 respectively;

1 "(C) expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C.
2 797);

3 "(D) affect chapter 47 of this title (the Uniform Code of Military Justice);

4 "(E) restrict any other authority of the Secretary of Defense or the Secretary of a
5 military department; or

6 “(F) restrict the authority of the Director of the National Security Agency under
7 section 11 of the National Security Agency Act of 1959 (50 U.S.C. 3609).”.

8 (b) RATES OF BASIC PAY FOR CIVILIAN LAW ENFORCEMENT PERSONNEL.—Paragraph (5)
9 of such subsection, as redesignated by subsection (a)(1) of this section, is amended by inserting
10 “, whichever is greater” before the period at the end.

11 (c) CODIFICATION OF AUTHORITY TO PROVIDE PHYSICAL PROTECTION AND PERSONAL
12 SECURITY WITHIN THE UNITED STATES TO CERTAIN SENIOR LEADERS IN THE DEPARTMENT OF
13 DEFENSE AND OTHER SPECIFIED PERSONS.—

14 (1) NEW SECTION.—Chapter 41 of title 10, United States Code, is amended by
15 inserting after section 713 a new section 714 consisting of—

16 (A) a heading as follows:

17 “**§714. Senior leaders of the Department of Defense and other specified persons: authority**
18 **to provide protection within the United States”;**

19 and

20 (B) a text consisting of the text of subsections (a) through (d) of section
21 1074 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law
22 110-181; 10 U.S.C. 113 note).

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

“714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States.”.

3 (3) REPEAL OF CODIFIED PROVISION.—Section 1074 of the National Defense
4 Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 113 note) is
5 repealed.

6 (4) CONFORMING AND STYLISTIC AMENDMENTS DUE TO CODIFICATION.—Section
7 714 of title 10, United States Code, as added by paragraph (1), is amended as follows:

8 (A) Subsections (a), (b)(1), and (d)(1) are amended by striking “Armed
9 Forces” and inserting “armed forces”.

10 (B) Subsection (c) is amended by striking “section:” and all that follows
11 through “Forces’ and” and inserting “section, the terms ‘qualified members of the
12 armed forces’ and”.

13 (C) Subsection (d)(2) is amended by striking “, United States Code”.

14 (5) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO SERVICE
15 CHIEFS.—Such section is further amended—

16 (A) in subsection (a)—

17 (i) by striking “Chiefs of the Services” in paragraph (6) and
18 inserting “Members of the Joint Chiefs of Staff in addition to the
19 Chairman and Vice Chairman”

20 (ii) by striking paragraph (7); and

21 (iii) by redesignating paragraph (8) as paragraph (7); and

1 (B) in subsection (b)(1), by striking “through (8)” and inserting “through
2 (7)”.

3 (6) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO “MILITARY
4 MEMBER”.—Subsection (b)(2)(A) of such section is amended is amended—

5 (A) by striking “, military member,”; and

6 (B) by inserting after “of the Department of Defense” the following: “or
7 member of the Army, Navy, Air Force, or Marine Corps”.

8 **SEC. 903. REORGANIZATION AND REDESIGNATION OF OFFICE OF FAMILY**
9 **POLICY AND OFFICE OF COMMUNITY SUPPORT FOR MILITARY**
10 **FAMILIES WITH SPECIAL NEEDS.**

11 (a) OFFICE OF FAMILY POLICY.—

12 (1) REDESIGNATION AS OFFICE OF MILITARY FAMILY READINESS POLICY.—
13 Section 1781(a) of title 10, United States Code, is amended—

14 (A) by striking “Office of Family Policy” and inserting “Office of
15 Military Family Readiness Policy”; and

16 (B) by striking “Director of Family Policy” and inserting “Director of
17 Military Family Readiness Policy”.

18 (2) REQUIREMENT FOR DIRECTOR TO BE MEMBER OF THE SENIOR EXECUTIVE
19 SERVICE OR A GENERAL OF FLAG OFFICER.—Such section is further amended by
20 adding at the end the following new sentence: “The Director shall be a member of
21 the Senior Executive Service or a general officer or flag officer.”.

22 (3) INCLUSION OF DIRECTOR ON MILITARY FAMILY READINESS COUNCIL.—
23 Section 1781a(b)(1)(E) of such title is amended by striking “Office of Community

1 Support for Military Families with Special Needs” and inserting “Office of Military
2 Family Readiness Policy”.

3 (4) CONFORMING AMENDMENT.—Section 131(b)(7)(F) of such title is
4 amended by striking “Director of Family Policy” and inserting “Director of Military
5 Family Readiness Policy”.

6 (5) REVISED SECTION HEADING.—

7 (A) REVISED HEADING.—The heading of section 1781 of such title is
8 amended to read as follows:

9 **“§ 1781. Office of Military Family Readiness Policy”.**

10 (B) CLERICAL AMENDMENT.—The item relating to section 1781 in the
11 table of sections at the beginning of chapter 88 of such title is amended to
12 read as follows:

“1781. Office of Military Family Readiness Policy.”.

13 (b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL
14 NEEDS.—

15 (1) REORGANIZATION UNDER THE OFFICE OF MILITARY FAMILY READINESS
16 POLICY.—Subsection (a) of section 1781c of such title is amended by striking
17 “Office of the Under Secretary of Defense for Personnel and Readiness” and
18 inserting “Office of Military Readiness Policy”.

19 (2) REDESIGNATION AS OFFICE OF SPECIAL NEEDS.—Such section is further
20 amended—

21 (A) in subsection (a), by striking “Office of Community Support for
22 Military Families with Special Needs” and inserting “Office of Special
23 Needs”; and

1 (B) in the heading, by striking “**Office of Community Support for**
2 **Military Families with Special Needs**” and inserting “**Office of Special**
3 **Needs**”.

4 (3) REPEAL OF REQUIREMENT FOR HEAD OF OFFICE TO BE MEMBER OF SENIOR
5 EXECUTIVE SERVICE OR A GENERAL OR FLAG OFFICER.—Such section is further
6 amended by striking subsection (c).

7 (4) CLERICAL AMENDMENT.—The item relating to section 1781c in the table
8 of sections at the beginning of chapter 88 of such title is amended to read as follows:

“1781c. Office of Special Needs.”.

9 **SEC. 904. CHANGE OF PERIOD FOR CHAIRMAN OF THE JOINT CHIEFS OF**
10 **STAFF REVIEW OF THE UNIFIED COMMAND PLAN TO NOT LESS**
11 **THAN EVERY FOUR YEARS.**

12 Section 161(b)(1) of title 10, United States Code, is amended by striking “two years” and
13 inserting “four years”.

14 **SEC. 905. CLARIFICATION OF AUTHORITY, DIRECTION, AND CONTROL OVER**
15 **THE INFORMATION ASSURANCE DIRECTORATE OF THE**
16 **NATIONAL SECURITY AGENCY.**

17 Section 142(b)(1) of title 10, United States Code, is amended—

- 18 (1) in subparagraph (B), by striking the semicolon and inserting “; and”;
19 (2) in subparagraph (C), by striking “; and” and inserting a period; and
20 (3) by striking subparagraph (D).

21 **TITLE X—GENERAL PROVISIONS**

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. LIQUIDATION OF UNPAID CREDITS ACCRUED AS A RESULT OF**
3 **TRANSACTIONS UNDER A CROSS-SERVICING AGREEMENT.**

4 (a) LIQUIDATION OF UNPAID CREDITS.—Section 2345 of title 10, United States Code, is
5 amended by adding at the end the following new subsection:

6 “(c)(1) Any credits of the United States accrued as a result of the provision of logistic
7 support, supplies, and services under the authority of this subchapter that remain unliquidated
8 more than 18 months after the date of delivery of the logistic support, supplies, or services may,
9 at the option of the Secretary of Defense, with the concurrence of the Secretary of State, be
10 liquidated by offsetting the credits against any amount owed by the Department of Defense,
11 pursuant to a transaction or transactions concluded under the authority of this subchapter, to the
12 government or international organization to which the logistic support, supplies, or services were
13 provided by the United States.

14 “(2) The amount of any credits offset pursuant to paragraph (1) shall be credited as
15 specified in section 2346 of this title as if it were a receipt of the United States.”.

16 (b) EFFECTIVE DATE.—Subsection (c) of section 2345 of title 10, United States Code, as
17 added by subsection (a), shall apply with respect to credits accrued by the United States which
18 (1) were accrued prior to, and remain unpaid as of, the date of the enactment of this Act, or (2)
19 are accrued after the date of the enactment of this Act.

20 **Subtitle B—Counter-Drug Activities**

21 **SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG**
22 **AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA AND OF**

1 **NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES**
2 **PERSONNEL IN COLOMBIA.**

3 Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal
4 Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1011 of
5 the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat.
6 XXX), is further amended—

- 7 (1) in subsection (a)(1), by striking “2017” and inserting “2021”; and
8 (2) in subsection (c), by striking “2017” and inserting “2021”.

9 **Subtitle C—Transportation Matters**

10 **SEC. 1021. AUTHORITY TO MAKE PRO RATA ANNUAL PAYMENTS UNDER**
11 **OPERATING AGREEMENTS FOR VESSELS PARTICIPATING IN**
12 **MARITIME SECURITY FLEET.**

13 Section 53106(d) of title 46, United States Code, is amended—

- 14 (1) by striking “and” at the end of paragraph (2);
15 (2) by striking the period at the end of paragraph (3) and inserting “; and”; and
16 (3) by adding at the end following new paragraph:

17 “(4) may make a pro rata reduction in payment in the event sufficient funds have
18 not been appropriated to pay the full annual payment authorized in subsection (a).”.

19 **SEC. 1022. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING**
20 **TO VESSELS PARTICIPATING IN THE MARITIME SECURITY**
21 **FLEET.**

22 (a) AUTHORITY.—

1 (1) IN GENERAL.—Section 53102 of title 46, United States Code, is amended by
2 adding at the end the following new subsection:

3 “(g) AUTHORITY FOR EXTENSION OF MAXIMUM SERVICE AGE FOR A PARTICIPATING FLEET
4 VESSEL.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may,
5 for a particular participating fleet vessel, extend the maximum age restrictions under section
6 53101(5)(A)(ii) and section 53106(c)(3) for a period of up to 5 years if the Secretaries jointly
7 determine that it is in the national interest to do so.”.

8 (2) CONFORMING AMENDMENT.—The heading of subsection (f) of such section is
9 amended to read as follows: “AUTHORITY FOR WAIVER OF AGE RESTRICTION FOR
10 ELIGIBILITY FOR A VESSEL TO BE INCLUDED IN THE FLEET.—”.

11 (b) REPEAL OF REDUNDANT AGE LIMITATION.—Section 53106(c)(3) of such title is
12 amended—

13 (1) by striking “or (C);” at the end of subparagraph (A) and inserting “; or”;

14 (2) by striking “; or” at the end of subparagraph (B) and inserting a period; and

15 (3) by striking subparagraph (C).

16 **SEC. 1023. EXTENSION OF AUTHORITY OF SECRETARY OF TRANSPORTATION**
17 **TO ISSUE NON-PREMIUM AVIATION INSURANCE.**

18 Section 44310(b) of title 49, United States Code, is amended by striking “December 31,
19 2018” and inserting “December 31, 2019”.

20 **Subtitle D—Miscellaneous Authorities and Limitations**

21 **SEC. 1031. EXEMPTION OF INFORMATION ON MILITARY TACTICS,**
22 **TECHNIQUES, AND PROCEDURES FROM RELEASE UNDER**
23 **FREEDOM OF INFORMATION ACT.**

1 (a) EXEMPTION.—Subsection (a) of section 130e of title 10, United States Code, is
2 amended—

3 (1) in the matter preceding paragraph (1), by inserting “or information related
4 to military tactics, techniques, and procedures” after “security information”;

5 (2) by striking paragraph (1) and inserting the following:

6 “(1) the information is—

7 “(A) Department of Defense critical infrastructure security
8 information; or

9 “(B) related to a military tactic, technique, or procedure, including a
10 military rule of engagement;”;

11 (3) by redesignating paragraph (2) as paragraph (3); and

12 (4) by inserting after paragraph (1) the following new paragraph (2):

13 “(2) the public disclosure of the information could reasonably be expected to
14 risk impairment of the effective operation of Department of Defense by providing an
15 advantage to an adversary or potential adversary; and”.

16 (b) DEFINITIONS.—Subsection (c) of such section is amended—

17 (1) by striking “DEFINITION.—In this section, the” and inserting the
18 following: “DEFINITIONS.—In this section:

19 “(1) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY
20 INFORMATION.—The”; and

21 (2) by adding at the end the following new paragraphs:

22 “(2) TACTIC.—The term ‘tactic’ means the employment and ordered
23 arrangement of forces in relation to each other.

1 “(3) TECHNIQUE.—The term ‘technique’ means non-prescriptive way or
2 method used to perform a mission, function, or task.

3 “(4) RULE OF ENGAGEMENT.—The term ‘rule of engagement’ means a
4 directive issued by a competent military authority that delineates the circumstances
5 and limitations under which the armed forces will initiate or continue combat
6 engagement with other forces encountered.”.

7 (c) DELEGATION AND TRANSPARENCY.—Such section is further amended—

8 (1) by striking subsection (d); and

9 (2) by redesignating subsection (e) as subsection (d) and in that subsection —

10 (A) by striking “, or the Secretary’s designee,”; and

11 (B) by striking “through the Office of the Director of Administration
12 and Management” and inserting “in accordance with guidelines prescribed by
13 the Secretary”.

14 (d) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—Such section is further
15 amended—

16 (1) in subsection (a), as amended by subsection (a) of this section, by striking
17 “pursuant to section 552(b)(3) of title 5” in the matter preceding paragraph (1); and

18 (2) by adding at the end the following new subsection:

19 “(e) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—This section is a statute
20 that specifically exempts certain matters from disclosure under section 552 of title 5, as
21 described in subsection (b)(3) of that section.”.

22 (e) SECTION HEADING AND CLERICAL AMENDMENT.—

23 (1) The heading of such section is amended to read as follows:

1 **“§130e. Nondisclosure of information: critical infrastructure; military tactics,**
2 **techniques, and procedures”.**

3 (2) The item relating to such section in the table of sections at the beginning
4 of chapter 3 of such title is amended to read as follows:

“130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures.”.

5 **TITLE XI—[RESERVED]**

6 **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

7 **SEC. 1201. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE**
8 **VETTED SYRIAN OPPOSITION.**

9 (a) IN GENERAL.—Subsection (a) of section 1209 of the Carl Levin and Howard P.
10 “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291;
11 128 Stat. 3541) is amended by striking “December 31, 2016” and inserting “September 30,
12 2018”.

13 (b) REPROGRAMMING REQUIREMENT.—Subsection (f) of such section is amended to read
14 as follows:

15 “(f) FUNDING.—Of the amounts made available for Overseas Contingency Operations for
16 fiscal year 2017, there are authorized to be appropriated \$250,000,000 to carry out this section.
17 Amounts authorized to be appropriated under this subsection are authorized to remain available
18 through September 30, 2018.”.

19 **SEC. 1202. EXTENSION AND MODIFICATION OF COMMANDERS’ EMERGENCY**
20 **RESPONSE PROGRAM IN AFGHANISTAN.**

21 (a) EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year
22 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211 of the

1 National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. yyy), is
2 further amended by striking “fiscal year 2016” in subsections (a), (b), and (f) and inserting
3 “fiscal year 2017”.

4 (b) AMOUNT OF FUNDS AVAILABLE DURING FISCAL YEAR 2017.—Subsection (a) of such
5 section is further amended by striking “\$10,000,000” and inserting “\$5,000,000”.

6 **SEC. 1203. ENHANCEMENT OF INTERAGENCY SUPPORT DURING**
7 **CONTINGENCY OPERATIONS AND TRANSITION PERIODS.**

8 (a) AUTHORITY.—The Secretary of Defense and the Secretary of State may enter into an
9 agreement under which each Secretary may provide covered support, supplies, and services on a
10 reimbursement basis, or by exchange of covered support, supplies, and services, to the other
11 Secretary during a contingency operation and related transition period for up to two years
12 following the end of such contingency operation.

13 (b) AGREEMENT.—An agreement entered into under this section shall be in writing and
14 shall include the following terms:

15 (1) The price charged by a supplying agency shall be the direct costs that such
16 agency incurred by providing the covered support, supplies, or services to the requesting
17 agency under this section.

18 (2) Credits and liabilities of the agencies accrued as a result of acquisitions and
19 transfers of covered support, supplies, and services under this section shall be liquidated
20 not less often than once every 3 months by direct payment to the agency supplying such
21 support, supplies, or services by the agency receiving such support, supplies, or services.

22 (3) Exchange entitlements accrued as a result of acquisitions and transfers of
23 covered support, supplies, and services under this section shall be satisfied within 12

1 months after the date of the delivery of the covered support, supplies, or services.

2 Exchange entitlements not so satisfied shall be immediately liquidated by direct payment
3 to the agency supplying such covered support, supplies, or services.

4 (c) EFFECT OF OBLIGATION AND AVAILABILITY OF FUNDS.—An order placed by an
5 agency pursuant to an agreement under this section is deemed to be an obligation in the same
6 manner that a similar order or contract placed with a private contractor is an obligation.
7 Appropriations remain available to pay an obligation to the servicing agency in the same manner
8 as appropriations remain available to pay an obligation to a private contractor.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “covered support, supplies, and services” means food, billeting,
11 transportation (including airlift), petroleum, oils, lubricants, communications services,
12 medical services, ammunition, base operations support (and construction incident to base
13 operations support), use of facilities, spare parts and components, repair and maintenance
14 services, and calibration services.

15 (2) The term “contingency operation” has the meaning given that term in section
16 101(a)(13) of title 10, United States Code.

17 (e) CREDITING OF RECEIPTS.—Any receipt as a result of an agreement entered into under
18 this section shall be credited, at the option of the Secretary of Defense with respect to the
19 Department of Defense and the Secretary of State with respect to the Department of State, to—

20 (1) the appropriation, fund, or account used in incurring the obligation; or

21 (2) an appropriate appropriation, fund, or account currently available for the
22 purposes for which the expenditures were made.

1 **SEC. 1204. EXTENSION OF AND REVISED FUNDING SOURCES FOR TRAINING**
2 **EASTERN EUROPEAN NATIONAL MILITARY FORCES IN THE**
3 **COURSE OF MULTILATERAL EXERCISES.**

4 (a) **FUNDING SOURCES.**—Subsection (d)(2) of section 1251 of the National Defense
5 Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. yyyy) is amended by
6 adding at the end the following new subparagraph:

7 “(C) Amounts authorized to be appropriated for a fiscal year for operation and
8 maintenance overseas contingency operations, Army, and available for the European
9 Reassurance Initiative in the ‘additional activities’ line.”.

10 (b) **EXTENSION.**—Subsection (h) of such section is amended by striking “2017” both
11 places it appears and inserting “2018”.

12 **TITLE XIII—[RESERVED]**

13 **TITLE XIV—OTHER AUTHORIZATIONS**

14 **Subtitle A—Military Programs**

15 **SEC. 1401. WORKING CAPITAL FUNDS.**

16 Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the
17 Armed Forces and other activities and agencies of the Department of Defense for providing
18 capital for working capital and revolving funds in the amount of \$1,371,613,000.

19 **SEC. 1402. JOINT URGENT OPERATIONAL NEEDS FUND.**

20 Funds are hereby authorized to be appropriated for fiscal year 2017 for the Joint Urgent
21 Operational Needs Fund in the amount of \$99,300,000.

22 **SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

1 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
2 appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise
3 provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of
4 \$551,023,000, of which—

5 (1) \$147,282,000 is for Operation and Maintenance;

6 (2) \$388,609,000 is for Research, Development, Test, and Evaluation; and

7 (3) \$15,132,000 is for Procurement.

8 (b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized
9 for—

10 (1) the destruction of lethal chemical agents and munitions in accordance with
11 section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521);

12 and

13 (2) the destruction of chemical warfare materiel of the United States that is not
14 covered by section 1412 of such Act.

15 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**
16 **WIDE.**

17 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
18 year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug
19 Activities, Defense-wide, in the amount of \$844,800,000.

20 **SEC. 1405. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO**
21 **ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL**
22 **DEFENSE STOCKPILE.**

1 (a) DISPOSAL AUTHORITY. —Pursuant to section 5(b) of the Strategic and Critical
2 Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager may
3 dispose of the following materials contained in the National Defense Stockpile in the following
4 quantities:

5 (1) 27 short tons of beryllium.

6 (2) 111,149 short tons of chromium, ferroalloy.

7 (3) 2,973 short tons of chromium metal.

8 (4) 8,380 troy ounces of platinum.

9 (5) 275,741 pounds of contained tungsten metal powder.

10 (6) 12,433,796 pounds of contained tungsten ores and concentrates.

11 (b) ACQUISITION AUTHORITY.—

12 (1) AUTHORITY.—Using funds available in the National Defense Stockpile
13 Transaction Fund, the National Defense Stockpile Manager may acquire the following
14 materials determined to be strategic and critical materials required to meet the defense,
15 industrial, and essential civilian needs of the United States:

16 (A) High modulus and high strength carbon fibers.

17 (B) Tantalum.

18 (C) Germanium.

19 (D) Tungsten rhenium metal.

20 (E) Boron carbide powder.

21 (F) Europium.

22 (G) Silicon carbide fiber.

1 (2) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use
2 up to \$55,000,000 in the National Defense Stockpile Transaction Fund for acquisition of
3 the materials specified paragraph (1).

4 (3) FISCAL YEAR LIMITATION.—The authority under paragraph (1) is available for
5 purchases during fiscal year 2017 through fiscal year 2021.

6 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

7 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
8 year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the
9 Department of Defense, in the amount of \$322,035,000, of which—

10 (1) \$318,882,000 is for Operation and Maintenance; and

11 (2) \$3,153,000 is for Research, Development, Test and Evaluation.

12 **SEC. 1407. DEFENSE HEALTH PROGRAM.**

13 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
14 year 2017 for expenses, not otherwise provided for, for the Defense Health Program, in the
15 amount of 33,467,516,000, of which—

16 (1) \$32,231,390,000 is for Operation and Maintenance;

17 (2) \$822,907,000 is for Research, Development, Test, and Evaluation; and

18 (3) \$413,219,000 is for Procurement.

19 **Subtitle B—Other Matters**

20 **SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF**
21 **DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL**
22 **FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A.**
23 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

1 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated
2 for section 506 and available for the Defense Health Program for operation and maintenance,
3 \$122,375,000 may be transferred by the Secretary of Defense to the Joint Department of
4 Defense—Department of Veterans Affairs Medical Facility Demonstration Fund established by
5 subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010
6 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any
7 funds so transferred shall be treated as amounts authorized and appropriated specifically for the
8 purpose of such a transfer.

9 (b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section
10 1704, facility operations for which funds transferred under subsection (a) may be used are
11 operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North
12 Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting
13 facilities designated as a combined Federal medical facility under an operational agreement
14 covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal
15 Year 2009 (Public Law 110-417; 122 Stat. 4500).

16 **SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES**

17 **RETIREMENT HOME.**

18 There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces
19 Retirement Home Trust Fund the sum of \$64,300,000 for the operation of the Armed Forces
20 Retirement Home.

21 **TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS**

22 **FOR OVERSEAS CONTINGENCY OPERATIONS**

23 **SEC. 1501. PURPOSE.**

1 The purpose of this title is to authorize appropriations for the Department of Defense for
2 fiscal year 2017 to provide additional funds for overseas contingency operations being carried
3 out by the Armed Forces.

4 **SEC. 1502. ARMY PROCUREMENT.**

5 Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for
6 the Army in amounts as follows:

7 (1) For aircraft procurement, \$313,171,000.

8 (2) For missile procurement, \$632,817,000.

9 (3) For weapons and tracked combat vehicles, \$153,544,000.

10 (3) For ammunition procurement, \$301,523,000.

11 (4) For other procurement, \$1,373,010,000.

12 **SEC. 1503. JOINT IMPROVISED-THREAT DEFEAT FUND.**

13 Funds are hereby authorized to be appropriated for fiscal year 2017 for the Joint
14 Improvised-Threat Defeat Fund in the amount of \$408,272,000.

15 **SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.**

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

18 (1) For aircraft procurement, Navy, \$393,030,000.

19 (2) For weapons procurement, Navy, \$8,600,000.

20 (3) For ammunition procurement, Navy and Marine Corps, \$66,229,000.

21 (4) For other procurement, Navy, \$124,206,000.

22 (5) For procurement, Marine Corps, \$118,939,000.

23 **SEC. 1505. AIR FORCE PROCUREMENT.**

1 Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for
2 the Air Force in amounts as follows:

3 (1) For aircraft procurement, \$859,399,000.

4 (2) For missile procurement, \$339,545,000.

5 (3) For ammunition procurement, \$487,408,000.

6 (4) For other procurement, \$3,696,281,000.

7 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

8 Funds are hereby authorized to be appropriated for fiscal year 2017 for the procurement
9 account for Defense-wide activities in the amount of \$238,434,000.

10 **SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

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

13 (1) For the Army, \$100,522,000.

14 (2) For the Navy, \$78,323,000.

15 (3) For the Air Force, \$32,905,000.

16 (4) For Defense-wide activities, \$162,419,000.

17 **SEC. 1508. OPERATION AND MAINTENANCE.**

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

21 (1) For the Army, \$15,310,587,000.

22 (2) For the Navy, \$6,827,391,000.

23 (3) For the Marine Corps, \$1,244,359,000.

- 1 (4) For the Air Force, \$9,498,830,000.
- 2 (5) For Defense-wide activities, \$5,982,173,000.
- 3 (6) For the Army Reserve, \$38,679,000.
- 4 (7) For the Navy Reserve, \$26,265,000.
- 5 (8) For the Marine Corps Reserve, \$3,304,000.
- 6 (9) For the Air Force Reserve, \$57,586,000.
- 7 (10) For the Army National Guard, \$127,035,000.
- 8 (11) For the Air National Guard, \$20,000,000.
- 9 (12) For the Counterterrorism Partnerships Fund, \$1,000,000,000.
- 10 (13) For the Afghanistan Security Forces Fund, \$3,448,715,000.
- 11 (14) For the Iraq Train and Equip Fund, \$630,000,000.
- 12 (15) For the Syria Train and Equip Fund, \$250,000,000.

13 **SEC. 1509. MILITARY PERSONNEL.**

14 Funds are hereby authorized to be appropriated for fiscal year 2017 to the Department of
15 Defense for military personnel accounts in the total amount of \$3,562,258,000.

16 **SEC. 1510. WORKING CAPITAL FUNDS.**

17 Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the
18 Armed Forces and other activities and agencies of the Department of Defense for providing
19 capital for Defense Working Capital Funds in the amount of \$140,633,000.

20 **SEC. 1511. DEFENSE HEALTH PROGRAM.**

21 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
22 year 2017 for expenses, not otherwise provided for, for the Defense Health Program in the
23 amount of \$331,764,000 for operation and maintenance.

1 **SEC. 1512. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**
2 **WIDE.**

3 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
4 year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug
5 Activities, Defense-wide in the amount of \$215,333,000.

6 **SEC. 1513. DEFENSE INSPECTOR GENERAL.**

7 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
8 year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the
9 Department of Defense in the amount of \$22,062,000.

10 **TITLE XVI—SERVICEMEMBERS CIVIL RELIEF ACT**

11 **SEC. 1601. SHORT TITLE; STATUTORY REFERENCES.**

12 (a) **SHORT Title.**—This title may be cited as the “Servicemembers Civil Relief Act
13 Amendments of 2016”.

14 (b) **STATUTORY REFERENCES.**—Any reference in this title to the “SCRA” shall be treated
15 as a reference to the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

16 **SEC. 1602. CLARIFICATION OF AFFIDAVIT REQUIREMENT.**

17 Paragraph (1) of section 201(b) of the SCRA (50 U.S.C. 3931(b)) is amended to read as
18 follows:

19 “(1) **PLAINTIFF TO FILE AFFIDAVIT.**—

20 “(A) In any action or proceeding covered by this section, the plaintiff,
21 before seeking a default judgment, shall file with the court an affidavit—

22 “(i) stating whether or not the defendant is in military service and
23 showing necessary facts to support the affidavit; or

1 “(ii) if the plaintiff is unable to determine whether or not the
2 defendant is in military service, stating that the plaintiff is unable to
3 determine whether or not the defendant is in military service.

4 “(B) Before filing an affidavit under subparagraph (A), the plaintiff shall
5 conduct a diligent and reasonable investigation to determine whether or not the
6 defendant is in military service, including a search of available Department of
7 Defense records and any other information available to the plaintiff. The affidavit
8 shall set forth all steps taken to determine the defendant’s military status and shall
9 have attached the records on which the plaintiff relied in preparing the affidavit.
10 Attached records shall include at least a copy of the certificate produced by the
11 Department of Defense Manpower Data Center.”.

12 **SEC. 1603. EXTENSION OF PROTECTIONS FOR SERVICEMEMBERS AGAINST**
13 **DEFAULT JUDGMENTS.**

14 (a) APPOINTMENT AND OBLIGATIONS OF ATTORNEY.—Paragraph (2) of subsection (b) of
15 section 201 of the SCRA (50 U.S.C. 3931) is amended to read as follows:

16 “(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY
17 SERVICE.—

18 “(A) If in an action covered by this section it appears that the defendant is
19 in military service, the court may not enter a judgment until after the court
20 appoints an attorney to represent the defendant. The court may not appoint an
21 attorney to represent a defendant who is selected by or affiliated with the plaintiff,
22 an attorney representing the plaintiff, or an employee of an entity affiliated with
23 an attorney representing the plaintiff.

1 “(B) The court appointed attorney shall act only in the best interests of the
2 defendant. The court appointed attorney, when appropriate to represent the best
3 interests of the defendant, shall request a stay of proceedings under this Act.

4 “(C) The court appointed attorney shall use due diligence to locate and
5 contact the defendant. The plaintiff must provide to the court appointed attorney
6 all contact information it has for the defendant. A court appointed attorney unable
7 to make contact with the defendant shall report to the court on all of the attorney’s
8 efforts to make contact.

9 “(D) Upon making contact with the defendant, the court appointed
10 attorney shall advise the defendant of the nature of the lawsuit and the defendant’s
11 rights provided by the Act, including rights to obtain a stay and to request the
12 court to adjust an obligation. Regardless of whether contact is made, the court
13 appointed attorney shall assert such rights on behalf of defendant, provided that
14 there is an adequate basis in law and fact, unless the defendant provides informed
15 consent to not assert such rights.

16 “(E) The court shall require the court appointed attorney to perform duties
17 faithfully and, upon failure to do so, shall discharge the attorney and appoint
18 another.

19 “(F) If an attorney appointed under this section to represent a defendant in
20 military service cannot locate the defendant, actions by the attorney in the case
21 shall not waive any defense of the servicemember or otherwise bind the
22 servicemember.

1 “(G) Nothing in this paragraph shall be construed to prohibit a court from
2 assessing court-appointed attorney fees and costs against the plaintiff.”.

3 (b) SEARCHES OF DEPARTMENT OF DEFENSE MANPOWER DATA CENTER DATABASE.—

4 Such subsection is further amended by adding at the end the following new paragraphs:

5 “(5) REQUIRED SEARCH OF DEPARTMENT OF DEFENSE DATABASE.—If a
6 plaintiff is in possession of information necessary to obtain a status report with
7 respect to a defendant generated by the Department of Defense Manpower Data
8 Center or a successor to such Center, the plaintiff shall obtain and provide to the
9 court a copy of such status report.

10 “(6) DUTIES OF COURT-APPOINTED ATTORNEY.—An attorney appointed to
11 represent a defendant under paragraph (2) shall provide to the court—

12 “(A) if the attorney is in possession of information necessary to obtain
13 a status report with respect to the defendant from the Department of Defense
14 Manpower Data Center or a successor to such Center, such status report;

15 “(B) a statement indicating the date such attorney reviewed the court
16 record and pleadings to ascertain contact information for the defendant;

17 “(C) a statement indicating dates, times, and method of communication
18 to or with the defendant; and

19 “(D) a statement that—

20 “(i) such attorney was unable to contact the defendant;

21 “(ii) the defendant was contacted and requests a stay or requests a
22 continuance to obtain counsel; or

1 “(iii) the defendant was contacted and requests for the case to
2 proceed.

3 “(7) EFFECT OF DEPARTMENT OF DEFENSE DISCONTINUING AVAILABILITY OF
4 INFORMATION.—If the Department of Defense discontinues the availability of active
5 duty status information through the Department of Defense Manpower Data Center
6 or a successor or other related entity, paragraphs (5) and (6)(A) shall cease to apply
7 until such time as the Department resumes making such information available.”.

8 (c) AUTHORITY FOR COURT TO VACATE OR SET ASIDE JUDGMENT FOR INADEQUATE
9 REPRESENTATION.—Paragraph (1) of subsection (g) of such section is amended to read as
10 follows:

11 “(1) AUTHORITY FOR COURT TO VACATE OR SET ASIDE JUDGMENT.—If a default
12 judgment is entered in an action covered by this section against a servicemember during
13 the servicemember's period of military service (or within 60 days after termination of or
14 release from such military service), the court entering the judgment shall, upon
15 application by or on behalf of the servicemember, reopen the judgment for the purpose of
16 allowing the servicemember to defend the action if it appears that—

17 “(A) the servicemember—

18 “(i) was materially affected by reason of that military service in
19 making a defense to the action; and

20 “(ii) has a meritorious or legal defense to the action or some part of
21 it; or

22 “(B) an attorney appointed to represent the servicemember failed to
23 adequately represent the best interests of the defendant.”.

1 **SEC. 1604. RESIDENCY OF DEPENDENTS OF MILITARY PERSONNEL FOR**
2 **VOTING PURPOSES.**

3 (a) EXTENSION OF SPOUSE COVERAGE TO ALL DEPENDENTS.—Section 705 of the SCRA
4 (50 U.S.C. 4025) is amended—

5 (1) in subsection (b)—

6 (A) by striking “SPOUSES” in the subsection heading and inserting

7 “DEPENDENTS”; and

8 (B) by striking “spouse” and inserting “military sponsor”; and

9 (2) by adding at the end the following new subsection:

10 “(c) MILITARY SPONSOR DEFINED.—For purposes of this section, the term ‘military
11 sponsor’, with respect to any person, means a servicemember with respect to whom the person is
12 a dependent.”.

13 (b) TECHNICAL AMENDMENTS FOR STATUTORY CONSISTENCY.—Such section is further
14 amended by striking “or naval” in subsections (a) and (b).

15 (c) CLERICAL AMENDMENTS.—

16 (1) SECTION HEADING.—The heading of such section is amended to read as
17 follows:

18 **“SEC. 705. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL AND**
19 **DEPENDENTS OF MILITARY PERSONNEL FOR VOTING PURPOSES.”.**

20 (2) TABLE OF CONTENTS.—The item relating to that section in the table of contents
21 in section 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.”.

22 **SEC. 1605. INCREASE IN CIVIL PENALTIES.**

23 Subsection (b)(3) of section 801 of the SCRA (50 U.S.C. 4041) is amended—

1 (1) in subparagraph (A), by striking “\$55,000” and inserting “\$110,000”; and
2 (2) in subparagraph (B), by striking “\$110,000” and inserting “\$220,000”.

3 **SEC. 1606. ENFORCEMENT BY THE ATTORNEY GENERAL.**

4 Section 801 of the SCRA (50 U.S.C. 4041) is further amended by adding at the end the
5 following new subsections:

6 “(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—Whenever the
7 Attorney General has reason to believe that any person may be in possession, custody, or control
8 of any documentary material relevant to an investigation under this Act, the Attorney General
9 may, before commencing a civil action under subsection (a), issue in writing and cause to be
10 served upon such person, a civil investigative demand requiring—

11 “(1) the production of such documentary material for inspection and copying;

12 “(2) that the custodian of such documentary material answer in writing written
13 questions with respect to such documentary material; or

14 “(3) the production of any combination of such documentary material or answers.

15 “(e) RELATION TO FALSE CLAIMS ACT.—The statutory provisions governing the authority
16 to issue, use, and enforce civil investigative demands under section 3733 of title 31, United
17 States Code (popularly known as the ‘False Claims Act’), shall govern the authority to issue, use,
18 and enforce civil investigative demands under this section, except that for purposes of this
19 section —

20 “(1) references in that section to false claims law investigators or investigations
21 shall be read as references to investigators or investigations;

22 “(2) references in that section to interrogatories shall be read as references to
23 written questions, and answers to such need not be under oath;

1 “(3) the statutory definitions relating to ‘false claims law’ shall not apply; and

2 “(4) provisions relating to qui tam relators shall not apply.

3 “(f) APPLICATION.—This section applies to any violation of this Act occurring on, before,
4 or after October 13, 2010.”.

5 **SEC. 1607. APPLICATION OF PRIVATE RIGHT OF ACTION.**

6 Section 802 of the SCRA (50 U.S.C. 4042) is amended by adding at the end the
7 following new subsection:

8 “(c) APPLICATION.—This section applies to any violation of this Act occurring on, before,
9 or after October 13, 2010.”.

10 **SEC. 1608. DEFINITION OF MILITARY ORDERS AND CONTINENTAL UNITED**
11 **STATES.**

12 (a) DEFINITIONS FOR ENTIRE ACT.—Section 101 of the SCRA (50 U.S.C. 3911) is
13 amended by adding at the end the following new paragraphs:

14 “(10) MILITARY ORDERS.—The term ‘military orders’, with respect to a
15 servicemember, means official military orders, or any notification, certification, or
16 verification from the Secretary or the servicemember’s commanding officer, with respect
17 to the servicemember’s current or future military duty status.

18 “(11) CONUS.—The term ‘continental United States’ means the 48 contiguous
19 States and the District of Columbia.”.

20 (b) CONFORMING AMENDMENT.—Section 305 of the SCRA (50 U.S.C. 3955) is amended
21 by striking subsection (i).

22 **SEC. 1609. ORAL NOTICE SUFFICIENT TO INVOKE INTEREST RATE CAP.**

23 Section 207(b) of the SCRA (50 U.S.C. 3937(b)) is amended to read as follows:

1 “(b) IMPLEMENTATION OF LIMITATION.—

2 “(1) NOTICE TO CREDITOR.—In order for an obligation or liability of a
3 servicemember to be subject to the interest rate limitation in subsection (a), the
4 servicemember shall provide to the creditor notice of military service and any further
5 extension of military service. Any such notice may be oral or written. Any such notice
6 shall be provided not later than 180 days after the date of the servicemember's
7 termination or release from military service. The creditor shall retain a record of the
8 servicemember’s notification.

9 “(2) CREDITOR ACTION UPON RECEIPT OF NOTICE.—Upon receipt of notice of
10 military service under paragraph (1), the creditor shall treat the debt in accordance with
11 subsection (a), except that the creditor may, before treating the debt in accordance with
12 subsection (a), first conduct a search of Department of Defense records available through
13 the Department of Defense Manpower Data Center in order to confirm such military
14 service. If the creditor is unable to confirm military service by such search, the creditor
15 shall notify the servicemember and may require the servicemember to provide a copy of
16 the servicemember’s military orders before treating the debt in accordance with
17 subsection (a). If military service is confirmed by such search or otherwise, the creditor
18 shall treat the debt in accordance with subsection (a).

19 “(3) LIMITATION EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY.—When a
20 creditor treats a debt of a servicemember in accordance with subsection (a), the treating
21 of the debt in accordance with subsection (a) shall be effective as of the date on which the
22 servicemember is called to military service.”.

23 **SEC. 1610. NON-DISCRIMINATION PROVISION.**

1 (a) PROHIBITION ON DISCRIMINATION AGAINST SERVICEMEMBERS.—Section 108 of the
2 SCRA (50 U.S.C. 3919) is amended—

3 (1) by striking “Application by a servicemember for, or receipt by a
4 servicemember of, a stay, postponement, or suspension” and inserting “(a) APPLICATION
5 OR RECEIPT.—Application by a servicemember for rights or protections”; and

6 (2) by adding at the end the following new subsection:

7 “(b) ELIGIBILITY.—

8 “(1) IN GENERAL.—In addition to the rights and protections under subsection (a),
9 an individual who is eligible, or may become eligible by virtue of current membership in
10 the reserves or a commitment to perform future military service, for rights or protections
11 under any provision of this Act may not be denied services, including access to housing,
12 or refused credit or be subject to any other action described under paragraphs (1) through
13 (6) of subsection (a) by reason of such eligibility.

14 “(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a
15 lender or service provider from considering all relevant factors, other than the potential
16 eligibility of an individual for rights or protections under a provision of this Act, in
17 making a determination as to whether it is appropriate to provide services or extend
18 credit.”.

19 (b) CLERICAL AMENDMENTS.—

20 (1) SECTION HEADING.—The heading of such section is amended to read as
21 follows:

22 **“SEC. 108. PROHIBITION ON DISCRIMINATION AGAINST SERVICEMEMBERS.”.**

1 (2) TABLE OF CONTENTS.—The item relating to that section in the table of contents
2 in section 1(b) of the SCRA is amended to read as follows:

“108. Prohibition on discrimination against servicemembers.”.

3 **SEC. 1611. EXTENSION OF PROTECTION AGAINST REPOSSESSION FOR**
4 **INSTALLMENT SALES CONTRACTS.**

5 Subsection (a)(1) of section 302 of the SCRA (50 U.S.C. 3952) is amended by striking
6 “during that person’s military service” and inserting “during and for one year after that person’s
7 military service”.

8 **SEC. 1612. HARMONIZATION OF SECTIONS.**

9 Section 303 of the SCRA (50 U.S.C. 3953) is amended—

10 (1) in subsection (b), by striking “filed” and inserting “pending”; and

11 (2) in subsection (c)(1), by striking “with a return made and approved by the
12 court”.

13 **SEC. 1613. EXPANSION OF PROTECTION FOR TERMINATION OF RESIDENTIAL**
14 **AND MOTOR VEHICLE LEASES.**

15 (a) TERMINATION OF LEASES.—Subsection (a) of section 305 of the SCRA (50 U.S.C.
16 3955) is amended—

17 (1) in paragraph (1)—

18 (A) in subparagraph (A), by striking “or” at the end;

19 (B) in subparagraph (B), by striking the period at the end and inserting “;
20 or”; and

21 (C) by adding at the end the following new subparagraph:

1 “(C) in the case of a lease described in subsection (b)(1) and subparagraph
2 (C) of such subsection, the date the lessee is assigned to or otherwise relocates to
3 quarters or a housing facility as described in such subparagraph.”; and
4 (2) in paragraph (2), by striking “a dependent of the lessee” and inserting “a co-
5 lessee”.

6 (b) COVERED LEASES.—Subsection (b)(1) of such section is amended—

7 (1) in subparagraph (A), by striking “or” at the end;

8 (2) in subparagraph (B)—

9 (A) by inserting “(including separation or retirement orders)” after
10 “permanent change of station”; and

11 (B) by striking the period at the end and inserting “; or”; and

12 (3) by adding at the end the following new subparagraph:

13 “(C) the lease is executed by or on behalf of a person who thereafter and
14 during the term of the lease is assigned to or otherwise relocates to quarters of the
15 United States or a housing facility under the jurisdiction of a uniformed service
16 (as defined in section 101 of title 37, United States Code), including housing
17 provided under the Military Housing Privatization Initiative.”.

18 (c) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

19 (1) in subparagraph (A)—

20 (A) by inserting “in the case of a lease described in subsection (b)(1) and
21 subparagraph (A) or (B) of such subsection,” before “by delivery”; and

22 (B) by striking “and” at the end;

23 (2) by redesignating subparagraph (B) as subparagraph (C); and

1 (3) by inserting after subparagraph (A) the following new subparagraph (B):

2 “(B) in the case of a lease described in subsection (b)(1) and subparagraph (C) of
3 such subsection, by delivery by the lessee of written notice of such termination, and a
4 letter from the servicemember’s commanding officer indicating that the servicemember
5 has been assigned to or is otherwise relocating to quarters of the United States or a
6 housing facility under the jurisdiction of a uniformed service (as defined in section 101 of
7 title 37, United States Code), to the lessor (or the lessor’s grantee), or to the lessor’s agent
8 (or the agent’s grantee); and”.

9 (d) WAIVER IMPERMISSIBLE—Such section is further amended by adding at the end the
10 following new subsection:

11 “(i) WAIVER NOT PERMITTED.—The provisions of this section may not be waived or
12 modified by the agreement of the parties.”.

13 **SEC. 1614. MILITARY FAMILY PROFESSIONAL LICENSE PORTABILITY.**

14 (a) PORTABILITY.—The SCRA (50 U.S.C. 3901 et seq.) is amended by inserting after
15 section 705 (50 U.S.C. 4025) the following new section:

16 **“SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES AND CERTIFICATIONS**
17 **FOR SERVICEMEMBERS AND THEIR SPOUSES.**

18 “Any professional license or commercial license provided to a servicemember or the
19 spouse of a servicemember shall be fully recognized and honored in any jurisdiction of the
20 United States in which that servicemember or spouse resides due to the military orders of the
21 servicemember for the duration of the orders, if the servicemember or the spouse—

22 “(1) provides a copy of the military orders calling the servicemember to duty in
23 that jurisdiction to the licensing entity in that jurisdiction;

1 “(2) remains in good standing with the licensing entity of the original jurisdiction;
2 and

3 “(3) agrees to be subject to the authority of the licensing entity in the new
4 jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any
5 continuing education requirements.”.

6 (b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the SCRA is amended
7 by inserting after the item relating to section 705 the following new item:

 “705A. Portability of professional licenses and certifications for servicemembers and their spouses.”.

8 **SEC. 1615. ENHANCED PROTECTION OF SERVICEMEMBERS UNDER**
9 **SERVICEMEMBERS CIVIL RELIEF ACT RELATING TO CERTAIN**
10 **CONTRACT PROVISIONS.**

11 (a) CERTAIN CONTRACT PROVISIONS RELATING TO ARBITRATION, CHOICE OF FORUM,
12 AND CHOICE OF LAW EFFECTIVE ONLY WITH WRITTEN AGREEMENT AFTER DISPUTE ARISES.—

13 (1) IN GENERAL.—Title I of the SCRA (50 U.S.C. 3911 et seq.) is amended by
14 adding at the end the following new section:

15 **“SEC. 110. CERTAIN CONTRACT PROVISIONS RELATING TO ARBITRATION,**
16 **CHOICE OF FORUM, AND CHOICE OF LAW EFFECTIVE ONLY**
17 **UPON CONSENT AFTER DISPUTE ARISES.**

18 “(a) WRITTEN CONSENT REQUIRED FOR ARBITRATION.—In the case of a contract with a
19 servicemember, or a servicemember and the servicemember’s spouse jointly, that provides for
20 the use of arbitration to resolve a dispute subject to a provision of this Act and arising out of or
21 relating to such contract, arbitration may be used to settle the dispute only if, after the dispute
22 arises, all parties to the dispute agree in writing to the use of arbitration to settle the dispute.

23 “(b) WRITTEN CONSENT REQUIRED FOR FORUM SELECTION

1 CLAUSE.—In the case of a contract with a servicemember, or a servicemember and the
2 servicemember’s spouse jointly, that provides that only a certain forum will be used to resolve
3 disputes or that grants either party an option to select a forum to resolve a dispute subject to a
4 provision of this Act and arising out of or relating to such contract, the contractual forum
5 selection clause may only be enforced if, after the dispute arises, all parties to the dispute agree
6 in writing to the selected forum to settle the dispute.

7 “(c) WRITTEN CONSENT REQUIRED FOR CHOICE OF LAW CLAUSE.—In the case of a
8 contract with a servicemember, or a servicemember and the servicemember’s spouse jointly, that
9 provides that only a certain jurisdiction's laws will be used to resolve disputes or that grants
10 either party an option to select a certain jurisdiction's laws to resolve a dispute subject to a
11 provision of this Act and arising out of or relating to such contract, the contractual choice of laws
12 clause may only be enforced if, after such dispute arises, all parties to such dispute consent in
13 writing to the selected choice of laws to settle such dispute.”.

14 (2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the SCRA is
15 amended by inserting after the item relating to section 109 the following new item:

“110. Certain contract provisions relating to arbitration, choice of forum, and choice of law effective only upon
consent after dispute arises.”.

16 (b) LIMITATION ON WAIVER OF RIGHTS PURSUANT TO WRITTEN AGREEMENTS.—Section
17 107(a) of the SCRA (50 U.S.C. 3918(a)) is amended—

18 (1) by inserting before the period at the end of the second sentence the following:

19 “and, if a dispute regarding the instrument or obligation arises, such waiver may be
20 enforced only if it is made after a the specific dispute has arisen and the dispute is
21 identified in the waiver.”; and

1 (2) by inserting before the period at the end of the third sentence the following:
2 “and, if a dispute regarding the action arises, such waiver may be enforced only if it is
3 made after a the specific dispute has arisen and the dispute is identified in the waiver”.

4 (c) INAPPLICABILITY OF SCRA PROVISIONS RELATING TO CHANGES TO DURATION AND
5 TERM OF STAYS AND TO CODEFENDANTS NOT IN SERVICE.—Section 205(c) of the SCRA (50
6 U.S.C. 3935(c)) is amended by striking “202” and inserting “110, 202,”.

7 **SEC. 1616. DETERMINATION OF RESIDENCE OR DOMICILE FOR TAX PURPOSES**
8 **OF SPOUSES OF MILITARY PERSONNEL.**

9 Section 511(a)(2) of the SCRA (50 U.S.C. 4001(a)(2)) is amended by striking “if the
10 residence or domicile, as the case may be, is the same for the servicemember and the spouse”.

11 **TITLE XVII— UNIFORMED AND OVERSEAS CITIZENS ABSENTEE**

12 **VOTING ACT**

13 **SEC. 1701. SHORT TITLE.**

14 This title may be cited as the “Uniformed and Overseas Citizens Absentee Voting
15 Act Amendments of 2016”.

16 **SEC. 1702. PRE-ELECTION REPORTING REQUIREMENTS ON AVAILABILITY**
17 **AND TRANSMISSION OF ABSENTEE BALLOTS.**

18 (a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas
19 Citizens Absentee Voting Act (52 U.S.C. 20302) is amended—

20 (1) by designating the text of that subsection as paragraph (3) and indenting
21 that paragraph, as so designated, two ems from the left margin; and

22 (2) by inserting before paragraph (3), as so designated, the following new
23 paragraphs:

1 “(1) PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.—Not later than
2 55 days before any election for Federal office held in a State, such State shall submit a
3 report to the Attorney General and the Presidential Designee, and make that report
4 publicly available that same day, certifying that absentee ballots are available for
5 transmission to absentee voters, or that it is aware of no circumstances that will prevent
6 absentee ballots from being available for transmission by 46 days before the election.
7 The report shall be in a form prescribed by the Attorney General and shall require the
8 State to certify specific information about ballot availability from each unit of local
9 government which will administer the election.

10 “(2) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—Not later than
11 43 days before any election for Federal office held in a State, such State shall submit a
12 report to the Attorney General and the Presidential Designee, and make that report
13 publicly available that same day, certifying whether all absentee ballots validly requested
14 by absent uniformed services voters and overseas voters whose requests were received by
15 the 46th day before the election have been transmitted to such voters by such date. The
16 report shall be in a form prescribed by the Attorney General and shall require the State to
17 certify specific information about ballot transmission, including the total numbers of
18 ballot requests received and ballots transmitted, from each unit of local government
19 which will administer the election.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) SUBSECTION HEADING.—The heading for such subsection is amended to read
22 as follows: “REPORTS ON ABSENTEE BALLOTS.—”.

1 (2) PARAGRAPH HEADING.—Paragraph (3) of such subsection, as designated by
2 subsection (a)(1), is amended by inserting “POST-ELECTION REPORT ON NUMBER OF
3 ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—“ before “Not later than 90 days”.

4 **SEC. 1703. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.**

5 (a) IN GENERAL.—Subsection (a)(8) of section 102 of the Uniformed and Overseas
6 Citizens Absentee Voting Act (52 U.S.C. 20302) is amended by striking “voter—” and all that
7 follows in that subsection and inserting “voter by the date and in the manner determined under
8 subsection (g);”.

9 (b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—
10 Subsection (g) of such section is amended to read as follows:

11 “(g) BALLOT TRANSMISSION REQUIREMENTS.—

12 “(1) REQUESTS RECEIVED AT LEAST 46 DAYS BEFORE AN ELECTION FOR FEDERAL
13 OFFICE.—For purposes of subsection (a)(8), in a case in which a valid request for an
14 absentee ballot is received at least 46 days before an election for Federal office, the
15 following rules shall apply:

16 “(A) TIME FOR TRANSMITTAL OF ABSENTEE BALLOT.—The State shall
17 transmit the absentee ballot not later than 46 days before the election.

18 “(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

19 “(i) GENERAL RULE.—If the State fails to transmit any absentee
20 ballot by the 46th day before the election as required by subparagraph (A)
21 and the absent uniformed services voter or overseas voter did not request
22 electronic ballot transmission pursuant to subsection (f), the State shall
23 transmit such ballot by express delivery.

1 “(ii) EXTENDED FAILURE.—If the State fails to transmit any
2 absentee ballot by the 41st day before the election, in addition to
3 transmitting the ballot as provided in clause (i), the State shall—

4 “(I) in the case of absentee ballots requested by absent
5 uniformed services voters with respect to regularly scheduled
6 general elections, notify such voters of the procedures established
7 under section 103A for the collection and delivery of marked
8 absentee ballots; and

9 “(II) in any other case, provide, at the State's expense, for
10 the return of such ballot by express delivery.

11 “(iii) ENFORCEMENT.—A State's compliance with this
12 subparagraph does not bar the Attorney General from seeking additional
13 remedies necessary to effectuate the purposes of this Act.

14 “(2) REQUESTS RECEIVED AFTER 46TH DAY BEFORE AN ELECTION FOR FEDERAL
15 OFFICE.—For purposes of subsection (a)(8), in a case in which a valid request for an
16 absentee ballot is received less than 46 days before an election for Federal office, the
17 State shall transmit the absentee ballot within one business day of receipt of the request.”.

18 **SEC. 1704. CLARIFICATION OF STATE RESPONSIBILITY, CIVIL PENALTIES,**
19 **AND PRIVATE RIGHT OF ACTION.**

20 (a) ENFORCEMENT.—Section 105 of the Uniformed and Overseas Citizens Absentee
21 Voting Act (52 U.S.C. 20307) is amended to read as follows:

22 **“SEC. 105. ENFORCEMENT.**

1 “(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate
2 district court for such declaratory or injunctive relief as may be necessary to carry out this title.
3 In any such action, the only necessary party defendant is the State. It shall not be a defense to
4 such action that local election officials are not also named as defendants.

5 “(b) CIVIL PENALTY.—In a civil action brought under subsection (a), if the court finds
6 that the State violated any provision of this title, it may, to vindicate the public interest, assess a
7 civil penalty against the State—

8 “(1) in an amount not exceeding \$110,000, for a first violation.

9 “(2) in an amount not exceeding \$220,000, for any subsequent violation.

10 “(c) ANNUAL REPORT TO CONGRESS.—Not later than December 31 of each year, the
11 Attorney General shall submit to Congress a report on any civil action brought under subsection
12 (a) during that year.

13 “(d) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by a State’s violation of
14 this Act may bring a civil action in an appropriate district court for such declaratory or injunctive
15 relief as may be necessary to carry out this Act.

16 “(e) ATTORNEY’S FEES.—In a civil action under this section, the court may allow the
17 prevailing party (other than the United States) reasonable attorney’s fees, including litigation
18 expenses, and costs.”.

19 (b) REPEAL OF CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITY.—
20 Section 576 of the Military and Overseas Voter Empowerment Act (52 U.S.C. 20302 note) is
21 repealed.

1 **SEC. 1705. TECHNICAL CLARIFICATIONS TO CONFORM TO 2009 MOVE ACT**

2 **AMENDMENTS RELATED TO THE FEDERAL WRITE-IN ABSENTEE**
3 **BALLOT.**

4 (a) STATE RESPONSIBILITIES.—Section 102(a)(3) of the Uniformed and Overseas Citizens
5 Absentee Voting Act (52 U.S.C. 20302(a)(3)) is amended by striking “general”.

6 (b) WRITE-IN ABSENTEE BALLOTS.—Section 103 of such Act (52 U.S.C. 20303) is
7 amended—

8 (1) by striking “GENERAL” in the title of the section; and

9 (2) by striking “general” in subsection (b)(2)(B).

10 **SEC. 1706. TREATMENT OF BALLOT REQUESTS.**

11 (a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting
12 Act (52 U.S.C. 20306) is amended—

13 (1) by striking “A State may not” and inserting “(a) PROHIBITION OF REFUSAL OF
14 APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not”;

15 (2) by inserting “or overseas voter” after “an absent uniformed services voter”;

16 (3) by striking “members of the” before “uniformed services”;

17 (4) by inserting “voters or overseas voters” before the period; and

18 (5) by adding at the end the following new subsection:

19 “(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

20 “(1) IN GENERAL.—If a State accepts and processes a request for an absentee
21 ballot by an absent uniformed services voter or overseas voter and the voter requests that
22 the application be considered an application for an absentee ballot for each subsequent
23 election for Federal office held in the State through the next regularly scheduled general

1 election for Federal office (including any runoff elections which may occur as a result of
2 the outcome of such general election), and any special elections for Federal office held in
3 the State through the calendar year following such general election, the State shall
4 provide an absentee ballot to the voter for each such subsequent election.

5 “(2) EXCEPTION FOR VOTERS CHANGING REGISTRATION.— Paragraph (1) shall not
6 apply with respect to a voter registered to vote in a State for any election held after the
7 voter notifies the State that the voter no longer wishes to be registered to vote in the State
8 or after the State determines that the voter has registered to vote in another State.”.

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

11 **“SEC. 104. TREATMENT OF BALLOT REQUESTS.”.**

12 **SEC. 1707. INCLUSION OF NORTHERN MARIANA ISLANDS IN THE DEFINITION**
13 **OF “STATE” FOR PURPOSES OF THE UNIFORMED AND OVERSEAS**
14 **CITIZENS ABSENTEE VOTING ACT.**

15 Paragraphs (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee
16 Voting Act (52 U.S.C. 20310) are each amended by striking “and American Samoa” and
17 inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

18 **SEC. 1708. REQUIREMENT FOR PRESIDENTIAL DESIGNEE TO REVISE THE**
19 **FEDERAL POST CARD APPLICATION TO ALLOW VOTERS TO**
20 **DESIGNATE BALLOT REQUESTS.**

21 (a) REQUIREMENT.—The Presidential designee shall ensure that the official post card
22 form (prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee
23 Voting Act (52 U.S.C. 20301(b)(2))) enables a voter using the form to—

1 (1) request an absentee ballot for each election for Federal office held in a State
2 through the next regularly scheduled general election for Federal office (including any
3 runoff elections which may occur as a result of the outcome of such general election) and
4 any special elections for Federal office held in the State through the calendar year
5 following such general election; or

6 (2) request an absentee ballot for a specific election or elections for Federal office
7 held in a State during the period described in paragraph (1).

8 (b) DEFINITION.—In this section, the term “Presidential designee” means the individual
9 designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act
10 (52 U.S.C. 20301(a)).

11 **SEC. 1709. REQUIREMENT OF PLURALITY VOTE FOR VIRGIN ISLANDS AND**
12 **GUAM FEDERAL ELECTIONS.**

13 Section 2(a) of the Act entitled “An Act to provide that the unincorporated territories of
14 Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of
15 Representatives” approved April 10, 1972 (48 U.S.C. 1712(a)), is amended—

16 (1) by striking “majority” in the second and third sentences and inserting
17 “plurality”; and

18 (2) by striking the fourth sentence.

19 **SEC. 1710. EXTENSION OF REPORTING DEADLINE FOR THE ANNUAL REPORT**
20 **ON THE ASSESSMENT OF THE EFFECTIVENESS OF ACTIVITIES OF**
21 **THE FEDERAL VOTING ASSISTANCE PROGRAM.**

22 (a) ELIMINATION OF REPORTS FOR NON-ELECTION YEARS.—Section 105A(b) of the
23 Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)) is amended—

1 (1) by striking “March 31 of each year” and inserting “September 30 of each odd-
2 numbered year”; and

3 (2) by striking “the following information” and inserting “the following
4 information with respect to the Federal elections held during the preceding calendar
5 year”.

6 (b) CONFORMING AMENDMENTS.—Such section is further amended—

7 (1) by striking “ANNUAL REPORT” in the subsection heading and inserting
8 “BIENNIAL REPORT”; and

9 (2) by striking “In the case of” in paragraph (3) and all that follows through “a
10 description” and inserting “A description”.

11 **SEC. 1711. TREATMENT OF POST CARD FORM REGISTRATIONS.**

12 Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C.
13 20302) is amended by adding at the end the following new subsection:

14 “(j) TREATMENT OF POST CARD REGISTRATIONS.—A State shall not remove any absent
15 uniformed services voter or overseas voter who has registered to vote using the official post card
16 form (prescribed under section 101) from the official list of registered voters, except in
17 accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter
18 Registration Act of 1993 (52 U.S.C. 20507(a)(3)).”.

19 **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

20 **TITLE XXI—ARMY MILITARY CONSTRUCTION**

21 **TITLE XXII—NAVY MILITARY CONSTRUCTION**

22 **TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

23 **TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

1 **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION**

2 **SECURITY INVESTMENT PROGRAM**

3 **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

4 **TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

5 **TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

6 **SEC. 2801. CHANGE IN AUTHORITIES RELATING TO SCOPE OF WORK**

7 **VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS.**

8 (a) LIMITED AUTHORITY FOR SCOPE OF WORK INCREASE.—Section 2853 of title 10,
9 United States Code, is amended—

10 (1) in subsection (b)(2), by striking “The scope of work” and inserting “Except as
11 provided in subsection (d), the scope of work”;

12 (2) by redesignating subsections (d) and (e) as subsections (e) and (f),
13 respectively; and

14 (3) by inserting after subsection (c) the following new subsection (d):

15 “(d) The limitation in subsection (b)(2) on an increase in the scope of work does not
16 apply if—

17 “(1) the increase in the scope of work is not more than 10 percent of the amount
18 specified for that project, construction, improvement, or acquisition in the justification
19 data provided to Congress as part of the request for authorization of the project,
20 construction, improvement, or acquisition;

21 “(2) the increase is approved by the Secretary concerned;

22 “(3) the Secretary concerned notifies the appropriate committees of Congress in
23 writing of the increase in scope and the reasons therefor; and

1 “(4) a period of 21 days has elapsed after the date on which the notification is
2 received by the committees or, if over sooner, a period of 14 days has elapsed after the
3 date on which a copy of the notification is provided in an electronic medium pursuant to
4 section 480 of this title.”.

5 (b) CROSS-REFERENCE AMENDMENTS.—

6 (1) Subsection (a) of such section is amended by striking “subsection (c) or (d)”
7 and inserting “subsection (c), (d), or (e)”.

8 (2) Subsection (f) of such section, as redesignated by subsection (a)(2), is
9 amended by striking “through (d)” and inserting “through (e)”.

10 (c) ADDITIONAL TECHNICAL AMENDMENTS.—

11 (1) CONFORMITY WITH GENERAL TITLE 10 STYLE.—Subsection (a) of such section
12 is further amended by inserting “of this title” after “section 2805(a)”.

13 (2) DELETION OF SURPLUS WORD.—Subsection (c)(1)(A) of such section is
14 amended by striking “be” after “Congress can”.Sec. 2803. Authority of the Secretary
15 concerned to accept lessee improvements at Government-owned/contractor-operated
16 industrial plants or facilities.

17 **SEC. 2802. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS**

18 **APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION**
19 **AUTHORITIES.**

20 Section 2805 of title 10, United States Code, is amended by adding at the end the
21 following new subsection:

22 “(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—Each fiscal year, the
23 Secretary concerned shall adjust the dollar limitations specified in this section applicable to an

1 unspecified minor military construction project to reflect the area construction cost index for
2 military construction projects published by the Department of Defense during the prior fiscal
3 year for the location of the project.”.

4 **SEC. 2803. LIMITED EXCEPTIONS TO RESTRICTION ON DEVELOPMENT OF**
5 **PUBLIC INFRASTRUCTURE IN CONNECTION WITH REALIGNMENT**
6 **OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.**

7 (a) EXCEPTIONS TO RESTRICTION —Notwithstanding section 2821(b) of the Military
8 Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128
9 Stat. 3701; 10 U.S.C. 2687 note), the Secretary of Defense may proceed with a public
10 infrastructure project on Guam described in subsection (b) if—

11 (1) the project was identified in the report prepared by the Secretary of Defense
12 under section 2822(d)(2) of the Military Construction Authorization Act for Fiscal Year
13 2014 (division B of Public Law 113–66; 127 Stat. 1017); and

14 (2) amounts have been appropriated or made available to be expended by the
15 Department of Defense for the project.

16 (b) COVERED PROJECTS.—Subsection (a) applies to the following projects:

17 (1) A project intended to improve water and wastewater systems.

18 (2) A project intended to improve curation of archeological and cultural artifacts.

19 (3) A project intended to improve the control and containment of public health
20 threats.

21 (c) REPEAL OF SUPERSEDED LAW.—Section 2821 of the Military Construction
22 Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. XXXX)
23 is repealed.

1 **SEC. 2804. TRANSFER OF FORT BELVOIR MARK CENTER CAMPUS FROM THE**
2 **SECRETARY OF THE ARMY TO THE SECRETARY OF DEFENSE AND**
3 **APPLICABILITY OF CERTAIN PROVISIONS OF LAW RELATING TO**
4 **THE PENTAGON RESERVATION.**

5 (a) INCLUSION OF MARK CENTER CAMPUS UNDER PENTAGON RESERVATION

6 AUTHORITIES.—

7 (1) DEFINITION OF PENTAGON RESERVATION.—Paragraph (1) of subsection (f) of
8 section 2674 of title 10, United States Code, is amended to read as follows:

9 “(1) The term ‘Pentagon Reservation’ means the Pentagon, the Mark Center
10 Campus, and the Raven Rock Mountain Complex.”.

11 (2) OTHER DEFINITIONS.—Such subsection is further amended by adding at the
12 end the following new paragraphs:

13 “(3) The term ‘Pentagon’ means that area of land (consisting of approximately
14 227 acres) and improvements thereon, including parking areas, located in Arlington
15 County, Virginia, containing the Pentagon Office Building and its supporting facilities.

16 “(4) The term “Mark Center Campus” means that area of land (consisting of
17 approximately 16 acres) and improvements thereon, including parking areas, located in
18 Alexandria, Virginia, and known on the day before the date of the enactment of this
19 paragraph as the Fort Belvoir Mark Center Campus.

20 “(5) The term ‘Raven Rock Mountain Complex’ means that area of land
21 (consisting of approximately 720 acres) and improvements thereon, including parking
22 areas, at the Raven Rock Mountain Complex and its supporting facilities located in
23 Maryland and Pennsylvania.”.

1 (3) CONFORMING AMENDMENT RELATING TO LAW ENFORCEMENT AUTHORITY.—
2 Subsection (b)(1) of such section is amended by inserting “for the Pentagon Reservation
3 and” in the first sentence after “law enforcement and security functions”.

4 (4) CONFORMING AMENDMENT RELATING TO DEFINITIONS.—Subsection (g) of such
5 section is repealed.

6 (b) UPDATE TO REFERENCE TO SECRETARY OF DEFENSE AUTHORITY.—Subsection (a) of
7 such section is amended—

8 (1) by striking “Jurisdiction” and inserting “The Secretary of Defense has
9 jurisdiction”; and

10 (2) by striking “is transferred to the Secretary of Defense”.

11 (c) REPEAL OF OBSOLETE REPORTING REQUIREMENT.—Such subsection is further
12 amended—

13 (1) by striking “(1)” after “(a)”; and

14 (2) by striking paragraphs (2) and (3).

15 (d) SUBSECTION CAPTIONS.—Such section is further amended—

16 (1) in subsection (a), as amended by subsections (b) and (c), by inserting
17 “PENTAGON RESERVATION.—” after “(a)”;

18 (2) in subsection (b), as amended by subsection a)(3), by striking “(b)(1)” and
19 inserting “(b) LAW ENFORCEMENT AUTHORITIES AND PERSONNEL.—(1);

20 (3) in subsection (c), by striking “(c)(1)” and inserting “(c) REGULATIONS AND
21 ENFORCEMENT.—(1)”;

22 (4) in subsection (d), by inserting “AUTHORITY TO CHARGE FOR PROVISION OF
23 SERVICES, FACILITIES, ETC.—” after “(d)”;

1 (5) in subsection (e), by striking “(e)(1)” and inserting “(e) PENTAGON
2 RESERVATION MAINTENANCE REVOLVING FUND.—(1)”; and

3 (6) in subsection (f), as amended by subsection (a), by inserting “DEFINITIONS.—”
4 after “(f)”.

5 **SEC. 2805. REPEAL OF SUNSET ON STATUTORY AUTHORITY FOR**
6 **LABORATORY REVITALIZATION PROJECTS.**

7 Section 2805(d) of title 10, United States Code, is amended by striking paragraph
8 (5).

9 **SEC. 2806. STANDARDIZATION OF EXPIRATION DATES FOR MILITARY LAND**
10 **WITHDRAWALS.**

11 (a) EL CENTRO.—Section 2925 of the National Defense Authorization Act for Fiscal Year
12 1997 (Public Law 104-201; 110 Stat. 2816) is amended by striking “25 years after the date of the
13 enactment of this subtitle” and inserting “on March 31, 2022”.

14 (b) JUNIPER BUTTE RANGE.—Section 2915(a) of the Strom Thurmond National Defense
15 Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2232) is amended by
16 striking “25 years after the date of the enactment of this Act” and inserting “on March 31, 2024”.

17 (c) GOLDWATER RANGE.—Section 3031(d)(1) of the National Defense Authorization Act
18 for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 907) is amended by striking “25 years after
19 the date of the enactment of this Act” and inserting “on March 31, 2025”.

20 (d) FORT IRWIN.—Section 2910(a) of the National Defense Authorization Act for Fiscal
21 Year 2002 (Public Law 107-107; 115 Stat. 1339) is amended by striking “25 years after the date
22 of the enactment of this Act” and inserting “on March 31, 2027”.

1 (e) FALLON RANGES, NELLIS RANGE, FORT GREELEY AND FORT WAINWRIGHT RANGES,
2 AND MCGREGOR RANGE.—Section 3015(a) of the National Defense Authorization Act for Fiscal
3 Year 2000 (Public Law 106-65; 113 Stat. 892) is amended—

4 (1) by striking “25 years after November 6, 2001” and inserting “on March 31,
5 2027”; and

6 (2) by striking “20 years after November 6, 2001” and inserting “on March 31,
7 2022”.

8 **SEC. 2807. CONGRESSIONAL NOTIFICATION OF IN-KIND CONTRIBUTIONS FOR**
9 **CONSTRUCTION PROJECTS OVERSEAS.**

10 (a) NOTIFICATION REQUIREMENT.—

11 (1) Subsection (f) of section 2687a of title 10, United States Code, is amended—

12 (A) in paragraph (1)—

13 (i) by striking “, as defined in chapter 159 of this title,”; and

14 (ii) by striking “contribution pursuant to” and inserting “required
15 by”;

16 (B) in paragraphs (2) and (3), by striking “contribution”; and

17 (C) in paragraph (4)(A), by striking “specified in” and inserting “required
18 by”.

19 (2) Such section is further amended—

20 (A) by redesignating subsection (g) as subsection (h); and

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

22 “(g) CONGRESSIONAL OVERSIGHT OF ACCEPTANCE OF IN-KIND CONTRIBUTIONS.—(1) In
23 the event the Secretary of Defense accepts a military construction project to be built for

1 Department of Defense personnel outside the United States as an in-kind contribution required
2 by a bilateral agreement with a host country, the Secretary of Defense shall submit to the
3 congressional defense committees a written notification at least 30 days before the initiation date
4 for any such military construction project.

5 “(2) A notification under paragraph (1) with respect to a proposed military construction
6 project shall include the following:

7 “(A) The requirements for, and purpose and description of, the proposed project.

8 “(B) The cost of the proposed project.

9 “(C) The scope of the proposed project.

10 “(D) The schedule for the proposed project.

11 “(E) Such other details as the Secretary considers relevant.”.

12 (b) CONFORMING AMENDMENT.—Section 2802(d)(1) of such title 10 is amended by
13 striking “contributions”.

14 (c) REPEAL.—Section 2803 of the Carl Levin and Howard “Buck” McKeon National
15 Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3696) is
16 repealed, and the amendments made by subsections (a) and (b) of that section shall be considered
17 not to have been made.

18 **TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT**

19 **SEC. 2901. SHORT TITLE AND PURPOSE.**

20 (a) SHORT TITLE.—This title may be cited as the “Defense Base Closure and Realignment
21 Act of 2016”.

22 (b) PURPOSE.—The purpose of this title is to provide a fair process that will result in the
23 timely closure and realignment of military installations inside the United States.

1 **SEC. 2902. THE COMMISSION.**

2 (a) ESTABLISHMENT.—There is established an independent commission to be known as
3 the “Defense Base Closure and Realignment Commission”.

4 (b) DUTIES.—The Commission shall carry out the duties specified for it in this title.

5 (c) APPOINTMENT.—(1)(A) The Commission shall be composed of nine members
6 appointed by the President, by and with the advice and consent of the Senate.

7 (B) Subject to the certifications required under section 2903(b), the President may
8 commence a round for the selection of military installations for closure and realignment under
9 this title in 2019 by transmitting to the Senate, not later than February 1, 2019, nominations for
10 appointment to the Commission.

11 (C) If the President does not transmit to Congress the nominations for appointment to the
12 Commission on or before the date specified, the process by which military installations may be
13 selected for closure or realignment under this title with respect to that year shall be terminated.

14 (2) In selecting individuals for nominations for appointments to the Commission, the
15 President should consult with—

16 (A) the Speaker of the House of Representatives concerning the appointment of
17 two members;

18 (B) the majority leader of the Senate concerning the appointment of two
19 members;

20 (C) the minority leader of the House of Representatives concerning the
21 appointment of one member; and

22 (D) the minority leader of the Senate concerning the appointment of one member.

1 (3) At the time the President nominates individuals for appointment to the Commission
2 for each session of Congress referred to in paragraph (1)(B), the President shall designate one
3 such individual who shall serve as Chairman of the Commission.

4 (d) TERMS.—(1) Except as provided in paragraph (2), each member of the Commission
5 shall serve until the adjournment of Congress sine die for the session during which the member
6 was appointed to the Commission.

7 (2) The Chairman of the Commission shall serve until the confirmation of a successor.

8 (e) MEETINGS.—(1) The Commission shall meet only during calendar year 2019.

9 (2)(A) Each meeting of the Commission, other than meetings in which classified
10 information is to be discussed, shall be open to the public.

11 (B) All the proceedings, information, and deliberations of the Commission shall be open,
12 upon request, to the following:

13 (i) The Chairman and the ranking minority party member of the Subcommittee on
14 Readiness and Management Support of the Committee on Armed Services of the Senate,
15 or such other members of the Subcommittee designated by such Chairman or ranking
16 minority party member.

17 (ii) The Chairman and the ranking minority party member of the Subcommittee
18 on Readiness of the Committee on Armed Services of the House of Representatives, or
19 such other members of the Subcommittee designated by such Chairman or ranking
20 minority party member.

21 (iii) The Chairmen and ranking minority party members of the subcommittees
22 with jurisdiction for military construction of the Committees on Appropriations of the

1 Senate and of the House of Representatives, or such other members of the subcommittees
2 designated by such Chairmen or ranking minority party members.

3 (iv) The Chairmen and Ranking Members of the Subcommittees on Defense of
4 the Committees on Appropriations of the Senate and the House of Representatives, or
5 such other members of the subcommittees designated by such Chairmen or ranking
6 minority party members.

7 (C) A Commissioner shall be recused from consideration of matters before the
8 Commission, in accordance with section 208 of title 18, United States Code. A Commissioner
9 shall not participate in the deliberations on, or vote regarding any matter from which the
10 Commissioner is recused.

11 (f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the
12 original appointment, but the individual appointed to fill the vacancy shall serve only for the
13 unexpired portion of the term for which the individual's predecessor was appointed.

14 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall
15 be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable
16 for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each
17 day (including travel time) during which the member is engaged in the actual performance of
18 duties vested in the Commission.

19 (B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate
20 equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the
21 Executive Schedule under section 5314, of title 5, United States Code.

22 (2) Members shall receive travel expenses, including per diem in lieu of subsistence, in
23 accordance with sections 5702 and 5703 of title 5, United States Code.

1 (h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311 of
2 title 5, United States Code, appoint a Director who has not served on active duty in the Armed
3 Forces or as a civilian employee of the Department of Defense during the one-year period
4 preceding the date of such appointment.

5 (2) The Director shall be paid at the rate of basic pay payable for level IV of the
6 Executive Schedule under section 5315 of title 5, United States Code.

7 (i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of the
8 Commission, may appoint and fix the pay of additional personnel.

9 (2) The Director may make such appointments without regard to the provisions of title 5,
10 United States Code, governing appointments in the competitive service, and any personnel so
11 appointed may be paid without regard to the provisions of chapter 51 and subchapter III of
12 chapter 53 of that title relating to classification and General Schedule pay rates, except that an
13 individual so appointed may not receive pay in excess of the annual rate of basic pay payable for
14 GS-15 of the General Schedule.

15 (3)(A) Not more than one-third of the personnel employed by or detailed to the
16 Commission may be on detail from the Department of Defense.

17 (B)(i) Not more than one-fifth of the professional analysts of the Commission staff may
18 be persons detailed from the Department of Defense to the Commission.

19 (ii) No person detailed from the Department of Defense to the Commission may be
20 assigned as the lead professional analyst with respect to a military department or defense agency.

21 (C) A person may not be detailed from the Department of Defense to the Commission if,
22 within 12 months before the detail is to begin, that person participated personally and

1 substantially in any matter within the Department of Defense concerning the preparation of
2 recommendations for closures or realignments of military installations.

3 (D) No member of the Armed Forces, and no officer or employee of the Department of
4 Defense, may—

5 (i) prepare any report concerning the effectiveness, fitness, or efficiency of the
6 performance on the staff of the Commission of any person detailed from the Department
7 of Defense to that staff;

8 (ii) review the preparation of such a report; or

9 (iii) approve or disapprove such a report.

10 (4) Upon request of the Director, the head of any Federal department or agency may
11 detail any of the personnel of that department or agency to the Commission to assist the
12 Commission in carrying out its duties under this title.

13 (5) The Comptroller General of the United States shall provide assistance, including the
14 detailing of employees, to the Commission in accordance with an agreement entered into with
15 the Commission.

16 (6) The Chairman of the Commission shall certify to the congressional defense
17 committees by April 1, 2019, that the Commission and its staff have adequate capacity to review
18 the recommendations to be submitted by the Secretary of Defense pursuant to section 2903 of
19 this title.

20 (7) The following restrictions relating to the personnel of the Commission shall apply
21 during the period beginning January 1, 2020 and ending April 15, 2020:

22 (A) There may not be more than 15 persons on the staff at any one time.

1 (B) The staff may perform only such functions as are necessary to prepare for the
2 termination of the Commission and transfer all records to the Department of Defense or
3 national archives.

4 (C) No member of the Armed Forces and no employee of the Department of
5 Defense may serve on the staff.

6 (j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent
7 funds are available, the temporary or intermittent services of experts or consultants pursuant to
8 section 3109 of title 5, United States Code.

9 (2) The Commission may lease space and acquire personal property to the extent funds
10 are available.

11 (k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds
12 as are necessary to carry out its duties under this title. Such funds shall remain available until
13 expended.

14 (2) If no funds are appropriated to the Commission by the end of the second session of
15 the 115th Congress, the Secretary of Defense may transfer to the Commission for purposes of its
16 activities under this title in that year such funds as the Commission may require to carry out such
17 activities. The Secretary may transfer funds under the preceding sentence from any funds
18 available to the Secretary. Funds so transferred shall remain available to the Commission for
19 such purposes until expended.

20 (l) TERMINATION.—The Commission shall terminate on April 15, 2020.

21 (m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10,
22 United States Code, shall apply with respect to communications with the Commission.

1 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE**
2 **CLOSURES AND REALIGNMENTS.**

3 (a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—

4 (1) PREPARATION AND SUBMISSION.—As part of the budget justification
5 documents submitted to Congress in support of the budget for the Department of Defense
6 for fiscal year 2019, the Secretary shall submit to Congress the following:

7 (A) A force-structure plan for the Armed Forces based on an assessment
8 by the Secretary of the probable threats to the national security during the 20-year
9 period beginning with that fiscal year, the probable end-strength levels and major
10 military force units (including land force divisions, carrier and other major
11 combatant vessels, air wings, and other comparable units) needed to meet these
12 threats, and the anticipated levels of funding that will be available for national
13 defense purposes during such period.

14 (B) A comprehensive inventory of military installations world-wide for
15 each military department, with specifications of the number and type of facilities
16 in the active and reserve forces of each military department.

17 (2) RELATIONSHIP OF PLAN AND INVENTORY.—Using the force-structure plan and
18 infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and
19 include as part of the submission of such plan and inventory) the following:

20 (A) A description of the infrastructure necessary to support the force
21 structure described in the force-structure plan.

22 (B) A discussion of categories of excess infrastructure and infrastructure
23 capacity.

1 (C) An economic analysis of the effect of the closure or realignment of
2 military installations to reduce excess infrastructure.

3 (3) SPECIAL CONSIDERATIONS.—In determining the level of necessary versus
4 excess infrastructure under paragraph (2), the Secretary shall consider the following:

5 (A) The anticipated continuing need for and availability of military
6 installations outside the United States, taking into account current restrictions on
7 the use of military installations outside the United States and the potential for
8 future prohibitions or restrictions on the use of such military installations.

9 (B) Any efficiencies that may be gained from joint tenancy by more than
10 one branch of the Armed Forces at a military installation.

11 (4) REVISION.—The Secretary may revise the force-structure plan and
12 infrastructure inventory; If the Secretary makes such a revision, the Secretary shall
13 submit the revised plan or inventory to Congress not later than February 15th of the year
14 following the year in which such plan was first submitted. For purposes of selecting
15 military installations for closure or realignment under this title in the year in which a
16 revision is submitted, no revision of the force-structure plan or infrastructure inventory is
17 authorized after that date.

18 (b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—

19 (1) CERTIFICATION REQUIRED—On the basis of the force-structure plan and
20 infrastructure inventory prepared under subsection (a) and the descriptions and economic
21 analysis prepared under such subsection, the Secretary shall include as part of the
22 submission of the plan and inventory—

23 (A) a certification regarding whether the need exists for the closure or

1 realignment of additional military installations;

2 (B) if such need exists, a certification that the additional round of closures
3 and realignments would result in annual net savings for each of the military de-
4 partments beginning not later than six years following the commencement of such
5 closures and realignments; and

6 (C) a certification that the additional round of closures and realignments
7 will have the primary objective of eliminating excess infrastructure capacity
8 within the Department of Defense and reconfiguring the Department's
9 infrastructure to maximize efficiency and reduce costs.

10 (2) EFFECT OF FAILURE TO CERTIFY.—If the Secretary does not include the
11 certifications referred to in paragraph (1), the President may not commence a round for
12 the selection of military installations for closure and realignment under this title in the
13 year following submission of the force-structure plan and infrastructure inventory.

14
15 (c) COMPTROLLER GENERAL EVALUATION.—

16 (1) EVALUATION REQUIRED.—If the certification is provided under subsection (b),
17 the Comptroller General shall prepare an evaluation of the following:

18 (A) The force-structure plan and infrastructure inventory prepared under
19 subsection (a) and the final selection criteria specified in paragraph (d), including
20 an evaluation of the accuracy and analytical sufficiency of such plan, inventory,
21 and criteria.

22 (B) The need for the closure or realignment of additional military
23 installations.

1 (2) SUBMISSION.—The Comptroller General shall submit the evaluation to
2 Congress not later than 60 days after the date on which the force-structure plan and infra-
3 structure inventory are submitted to Congress.

4
5 (d) FINAL SELECTION CRITERIA.—

6 (1) IN GENERAL.—The final criteria to be used by the Secretary in making
7 recommendations for the closure or realignment of military installations inside the United
8 States under this title in 2019 shall be the military value and additional criteria specified in
9 paragraphs (2) and (3).

10 (2) MILITARY VALUE CRITERIA.—The military value criteria are as follows:

11 (A) The current and future mission capabilities and the impact on
12 operational readiness of the total force of the Department of Defense, including
13 the impact on joint warfighting, training, and readiness.

14 (B) The availability and condition of land, facilities, and associated
15 airspace (including training areas suitable for maneuver by ground, naval, or air
16 forces throughout a diversity of climate and terrain areas and staging areas for the
17 use of the Armed Forces in homeland defense missions) at both existing and
18 potential receiving locations.

19 (C) The ability to accommodate contingency, mobilization, surge, and
20 future total force requirements at both existing and potential receiving locations to
21 support operations and training.

22 (D) The cost of operations and the manpower implications.

23 (3) ADDITIONAL CRITERIA.—The additional criteria that the Secretary shall use in

1 making recommendations for the closure or realignment of military installations inside
2 the United States under this title in 2019 are as follows:

3 (A) The extent and timing of potential costs and savings, including the
4 number of years, beginning with the date of completion of the closure or
5 realignment, for the savings to exceed the costs.

6 (B) The economic impact on existing communities in the vicinity of
7 military installations.

8 (C) The ability of the infrastructure of both the existing and potential
9 receiving communities to support forces, missions, and personnel.

10 (D) The environmental impact, including the impact of costs related to
11 potential environmental restoration, waste management, and environmental
12 compliance activities.

13 (e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority
14 consideration to the military value criteria specified in subsection (d)(2) in the making of
15 recommendations for the closure or realignment of military installations.

16 (f) DETERMINING COSTS.— When determining the costs associated with a closure or
17 realignment, the Secretary shall consider the costs associated with military construction,
18 information technology, termination of public-private contracts, guarantees, the costs of any
19 other activity of the Department of Defense or any other Federal agency that may be required to
20 assume responsibility for activities at the military installations, and such other factors as the
21 Secretary determines as contributing to the cost of a closure or realignment.

22 (g) EMPHASIS GIVEN TO SAVINGS.—Subject to subsection (e) the Secretary shall
23 emphasize those recommendations that yield net savings within 5 years of completing such

1 closure or realignment. The Secretary shall not consider any recommendation that does not yield
2 net savings within 20 years, unless the Secretary expressly determines that the military value of
3 such recommendation supports or enhances a critical national security interest of the United
4 States.

5 (h) RELATION TO OTHER MATERIALS.—The final selection criteria specified in this
6 section shall be the only criteria to be used, along with the force-structure plan and infrastructure
7 inventory referred to in subsection (a), in making recommendations for the closure or
8 realignment of military installations inside the United States under this title in 2019.

9
10 (i) DOD RECOMMENDATIONS.—(1) If the Secretary makes the certifications required
11 under subsection (b), the Secretary shall, by no later than April 15, 2019, publish in the Federal
12 Register and transmit to the congressional defense committees and to the Commission a list of
13 the military installations inside the United States that the Secretary recommends for closure or
14 realignment on the basis of the force-structure plan and infrastructure inventory prepared by the
15 Secretary under subsection (a) and the final selection criteria specified in subsection (d) that are
16 applicable to the year concerned.

17 (2) The Secretary shall include, with the list of recommendations published and
18 transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the
19 recommendation for each installation, including a justification for each recommendation. The
20 Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days
21 after the date of the transmittal to the congressional defense committees and the Commission of
22 the list referred to in paragraph (1).

1 (3)(A) In considering military installations for closure or realignment, the Secretary shall
2 consider all military installations inside the United States equally without regard to whether the
3 installation has been previously considered or proposed for closure or realignment by the
4 Department.

5 (B) In considering military installations for closure or realignment, the Secretary may not
6 take into account for any purpose any advance conversion planning undertaken by an affected
7 community with respect to the anticipated closure or realignment of an installation.

8 (C) For purposes of subparagraph (B), in the case of a community anticipating the
9 economic effects of a closure or realignment of a military installation, advance conversion
10 planning—

11 (i) shall include community adjustment and economic diversification planning
12 undertaken by the community before an anticipated selection of a military installation in
13 or near the community for closure or realignment; and

14 (ii) may include the development of contingency redevelopment plans, plans for
15 economic development and diversification, and plans for the joint use (including civilian
16 and military use, public and private use, civilian dual use, and civilian shared use) of the
17 property or facilities of the installation after the anticipated closure or realignment.

18 (D) In making recommendations to the Commission, the Secretary shall consider any
19 notice received from a local government in the vicinity of a military installation that the
20 government would approve of the closure or realignment of the installation,

21 (E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make the
22 recommendations referred to in that subparagraph based on the force-structure plan,

1 infrastructure inventory, and final selection criteria otherwise applicable to such
2 recommendations.

3 (F) The recommendations shall include a statement of the result of the consideration of
4 any notice described in subparagraph (D) that is received with respect to a military installation
5 covered by such recommendations. The statement shall set forth the reasons for the result.

6 (4) In addition to making all information used by the Secretary to prepare the
7 recommendations under this subsection available to Congress (including any committee or
8 member of Congress), the Secretary shall also make such information available to the
9 Commission and the Comptroller General of the United States.

10 (5)(A) Each person referred to in subparagraph (B), when submitting information to the
11 Secretary of Defense or the Commission concerning the closure or realignment of a military
12 installation, shall certify that such information is accurate and complete to the best of that
13 persons knowledge and belief.

14 (B) Subparagraph (A) applies to the following persons:

15 (i) The Secretaries of the military departments.

16 (ii) The heads of the Defense Agencies.

17 (iii) Each person who is in a position the duties of which include personal and
18 substantial involvement in the preparation and submission of information and
19 recommendations concerning the closure or realignment of military installations, as
20 designated in regulations which the Secretary of Defense shall prescribe, regulations
21 which the Secretary of each military department shall prescribe for personnel within that
22 military department, or regulations which the head of each Defense Agency shall
23 prescribe for personnel within that Defense Agency.

1 (6) Any information provided to the Commission by a person described in paragraph
2 (5)(B) shall also be submitted to the Senate and the House of Representatives to be made
3 available to the Members of the House concerned in accordance with the rules of that House.
4 The information shall be submitted to the Senate and House of Representatives within 48 hours
5 after the submission of the information to the Commission.

6 (j) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the
7 recommendations from the Secretary pursuant to subsection (h) for any year, the Commission
8 shall conduct public hearings on the recommendations. All testimony before the Commission at a
9 public hearing conducted under this paragraph shall be presented under oath.

10 (2)(A) The Commission shall, by no later than October 1 of each year in which the
11 Secretary transmits recommendations to it pursuant to subsection (h), transmit to the President a
12 report containing the Commission's findings and conclusions based on a review and analysis of
13 the recommendations made by the Secretary, together with the Commission's recommendations
14 for closures and realignments of military installations inside the United States.

15 (B) Subject to subparagraphs (C) and (E), in making its recommendations, the
16 Commission may make changes in any of the recommendations made by the Secretary if the
17 Commission determines that the Secretary deviated substantially from the force-structure plan
18 and final criteria referred to in subsection (d)(1) in making recommendations.

19 (C) In the case of a change described in subparagraph (D) in the recommendations made
20 by the Secretary, the Commission may make the change only if—

21 (i) the Commission—

22 (I) makes the determination required by subparagraph (B);

1 (II) determines that the change is consistent with the force-structure plan
2 and final criteria referred to in subsection (d)(1);

3 (III) publishes a notice of the proposed change in the *Federal Register* not
4 less than 45 days before transmitting its recommendations to the President
5 pursuant to subparagraph (A); and

6 (IV) conducts public hearings on the proposed change;

7 (ii) at least two members of the Commission visit the military installation before
8 the date of the transmittal of the report; and

9 (iii) the decision of the Commission to make the change is supported by at least
10 seven members of the Commission.

11 (D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's
12 recommendations that would—

13 (i) add a military installation to the list of military installations recommended by
14 the Secretary for closure;

15 (ii) add a military installation to the list of military installations recommended by
16 the Secretary for realignment; or

17 (iii) increase the extent of a realignment of a particular military installation
18 recommended by the Secretary.

19 (E) The Commission may not consider making a change in the recommendations of the
20 Secretary that would add a military installation to the Secretary's list of installations
21 recommended for closure or realignment unless, in addition to the requirements of subparagraph
22 (C)—

1 (i) the Commission provides the Secretary with at least a 15-day period, before
2 making the change, in which to submit an explanation of the reasons why the installation
3 was not included on the closure or realignment list by the Secretary; and

4 (ii) the decision to add the installation for Commission consideration is supported
5 by at least seven members of the Commission.

6 (F) In making recommendations under this paragraph, the Commission may not take into
7 account for any purpose any advance conversion planning undertaken by an affected community
8 with respect to the anticipated closure or realignment of a military installation.

9 (3) The Commission shall explain and justify in its report submitted to the President
10 pursuant to paragraph (2) any recommendation made by the Commission that is different from
11 the recommendations made by the Secretary pursuant to subsection (h). The Commission shall
12 transmit a copy of such report to the congressional defense committees on the same date on
13 which it transmits its recommendations to the President under paragraph (2).

14 (4) After October 1 of each year in which the Commission transmits recommendations to
15 the President under this subsection, the Commission shall promptly provide, upon request, to any
16 Member of Congress information used by the Commission in making its recommendations.

17 (5) The Comptroller General of the United States shall—

18 (A) assist the Commission, to the extent requested, in the Commission's review
19 and analysis of the recommendations made by the Secretary pursuant to subsection (h);
20 and

21 (B) by no later than June 3 of each year in which the Secretary makes such
22 recommendations, transmit to the Congress and to the Commission a report containing a
23 detailed analysis of the Secretary's recommendations and selection process.

1 (k) REVIEW BY THE PRESIDENT.—(1) The President shall, by no later than October 15 of
2 each year in which the Commission makes recommendations under subsection (i), transmit to the
3 Commission and to the Congress a report containing the President's approval or disapproval of
4 the Commission's recommendations.

5 (2) If the President approves all the recommendations of the Commission, the President
6 shall transmit a copy of such recommendations to the Congress, together with a certification of
7 such approval.

8 (3) If the President disapproves the recommendations of the Commission, in whole or in
9 part, the President shall transmit to the Commission and the Congress the reasons for that
10 disapproval. The Commission shall then transmit to the President, by no later than November 18
11 of the year concerned, a revised list of recommendations for the closure and realignment of
12 military installations.

13 (4) If the President approves all of the revised recommendations of the Commission
14 transmitted to the President under paragraph (3), the President shall transmit a copy of such
15 revised recommendations to the Congress, together with a certification of such approval.

16 (5) If the President does not transmit to the Congress an approval and certification
17 described in paragraph (2) or (4) by December 2 of any year in which the Commission has
18 transmitted recommendations to the President under this title, the process by which military
19 installations may be selected for closure or realignment under this title with respect to that year
20 shall be terminated.

21 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.**

22 (a) IN GENERAL.—Subject to subsection (b), the Secretary shall—

1 (1) close all military installations recommended for closure by the Commission in
2 each report transmitted to the Congress by the President pursuant to section 2903(j);

3 (2) realign all military installations recommended for realignment by such
4 Commission in each such report;

5 (3) carry out the privatization in place of a military installation recommended for
6 closure or realignment by the Commission only if privatization in place is a method of
7 closure or realignment of the military installation specified in the recommendations of the
8 Commission in such report and is determined by the Commission to be the most cost-
9 effective method of implementation of the recommendation;

10 (4) initiate all such closures and realignments no later than two years after the date
11 on which the President transmits a report to the Congress pursuant to section 2903(j)
12 containing the recommendations for such closures or realignments; and

13 (5) complete all such closures and realignments no later than the end of the six-
14 year period beginning on the date on which the President transmits the report pursuant to
15 section 2903(j) containing the recommendations for such closures or realignments.

16 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or
17 realignment recommended by the Commission in a report transmitted from the President
18 pursuant to section 2903(j) if a joint resolution is enacted, in accordance with the provisions of
19 section 2908, disapproving such recommendations of the Commission before the earlier of—

20 (A) the end of the 45-day period beginning on the date on which the President
21 transmits such report; or

22 (B) the adjournment of Congress sine die for the session during which such report
23 is transmitted.

1 (2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of section
2 2908, the days on which either House of Congress is not in session because of adjournment of
3 more than three days to a day certain shall be excluded in the computation of a period.

4 **SEC. 2905. IMPLEMENTATION.**

5 (a) IN GENERAL.—(1) In closing or realigning any military installation under this title, the
6 Secretary may—

7 (A) take such actions as may be necessary to close or realign any military
8 installation, including the acquisition of such land, the construction of such replacement
9 facilities, the performance of such activities, and the conduct of such advance planning
10 and design as may be required to transfer functions from a military installation being
11 closed or realigned to another military installation, and may use for such purpose funds in
12 the Account or funds appropriated to the Department of Defense for use in planning and
13 design, minor construction, or operation and maintenance;

14 (B) provide—

15 (i) economic adjustment assistance to any community located near a
16 military installation being closed or realigned, and

17 (ii) community planning assistance to any community located near a
18 military installation to which functions will be transferred as a result of the
19 closure or realignment of a military installation,

20 if the Secretary of Defense determines that the financial resources available to the
21 community (by grant or otherwise) for such purposes are inadequate, and may use for
22 such purposes funds in the Account or funds appropriated to the Department of Defense
23 for economic adjustment assistance or community planning assistance;

1 (C) carry out activities for the purposes of environmental restoration and
2 mitigation at any such installation, and shall use for such purposes funds in the Account.

3 (D) provide outplacement assistance to civilian employees employed by the
4 Department of Defense at military installations being closed or realigned, and may use
5 for such purpose funds in the Account or funds appropriated to the Department of
6 Defense for outplacement assistance to employees; and

7 (E) reimburse other Federal agencies for actions performed at the request of the
8 Secretary with respect to any such closure or realignment, and may use for such purpose
9 funds in the Account or funds appropriated to the Department of Defense and available
10 for such purpose.

11 (2) In carrying out any closure or realignment under this title, the Secretary shall ensure
12 that environmental restoration of any property made excess to the needs of the Department of
13 Defense as a result of such closure or realignment be carried out as soon as possible with funds
14 available for such purpose.

15 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General
16 Services shall delegate to the Secretary of Defense, with respect to excess and surplus real
17 property, facilities, and personal property located at a military installation closed or realigned
18 under this title—

19 (A) the authority of the Administrator to utilize excess property under subchapter
20 II of chapter 5 of title 40, United States Code;

21 (B) the authority of the Administrator to dispose of surplus property under
22 subchapter III of chapter 5 of title 40, United States Code;

1 (C) the authority to dispose of surplus property for public airports under sections
2 47151 through 47153 of title 49, United States Code; and

3 (D) the authority of the Administrator to determine the availability of excess or
4 surplus real property for wildlife conservation purposes in accordance with the Act of
5 May 19, 1948 (16 U.S.C. 667b).

6 (2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of
7 Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in
8 accordance with—

9 (i) all regulations governing the utilization of excess property and the disposal of
10 surplus property under subtitle I of title 40, United States Code; and

11 (ii) all regulations governing the conveyance and disposal of property under
12 section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

13 (B) The Secretary may, with the concurrence of the Administrator of General Services—

14 (i) prescribe general policies and methods for utilizing excess property and
15 disposing of surplus property pursuant to the authority delegated under paragraph (1); and

16 (ii) issue regulations relating to such policies and methods, which shall supersede
17 the regulations referred to in subparagraph (A) with respect to that authority.

18 (C) The Secretary of Defense may transfer real property or facilities located at a military
19 installation to be closed or realigned under this title, with or without reimbursement, to a military
20 department or other entity (including a nonappropriated fund instrumentality) within the
21 Department of Defense or the Coast Guard.

22 (D) Before any action may be taken with respect to the disposal of any surplus real
23 property or facility located at any military installation to be closed or realigned under this title,

1 the Secretary of Defense shall consult with the Governor of the State and the heads of the local
2 governments concerned for the purpose of considering any plan for the use of such property by
3 the local community concerned.

4 (E) If a military installation to be closed, realigned, or placed in an inactive status under
5 this title includes a road used for public access through, into, or around the installation, the
6 Secretary of Defense shall consult with the Governor of the State and the heads of the local
7 governments concerned or the purpose of considering the continued availability of the road for
8 public use after the installation is closed, realigned, or placed in an inactive status.

9 (3)(A) Not later than 6 months after the date of approval of the closure or realignment of
10 a military installation under this title, the Secretary, in consultation with the redevelopment
11 authority with respect to the installation, shall—

- 12 (i) inventory the personal property located at the installation; and
- 13 (ii) identify the items (or categories of items) of such personal property that the
14 Secretary determines to be related to real property and anticipates will support the
15 implementation of the redevelopment plan with respect to the installation.

16 (B) If no redevelopment authority referred to in subparagraph (A) exists with respect to
17 an installation, the Secretary shall consult with—

- 18 (i) the local government in whose jurisdiction the installation is wholly located; or
- 19 (ii) a local government agency or State government agency designated for the
20 purpose of such consultation by the chief executive officer of the State in which the
21 installation is located.

1 (C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out
2 any of the activities referred to in clause (ii) with respect to an installation referred to in that
3 clause until the earlier of—

4 (I) one week after the date on which the redevelopment plan for the
5 installation is submitted to the Secretary;

6 (II) the date on which the redevelopment authority notifies the Secretary
7 that it will not submit such a plan;

8 (III) twenty-four months after the date of approval of the closure or
9 realignment of the installation; or

10 (IV) ninety days before the date of the closure or realignment of the
11 installation.

12 (ii) The activities referred to in clause (i) are activities relating to the closure or
13 realignment of an installation to be closed or realigned under this title as follows:

14 (I) The transfer from the installation of items of personal property at the
15 installation identified in accordance with subparagraph (A).

16 (II) The reduction in maintenance and repair of facilities or equipment located at
17 the installation below the minimum levels required to support the use of such facilities or
18 equipment for nonmilitary purposes.

19 (D) Except as provided in paragraph (4), the Secretary may not transfer items of personal
20 property located at an installation to be closed or realigned under this title to another installation,
21 or dispose of such items, if such items are identified in the redevelopment plan for the
22 installation as items essential to the reuse or redevelopment of the installation. In connection
23 with the development of the redevelopment plan for the installation, the Secretary shall consult

1 with the entity responsible for developing the redevelopment plan to identify the items of
2 personal property located at the installation, if any, that the entity desires to be retained at the
3 installation for reuse or redevelopment of the installation.

4 (E) This paragraph shall not apply to any personal property located at an installation to be
5 closed or realigned under this title if the property—

6 (i) is required for the operation of a unit, function, component, weapon, or
7 weapons system at another installation;

8 (ii) is uniquely military in character, and is likely to have no civilian use (other
9 than use for its material content or as a source of commonly used components);

10 (iii) is not required for the reutilization or redevelopment of the installation (as
11 jointly determined by the Secretary and the redevelopment authority);

12 (iv) is stored at the installation for purposes of distribution (including spare parts
13 or stock items); or

14 (v)(I) meets known requirements of an authorized program of another Federal
15 department or agency for which expenditures for similar property would be necessary,
16 and (II) is the subject of a written request by the head of the department or agency.

17 (F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any
18 activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out
19 of such activity is in the national security interest of the United States.

20 (4)(A) The Secretary may transfer real property and personal property located at a
21 military installation to be closed or realigned under this title to the redevelopment authority with
22 respect to the installation for purposes of job generation on the installation.

1 (B) The transfer of property located at a military installation under subparagraph (A) may
2 be for consideration at or below the estimated fair market value or without consideration. The
3 determination of such consideration may account for the economic conditions of the local
4 affected community and the estimated costs to redevelop the property. The Secretary may accept,
5 as consideration, a share of the revenues that the redevelopment authority receives from third-
6 party buyers or lessees from sales and long-term leases of the conveyed property, consideration
7 in kind (including goods and services), real property and improvements, or such other
8 consideration as the Secretary considers appropriate. The transfer of property located at a
9 military installation under subparagraph (A) may be made for consideration below the estimated
10 fair market value or without consideration only if the redevelopment authority with respect to the
11 installation—

12 (i) agrees that the proceeds from any sale or lease of the property (or any portion
13 thereof) received by the redevelopment authority during at least the first seven years after
14 the date of the initial transfer of property under subparagraph (A) shall be used to support
15 the economic redevelopment of, or related to, the installation; and

16 (ii) executes the agreement for transfer of the property and accepts control of the
17 property within a reasonable time after the date of the property disposal record of
18 decision or finding of no significant 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 proceeds from a sale or lease
21 described in such subparagraph to pay for, or offset the costs of, public investment on or related
22 to the installation for any of the following purposes shall be considered a use to support the
23 economic 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 other public facilities.
- 5 (v) Utility construction.
- 6 (vi) Building rehabilitation.
- 7 (vii) Historic property preservation.
- 8 (viii) Pollution prevention equipment or facilities.
- 9 (ix) Demolition.
- 10 (x) Disposal of hazardous materials generated by demolition.
- 11 (xi) Landscaping, grading, and other site or public improvements.
- 12 (xii) Planning for or the marketing of the development and reuse of the
- 13 installation.

14 (D) The Secretary may recoup from a redevelopment authority such portion of the
15 proceeds from a sale or lease described in subparagraph (B) as the Secretary determines
16 appropriate if the redevelopment authority does not use the proceeds to support economic
17 redevelopment of, or related to, the installation for the period specified in subparagraph (B).

18 (E)(i) The Secretary may transfer real property at an installation approved for closure or
19 realignment under this title (including property at an installation approved for realignment which
20 will be retained by the Department of Defense or another Federal agency after realignment) to
21 the redevelopment authority for the installation if the redevelopment authority agrees to lease,
22 directly upon transfer, one or more portions of the property transferred under this subparagraph

1 to the Secretary or to the head of another department or agency of the Federal Government.

2 Subparagraph (B) shall apply to a transfer under this subparagraph.

3 (ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide
4 for options for renewal or extension of the term by the department or agency concerned.

5 (iii) A lease under clause (i) may not require rental payments by the United States.

6 (iv) A lease under clause (i) shall include a provision specifying that if the department or
7 agency concerned ceases requiring the use of the leased property before the expiration of the
8 term of the lease, the remainder of the lease term may be satisfied by the same or another
9 department or agency of the Federal Government using the property for a use similar to the use
10 under the lease. Exercise of the authority provided by this clause shall be made in consultation
11 with the redevelopment authority concerned.

12 (v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion
13 of the installation, the department or agency concerned may obtain facility services for the leased
14 property and common area maintenance from the redevelopment authority or the redevelopment
15 authority's assignee as a provision of the lease. The facility services and common area
16 maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of
17 the transferred property. Facility services and common area maintenance covered by the lease
18 shall not include—

19 (I) municipal services that a State or local government is required by law to
20 provide to all landowners in its jurisdiction without direct charge; or

21 (II) firefighting or security-guard functions.

22 (F) The transfer of personal property under subparagraph (A) shall not be subject to the
23 provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the Secretary

1 determines that the transfer of such property is necessary for the effective implementation of a
2 redevelopment plan with respect to the installation at which such property is located.

3 (G) The provisions of section 120(h) of the Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real
5 property under this paragraph.

6 (H) The Secretary may require any additional terms and conditions in connection with a
7 transfer under this paragraph as such Secretary considers appropriate to protect the interests of
8 the United States.

9 (5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take such
10 actions as the Secretary determines necessary to ensure that final determinations under paragraph
11 (1) regarding whether another department or agency of the Federal Government has identified a
12 use for any portion of a military installation to be closed or realigned under this title, or will
13 accept transfer of any portion of such installation, are made not later than 6 months after the date
14 of approval of closure or realignment of that installation.

15 (B) The Secretary may, in consultation with the redevelopment authority with respect to
16 an installation, postpone making the final determinations referred to in subparagraph (A) with
17 respect to the installation for such period as the Secretary determines appropriate if the Secretary
18 determines that such postponement is in the best interests of the communities affected by the
19 closure or realignment of the installation.

20 (C)(i) Before acquiring non-Federal real property as the location for a new or
21 replacement Federal facility of any type, the head of the Federal agency acquiring the property
22 shall consult with the Secretary regarding the feasibility and cost advantages of using Federal
23 property or facilities at a military installation closed or realigned or to be closed or realigned

1 under this title as the location for the new or replacement facility. In considering the availability
2 and suitability of a specific military installation, the Secretary and the head of the Federal agency
3 involved shall obtain the concurrence of the redevelopment authority with respect to the
4 installation and comply with the redevelopment plan for the installation.

5 (ii) Not later than 30 days after acquiring non-Federal real property as the location for a
6 new or replacement Federal facility, the head of the Federal agency acquiring the property shall
7 submit to Congress a report containing the results of the consultation under clause (i) and the
8 reasons why military installations referred to in such clause that are located within the area to be
9 served by the new or replacement Federal facility or within a 200-mile radius of the new or
10 replacement facility, whichever area is greater, were considered to be unsuitable or unavailable
11 for the site of the new or replacement facility.

12 (6)(A) The disposal of buildings and property located at installations approved for closure
13 or realignment under this title shall be carried out in accordance with this paragraph.

14 (B)(i) Not later than the date on which the Secretary of Defense completes the final
15 determinations referred to in paragraph (5) relating to the use or transferability of any portion of
16 an installation covered by this paragraph, the Secretary shall—

17 (I) identify the buildings and property at the installation for which the Department
18 of Defense has a use, for which another department or agency of the Federal Government
19 has identified a use, or of which another department or agency will accept a transfer;

20 (II) take such actions as are necessary to identify any building or property at the
21 installation not identified under subclause (I) that is excess property or surplus property;

22 (III) submit to the Secretary of Housing and Urban Development and to the
23 redevelopment authority for the installation (or the chief executive officer of the State in

1 which the installation is located if there is no redevelopment authority for the installation
2 at the completion of the determination described in the stem of this sentence) information
3 on any building or property that is identified under subclause (II); and

4 (IV) publish in the Federal Register and in a newspaper of general circulation in
5 the communities in the vicinity of the installation information on the buildings and
6 property identified under subclause (II).

7 (ii) Upon the recognition of a redevelopment authority for an installation covered by this
8 paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of
9 general circulation in the communities in the vicinity of the installation information on the
10 redevelopment authority.

11 (C)(i) State and local governments, representatives of the homeless, and other interested
12 parties located in the communities in the vicinity of an installation covered by this paragraph
13 shall submit to the redevelopment authority for the installation a notice of the interest, if any, of
14 such governments, representatives, and parties in the buildings or property, or any portion
15 thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest
16 under this clause shall describe the need of the government, representative, or party concerned
17 for the buildings or property covered by the notice.

18 (ii) The redevelopment authority for an installation shall assist the governments,
19 representatives, and parties referred to in clause (i) in evaluating buildings and property at the
20 installation for purposes of this subparagraph.

21 (iii) In providing assistance under clause (ii), a redevelopment authority shall—

22 (I) consult with representatives of the homeless in the communities in the vicinity
23 of the installation concerned; and

1 (II) undertake outreach efforts to provide information on the buildings and
2 property to representatives of the homeless, and to other persons or entities interested in
3 assisting the homeless, in such communities.

4 (iv) It is the sense of Congress that redevelopment authorities should begin to conduct
5 outreach efforts under clause (iii)(II) with respect to an installation as soon as is practicable after
6 the date of approval of closure or realignment of the installation.

7 (D)(i) State and local governments, representatives of the homeless, and other interested
8 parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not
9 later than the date specified for such notice by the redevelopment authority.

10 (ii) The date specified under clause (i) shall be-

11 (I) in the case of an installation for which a redevelopment authority has been
12 recognized as of the date of the completion of the determinations referred to in paragraph
13 (5), not earlier than 3 months and not later than 6 months after the date of publication of
14 such determination in a newspaper of general circulation in the communities in the
15 vicinity of the installation under subparagraph (B)(i)(IV); and

16 (II) in the case of an installation for which a redevelopment authority is not
17 recognized as of such date, not earlier than 3 months and not later than 6 months after the
18 date of the recognition of a redevelopment authority for the installation.

19 (iii) Upon specifying a date for an installation under this subparagraph, the
20 redevelopment authority for the installation shall—

21 (I) publish the date specified in a newspaper of general circulation in the
22 communities in the vicinity of the installation concerned; and

23 (II) notify the Secretary of Defense of the date.

1 (E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of
2 interest in the use of buildings or property at an installation to assist the homeless, a
3 representative of the homeless shall submit the following:

4 (I) A description of the homeless assistance program that the representative
5 proposes to carry out at the installation.

6 (II) An assessment of the need for the program.

7 (III) A description of the extent to which the program is or will be coordinated
8 with other homeless assistance programs in the communities in the vicinity of the
9 installation.

10 (IV) A description of the buildings and property at the installation that are
11 necessary in order to carry out the program.

12 (V) A description of the financial plan, the organization, and the organizational
13 capacity of the representative to carry out the program.

14 (VI) An assessment of the time required in order to commence carrying out the
15 program.

16 (ii) A redevelopment authority may not release to the public any information submitted to
17 the redevelopment authority under clause (i)(V) without the consent of the representative of the
18 homeless concerned unless such release is authorized under Federal law and under the law of the
19 State and communities in which the installation concerned is located.

20 (F)(i) The redevelopment authority for each installation covered by this paragraph shall
21 prepare a redevelopment plan for the installation. The redevelopment authority shall, in
22 preparing the plan, consider the interests in the use to assist the homeless of the buildings and

1 property at the installation that are expressed in the notices submitted to the redevelopment
2 authority under subparagraph (C).

3 (ii)(I) In connection with a redevelopment plan for an installation, a redevelopment
4 authority and representatives of the homeless shall prepare legally binding agreements that
5 provide for the use to assist the homeless of buildings and property, resources, and assistance on
6 or off the installation. The implementation of such agreements shall be contingent upon the
7 decision regarding the disposal of the buildings and property covered by the agreements by the
8 Secretary of Defense under subparagraph (K) or (L).

9 (II) Agreements under this clause shall provide for the reversion to the redevelopment
10 authority concerned, or to such other entity or entities as the agreements shall provide, of
11 buildings and property that are made available under this paragraph for use to assist the homeless
12 in the event that such buildings and property cease being used for that purpose.

13 (iii) A redevelopment authority shall provide opportunity for public comment on a
14 redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary
15 of Housing and Urban Development under subparagraph (G).

16 (iv) A redevelopment authority shall complete preparation of a redevelopment plan for an
17 installation and submit the plan under subparagraph (G) not later than 9 months after the date
18 specified by the redevelopment authority for the installation under subparagraph (D).

19 (G)(i) Upon completion of a redevelopment plan under subparagraph (F), a
20 redevelopment authority shall submit an application containing the plan to the Secretary of
21 Defense and to the Secretary of Housing and Urban Development.

22 (ii) A redevelopment authority shall include in an application under clause (i) the
23 following:

1 (I) A copy of the redevelopment plan, including a summary of any public
2 comments on the plan received by the redevelopment authority under subparagraph
3 (F)(iii).

4 (II) A copy of each notice of interest of use of buildings and property to assist the
5 homeless that was submitted to the redevelopment authority under subparagraph (C),
6 together with a description of the manner, if any, in which the plan addresses the interest
7 expressed in each such notice and, if the plan does not address such an interest, an
8 explanation why the plan does not address the interest.

9 (III) A summary of the outreach undertaken by the redevelopment authority under
10 subparagraph (C)(iii)(II) in preparing the plan.

11 (IV) A statement identifying the representatives of the homeless and the homeless
12 assistance planning boards, if any, with which the redevelopment authority consulted in
13 preparing the plan, and the results of such consultations.

14 (V) An assessment of the manner in which the redevelopment plan balances the
15 expressed needs of the homeless and the need of the communities in the vicinity of the
16 installation for economic redevelopment and other development.

17 (VI) Copies of the agreements that the redevelopment authority proposes to enter
18 into under subparagraph (F)(ii).

19 (H)(i) Not later than 60 days after receiving a redevelopment plan under subparagraph
20 (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The
21 purpose of the review is to determine whether the plan, with respect to the expressed interest and
22 requests of representatives of the homeless—

1 (I) takes into consideration the size and nature of the homeless population in the
2 communities in the vicinity of the installation, the availability of existing services in such
3 communities to meet the needs of the homeless in such communities, and the suitability
4 of the buildings and property covered by the plan for the use and needs of the homeless in
5 such communities;

6 (II) takes into consideration any economic impact of the homeless assistance
7 under the plan on the communities in the vicinity of the installation;

8 (III) balances in an appropriate manner the needs of the communities in the
9 vicinity of the installation for economic redevelopment and other development with the
10 needs of the homeless in such communities;

11 (IV) was developed in consultation with representatives of the homeless and the
12 homeless assistance planning boards, if any, in the communities in the vicinity of the
13 installation; and

14 (V) specifies the manner in which buildings and property, resources, and
15 assistance on or off the installation will be made available for homeless assistance
16 purposes.

17 (ii) It is the sense of Congress that the Secretary of Housing and Urban Development
18 shall, in completing the review of a plan under this subparagraph, take into consideration and be
19 receptive to the predominant views on the plan of the communities in the vicinity of the
20 installation covered by the plan.

21 (iii) The Secretary of Housing and Urban Development may engage in negotiations and
22 consultations with a redevelopment authority before or during the course of a review under
23 clause (i) with a view toward resolving any preliminary determination of the Secretary that a

1 redevelopment plan does not meet a requirement set forth in that clause. The redevelopment
2 authority may modify the redevelopment plan as a result of such negotiations and consultations.

3 (iv) Upon completion of a review of a redevelopment plan under clause (i), the Secretary
4 of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment
5 authority concerned of the determination of the Secretary of Housing and Urban Development
6 under that clause.

7 (v) If the Secretary of Housing and Urban Development determines as a result of such a
8 review that a redevelopment plan does not meet the requirements set forth in clause (i), a notice
9 under clause (iv) shall include—

10 (I) an explanation of that determination; and

11 (II) a statement of the actions that the redevelopment authority must undertake in
12 order to address that determination.

13 (I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a
14 redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a
15 redevelopment authority shall have the opportunity to—

16 (I) revise the plan in order to address the determination; and

17 (II) submit the revised plan to the Secretary of Defense and the Secretary of
18 Housing and Urban Development.

19 (ii) A redevelopment authority shall submit a revised plan under this subparagraph to
20 such Secretaries, if at all, not later than 90 days after the date on which the redevelopment
21 authority receives the notice referred to in clause (i).

1 (J)(i) Not later than 30 days after receiving a revised redevelopment plan under
2 subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan
3 and determine if the plan meets the requirements set forth in subparagraph (H)(i).

4 (ii) The Secretary of Housing and Urban Development shall notify the Secretary of
5 Defense and the redevelopment authority concerned of the determination of the Secretary of
6 Housing and Urban Development under this subparagraph.

7 (K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination
8 of the Secretary of Housing and Urban Development that a redevelopment plan for an
9 installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense
10 shall dispose of the buildings and property at the installation.

11 (ii) For purposes of carrying out an environmental assessment of the closure or
12 realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the
13 installation (including the aspects of the plan providing for disposal to State or local
14 governments, representatives of the homeless, and other interested parties) as part of the
15 proposed Federal action for the installation.

16 (iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in
17 accordance with the record of decision or other decision document prepared by the Secretary in
18 accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
19 preparing the record of decision or other decision document, the Secretary shall give substantial
20 deference to the redevelopment plan concerned.

21 (iv) The disposal under clause (i) of buildings and property to assist the homeless shall be
22 without consideration.

1 (v) In the case of a request for a conveyance under clause (i) of buildings and property for
2 public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153
3 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set
4 forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case
5 may be) to determine the eligibility of the applicant and use proposed in the request for the
6 public benefit conveyance. The determination of such eligibility should be made before
7 submission of the redevelopment plan concerned under subparagraph (G).

8 (L)(i) If the Secretary of Housing and Urban Development determines under
9 subparagraph (J) that a revised redevelopment plan for an installation does not meet the
10 requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary
11 shall—

12 (I) review the original redevelopment plan submitted to that Secretary under
13 subparagraph (G), including the notice or notices of representatives of the homeless
14 referred to in clause (ii)(II) of that subparagraph;

15 (II) consult with the representatives referred to in subclause (I), if any, for
16 purposes of evaluating the continuing interest of such representatives in the use of
17 buildings or property at the installation to assist the homeless;

18 (III) request that each such representative submit to that Secretary the items
19 described in clause (ii); and

20 (IV) based on the actions of that Secretary under subclauses (I) and (II), and on
21 any information obtained by that Secretary as a result of such actions, indicate to the
22 Secretary of Defense the buildings and property at the installation that meet the
23 requirements set forth in subparagraph (H)(i).

1 (ii) The Secretary of Housing and Urban Development may request under clause (i)(III)
2 that a representative of the homeless submit to that Secretary the following:

3 (I) A description of the program of such representative to assist the homeless.

4 (II) A description of the manner in which the buildings and property that the
5 representative proposes to use for such purpose will assist the homeless.

6 (III) Such information as that Secretary requires in order to determine the
7 financial capacity of the representative to carry out the program and to ensure that the
8 program will be carried out in compliance with Federal environmental law and Federal
9 law against discrimination.

10 (IV) A certification that police services, fire protection services, and water and
11 sewer services available in the communities in the vicinity of the installation concerned
12 are adequate for the program.

13 (iii) Not later than 90 days after the date of the receipt of a revised plan for an installation
14 under subparagraph (J), the Secretary of Housing and Urban Development shall—

15 (I) notify the Secretary of Defense and the redevelopment authority concerned of
16 the buildings and property at an installation under clause (i)(IV) that the Secretary of
17 Housing and Urban Development determines are suitable for use to assist the homeless;
18 and

19 (II) notify the Secretary of Defense of the extent to which the revised plan meets
20 the criteria set forth in subparagraph (H)(i).

21 (iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect
22 to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and

1 property at the installation in consultation with the Secretary of Housing and Urban
2 Development and the redevelopment authority concerned.

3 (II) For purposes of carrying out an environmental assessment of the closure or
4 realignment of an installation, the Secretary of Defense shall treat the redevelopment plan
5 submitted by the redevelopment authority for the installation (including the aspects of the plan
6 providing for disposal to State or local governments, representatives of the homeless, and other
7 interested parties) as part of the proposed Federal action for the installation. The Secretary of
8 Defense shall incorporate the notification of the Secretary of Housing and Urban Development
9 under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if
10 any, that the Secretary of Defense considers such incorporation to be appropriate and consistent
11 with the best and highest use of the installation as a whole, taking into consideration the
12 redevelopment plan submitted by the redevelopment authority.

13 (III) The Secretary of Defense shall dispose of buildings and property under subclause (I)
14 in accordance with the record of decision or other decision document prepared by the Secretary
15 in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
16 preparing the record of decision or other decision document, the Secretary shall give deference to
17 the redevelopment plan submitted by the redevelopment authority for the installation.

18 (IV) The disposal under subclause (I) of buildings and property to assist the homeless
19 shall be without consideration.

20 (V) In the case of a request for a conveyance under subclause (I) of buildings and
21 property for public benefit under section 550 of title 40, United States Code, or sections 47151
22 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the
23 eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United

1 States Code (as the case may be) to determine the eligibility of the applicant and use proposed in
2 the request for the public benefit conveyance. The determination of such eligibility should be
3 made before submission of the redevelopment plan concerned under subparagraph (G).

4 (M)(i) In the event of the disposal of buildings and property of an installation pursuant to
5 subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for
6 the implementation of and compliance with agreements under the redevelopment plan described
7 in that subparagraph for the installation.

8 (ii) If a building or property reverts to a redevelopment authority under such an
9 agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum
10 extent practicable, the utilization of the building or property by other homeless representatives to
11 assist the homeless. A redevelopment authority may not be required to utilize the building or
12 property to assist the homeless.

13 (N) The Secretary of Defense may postpone or extend any deadline provided for under
14 this paragraph in the case of an installation covered by this paragraph for such period as the
15 Secretary considers appropriate if the Secretary determines that such postponement is in the
16 interests of the communities affected by the closure or realignment of the installation. The
17 Secretary shall make such determinations in consultation with the redevelopment authority
18 concerned and, in the case of deadlines provided for under this paragraph with respect to the
19 Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and
20 Urban Development.

21 (O) For purposes of this paragraph, the term “communities in the vicinity of the
22 installation”, in the case of an installation, means the communities that constitute the political

1 jurisdictions (other than the State in which the installation is located) that comprise the
2 redevelopment authority for the installation.

3 (P) For purposes of this paragraph, the term “other interested parties”, in the case of an
4 installation, includes any parties eligible for the conveyance of property of the installation under
5 section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United
6 States Code, whether or not the parties assist the homeless.

7 (7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including
8 contracts, cooperative agreements, or other arrangements for reimbursement) with local
9 governments for the provision of police or security services, fire protection services, airfield
10 operation services, or other community services by such governments at military installations to
11 be closed under this title, or at facilities not yet transferred or otherwise disposed of in the case of
12 installations closed under this title, if the Secretary determines that the provision of such services
13 under such agreements is in the best interests of the Department of Defense.

14 (B) The Secretary may exercise the authority provided under this paragraph without
15 regard to the provisions of chapter 146 of title 10, United States Code.

16 (C) The Secretary may not exercise the authority under subparagraph (A) with respect to
17 an installation earlier than 180 days before the date on which the installation is to be closed.

18 (D) The Secretary shall include in a contract for services entered into with a local
19 government under this paragraph a clause that requires the use of professionals to furnish the
20 services to the extent that professionals are available in the area under the jurisdiction of such
21 government.

22 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The
23 provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not

1 apply to the actions of the President, the Commission, and, except as provided in paragraph (2),
2 the Department of Defense in carrying out this title.

3 (2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to
4 actions of the Department of Defense under this title (i) during the process of property disposal,
5 and (ii) during the process of relocating functions from a military installation being closed or
6 realigned to another military installation after the receiving installation has been selected but
7 before the functions are relocated.

8 (B) In applying the provisions of the National Environmental Policy Act of 1969 to the
9 processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the
10 military departments concerned shall not have to consider—

11 (i) the need for closing or realigning the military installation which has been
12 recommended for closure or realignment by the Commission;

13 (ii) the need for transferring functions to any military installation which has been
14 selected as the receiving installation; or

15 (iii) military installations alternative to those recommended or selected.

16 (3) A civil action for judicial review, with respect to any requirement of the National
17 Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of
18 any act or failure to act by the Department of Defense during the closing, realigning, or
19 relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought
20 more than 60 days after the date of such act or failure to act.

21 (d) WAIVER.—The Secretary of Defense may close or realign military installations under
22 this title without regard to—

1 (1) any provision of law restricting the use of funds for closing or realigning
2 military installations included in any appropriations or authorization Act; and

3 (2) sections 2662 and 2687 of title 10, United States Code.

4 (e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL

5 REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of
6 the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42
7 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or
8 facilities referred to in subparagraph (B) with any person who agrees to perform all
9 environmental restoration, waste management, and environmental compliance activities that are
10 required for the property or facilities under Federal and State laws, administrative decisions,
11 agreements (including schedules and milestones), and concurrences.

12 (B) The real property and facilities referred to in subparagraph (A) are the real property
13 and facilities located at an installation closed or to be closed, or realigned or to be realigned,
14 under this title that are available exclusively for the use, or expression of an interest in a use, of a
15 redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or
16 expression of interest in use, under that subsection. The real property and facilities referred to in
17 subparagraph (A) are also the real property and facilities located at an installation approved for
18 closure or realignment under this title after 2001 that are available for purposes other than to
19 assist the homeless.

20 (C) The Secretary may require any additional terms and conditions in connection with an
21 agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the
22 interests of the United States.

1 (2) A transfer of real property or facilities may be made under paragraph (1) only if the
2 Secretary certifies to Congress that—

3 (A) the costs of all environmental restoration, waste management, and
4 environmental compliance activities otherwise to be paid by the Secretary with respect to
5 the property or facilities are equal to or greater than the fair market value of the property
6 or facilities to be transferred, as determined by the Secretary; or

7 (B) if such costs are lower than the fair market value of the property or facilities,
8 the recipient of the property or facilities agrees to pay the difference between the fair
9 market value and such costs.

10 (3) In the case of property or facilities covered by a certification under paragraph (2)(A),
11 the Secretary may pay the recipient of such property or facilities an amount equal to the lesser
12 of—

13 (A) the amount by which the costs incurred by the recipient of such property or
14 facilities for all environmental restoration, waste, management, and environmental
15 compliance activities with respect to such property or facilities exceed the fair market
16 value of such property or facilities as specified in such certification; or

17 (B) the amount by which the costs (as determined by the Secretary) that would
18 otherwise have been incurred by the Secretary for such restoration, management, and
19 activities with respect to such property or facilities exceed the fair market value of such
20 property or facilities as so specified

21 (4) As part of an agreement under paragraph (1), the Secretary shall disclose to the person
22 to whom the property or facilities will be transferred any information of the Secretary regarding
23 the environmental restoration, waste management, and environmental compliance activities

1 described in paragraph (1) that relate to the property or facilities. The Secretary shall provide
2 such information before entering into the agreement.

3 (5) Nothing in this subsection shall be construed to modify, alter, or amend the
4 Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.
5 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

6 (6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public
7 Law 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to
8 persons or entities described in subsection (a)(2) of such section 330, except in the case of
9 releases or threatened releases not disclosed pursuant to paragraph (4).

10 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2016.**

11 (a) IN GENERAL.—(1) If the Secretary makes the certifications required under section
12 2903(b), there shall be established on the books of the Treasury an account to be known as the
13 “Department of Defense Base Closure Account 2016” (in this section referred to as the
14 “Account”). The Account shall be administered by the Secretary as a single account.

15 (2) There shall be deposited into the Account—

16 (A) funds authorized for and appropriated to the Account;

17 (B) any funds that the Secretary may, subject to approval in an appropriation Act,
18 transfer to the Account from funds appropriated to the Department of Defense for any
19 purpose, except that such funds may be transferred only after the date on which the
20 Secretary transmits written notice of, and justification for, such transfer to the con-
21 gressional defense committees; and

22 (C) except as provided in subsection (d), proceeds received from the lease,
23 transfer, or disposal of any property at a military installation that is closed or realigned

1 under this title.

2 (3) The Account shall be closed at the time and in the manner provided for appropriation
3 accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in
4 the Account upon closure shall be held by the Secretary of the Treasury until transferred by law
5 after the congressional defense committees receive the final report transmitted under subsection
6 (c)(2),

7 (b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the
8 purposes described in section 2905 with respect to military installations approved for closure or
9 realignment under this title.

10 (2) When a decision is made to use funds in the Account to carry out a construction
11 project under section 2905(a) and the cost of the project will exceed the maximum amount au-
12 thorized by law for a minor military construction project, the Secretary shall notify in writing the
13 congressional defense committees of the nature of, and justification for, the project and the
14 amount of expenditures for such project. Any such construction project may be carried out
15 without regard to section 2802(a) of title 10, United States Code.

16 (c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the
17 Secretary carries out activities under this title using amounts in the Account, the Secretary shall
18 transmit a report to the congressional defense committees of—

19 (i) the amount and nature of the deposits into, and the expenditures from, the
20 Account during such fiscal year;

21 (ii) the amount and nature of other expenditures made pursuant to section 2905(a)
22 during such fiscal year;

1 (iii) the amount and nature of anticipated deposits to be made into, and the
2 anticipated expenditures to be made from, the Account during the first fiscal year
3 commencing after the submission of the report; and

4 (iv) the amount and nature of anticipated expenditures to be made pursuant to
5 section 2905(a) during the first fiscal year commencing after the submission of the report.

6 (B) The report for a fiscal year shall include the following:

7 (i) The obligations and expenditures from the Account during the fiscal year,
8 identified by subaccount and installation, for each military department and Defense
9 Agency.

10 (ii) The fiscal year in which appropriations for such expenditures were made and
11 the fiscal year in which finds were obligated for such expenditures.

12 (iii) Each military construction project for which such obligations and
13 expenditures were made, identified by installation and project title.

14 (iv) A description and explanation of the extent, if any, to which expenditures for
15 military construction projects for the fiscal year differed from proposals for projects and
16 funding levels that were included in the justification transmitted to Congress under
17 section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal
18 year, including an explanation of—

19 (I) any failure to carry out military construction projects that were so
20 proposed; and

21 (II) any expenditures for military construction projects that were not so
22 proposed.

23 (v) An estimate of the net revenues to be received from property disposals to be

1 completed during the first fiscal year commencing after the submission of the report at
2 military installations approved for closure or realignment under this title.

3 (2) No later than 60 days after the closure of the Account under subsection (a)(3), the
4 Secretary shall transmit to the congressional defense committees a report containing an ac-
5 counting of—

6 (A) all the funds deposited into and expended from the Account or otherwise
7 expended under this title with respect to such installations; and

8 (B) any amount remaining in the Account.

9 (d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH
10 NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or
11 improved (in whole or in part) with commissary store funds or nonappropriated funds is
12 transferred or disposed of in connection with the closure or realignment of a military installation
13 under this title, a portion of the proceeds of the transfer or other disposal of property on that
14 installation shall be deposited in the reserve account established under section 204(b)(7)(C) of
15 the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687
16 note).

17 (2) The amount so deposited shall be equal to the depreciated value of the investment
18 made with such funds in the acquisition, construction, or improvement of that particular real
19 property or facility. The depreciated value of the investment shall be computed in accordance
20 with regulations prescribed by the Secretary.

21 (3) The Secretary may use amounts in the reserve account, without further appropriation,
22 for the purpose of acquiring, constructing, and improving—

23 (A) commissary stores; and

1 (B) real property and facilities for nonappropriated fund instrumentalities.

2 (4) As used in this subsection:

3 (A) The term “commissary store funds” means funds received from the
4 adjustment of, or surcharge on, selling prices at commissary stores fixed under section
5 2685 of title 10, United States Code.

6 (B) The term “nonappropriated funds” means funds received from a
7 nonappropriated fund instrumentality.

8 (C) The term “nonappropriated fund instrumentality” means an instrumentality of
9 the United States under the jurisdiction of the Armed Forces (including the Army and Air
10 Force Exchange Service, the Navy Resale and Services Support Office, and the Marine
11 Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical
12 or mental improvement of members of the Armed Forces.

13 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION
14 PROJECTS.—Except for funds deposited into the Account under subsection (a), funds
15 appropriated to the Department of Defense may not be used for purposes described in section
16 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account
17 under subsection (a)(3).

18 (f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs (2)
19 and (3), the cost authorized for a military construction project or military family housing project
20 to be carried out using funds in the Account may not be increased or reduced by more than 20
21 percent or \$ 2,000,000, whichever is less, of the amount specified for the project in the
22 conference report to accompany the Military Construction Authorization Act authorizing the
23 project. The scope of work for such a project may not be reduced by more than 25 percent from

1 the scope specified in the most recent budget documents for the projects listed in such
2 conference report.

3 (2) Paragraph (1) shall not apply to a military construction project or military family
4 housing project to be carried out using funds in the Account with an estimated cost of less than
5 \$5,000,000, unless the project has not been previously identified in any budget submission for
6 the Account and exceeds the applicable minor construction threshold under section 2805 of title
7 10, United States Code.

8 (3) The limitation on cost or scope variation in paragraph (1) shall not apply if the
9 Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in
10 the scope of work for a military construction project or military family housing project to be
11 carried out using funds in the Account needs to be made for the sole purpose of meeting unusual
12 variations in cost or scope. If the Secretary makes such a determination, the Secretary shall
13 notify the congressional defense committees of the variation in cost or scope not later than 21
14 days before the date on which the variation is made in connection with the project or, if the
15 notification is provided in an electronic medium pursuant to section 480 of title 10, United States
16 Code, not later than 14 days before the date on which the variation is made. The Secretary shall
17 include the reasons for the variation in the notification.

18 **SEC. 2907. REPORTS.**

19 (a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2021 and for
20 each fiscal year thereafter through fiscal year 2032 for the Department of Defense, the Secretary
21 shall transmit to the congressional defense committees—

22 (1) a schedule of the closure actions to be carried out under this title in the fiscal
23 year for which the request is made and an estimate of the total expenditures required and

1 cost savings to be achieved by each such closure and of the time period in which these
2 savings are to be achieved in each case, together with the Secretary's assessment of the
3 environmental effects of such actions;

4 (2) a description of the military installations, including those under construction
5 and those planned for construction, to which functions are to be transferred as a result of
6 such closures, together with the Secretary's assessment of the environmental effects of
7 such transfers;

8 (3) a description of the closure actions already carried out at each military
9 installation since the date of the installation's approval for closure under this title and the
10 current status of the closure of the installation, including whether—

11 (A) a redevelopment authority has been recognized by the Secretary for
12 the installation;

13 (B) the screening of property at the installation for other Federal use has
14 been completed; and

15 (C) a redevelopment plan has been agreed to by the redevelopment
16 authority for the installation;

17 (4) a description of redevelopment plans for military installations approved for
18 closure under this title, the quantity of property remaining to be disposed of at each
19 installation as part of its closure, and the quantity of property already disposed of at each
20 installation;

21 (5) a list of the Federal agencies that have requested property during the screening
22 process for each military installation approved for closure under this title, including the

1 date of transfer or anticipated transfer of the property to such agencies, the acreage
2 involved in such transfers, and an explanation for any delays in such transfers;

3 (6) a list of known environmental remediation issues at each military installation
4 approved for closure under this title, including the acreage affected by these issues, an
5 estimate of the cost to complete such environmental remediation, and the plans (and
6 timelines) to address such environmental remediation; and

7 (7) an estimate of the date for the completion of all closure actions at each
8 military installation approved for closure or realignment under this title.

9 **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.**

10 (a) TERMS OF THE RESOLUTION.—For purposes of section 2904(b), the term “joint
11 resolution” means only a joint resolution which is introduced within the 10-day period beginning
12 on the date on which the President transmits the report to the Congress under section 2903(j),
13 and—

14 (1) which does not have a preamble;

15 (2) the matter after the resolving clause of which is as follows: “That Congress
16 disapproves the recommendations of the Defense Base Closure and Realignment
17 Commission as submitted by the President on _____, the blank space being filled in
18 with the appropriate date; and

19 (3) the title of which is as follows: “Joint resolution disapproving the
20 recommendations of the Defense Base Closure and Realignment Commission.”.

21 (b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House
22 of Representatives shall be referred to the Committee on Armed Services of the House of

1 Representatives. A resolution described in subsection (a) introduced in the Senate shall be
2 referred to the Committee on Armed Services of the Senate.

3 (c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is
4 referred has not reported such a resolution (or an identical resolution) by the end of the 20-day
5 period beginning on the date on which the President transmits the report to the Congress under
6 section 2903(j), such committee shall be, at the end of such period, discharged from further
7 consideration of such resolution, and such resolution shall be placed on the appropriate calendar
8 of the House involved.

9 (d) CONSIDERATION.—(1) On or after the third day after the date on which the committee
10 to which such a resolution is referred has reported, or has been discharged (under subsection (c))
11 from further consideration of, such a resolution, it is in order (even though a previous motion to
12 the same effect has been disagreed to) for any Member of the respective House to move to
13 proceed to the consideration of the resolution. A member may make the motion only on the day
14 after the calendar day on which the Member announces to the House concerned the Member's
15 intention to make the motion, except that, in the case of the House of Representatives, the motion
16 may be made without such prior announcement if the motion is made by direction of the
17 committee to which the resolution was referred. All points of order against the resolution
18 (and against consideration of the resolution) are waived. The motion is highly privileged in the
19 House of Representatives and is privileged in the Senate and is not debatable. The motion is not
20 subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration
21 of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed
22 to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to,
23 the respective House shall immediately proceed to consideration of the joint resolution without

1 intervening motion, order, or other business, and the resolution shall remain the unfinished
2 business of the respective House until disposed of.

3 (2) Debate on the resolution, and on all debatable motions and appeals in connection
4 therewith, shall be limited to not more than 2 hours, which shall be divided equally between
5 those favoring and those opposing the resolution. An amendment to the resolution is not in order.
6 A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion
7 to proceed to the consideration of other business, or a motion to recommit the resolution is not in
8 order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not
9 in order.

10 (3) Immediately following the conclusion of the debate on a resolution described in
11 subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance
12 with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

13 (4) Appeals from the decisions of the Chair relating to the application of the rules of the
14 Senate or the House of Representatives, as the case may be, to the procedure relating to a
15 resolution described in subsection (a) shall be decided without debate.

16 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a
17 resolution of that House described in subsection (a), that House receives from the other House a
18 resolution described in subsection (a), then the following procedures shall apply:

19 (A) The resolution of the other House shall not be referred to a committee and
20 may not be considered in the House receiving it except in the case of final passage as
21 provided in subparagraph (B)(ii).

22 (B) With respect to a resolution described in subsection (a) of the House receiving
23 the resolution—

1 (i) the procedure in that House shall be the same as if no resolution had
2 been received from the other House; but

3 (ii) the vote on final passage shall be on the resolution of the other House.

4 (2) Upon disposition of the resolution received from the other House, it shall no longer be
5 in order to consider the resolution that originated in the receiving House.

6 (f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

7 (1) as an exercise of the rulemaking power of the Senate and House of
8 Representatives, respectively, and as such it is deemed a part of the rules of each House,
9 respectively, but applicable only with respect to the procedure to be followed in that
10 House in the case of a resolution described in subsection (a), and it supersedes other rules
11 only to the extent that it is inconsistent with such rules; and

12 (2) with full recognition of the constitutional right of either House to change the
13 rules (so far as relating to the procedure of that House) at any time, in the same manner,
14 and to the same extent as in the case of any other rule of that House.

15 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.**

16 (a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on
17 the date of the enactment of this Act, and ending on April 15, 2020, this title shall be the
18 exclusive authority for selecting for closure or realignment, or for carrying out any closure or
19 realignment of, a military installation inside the United States.

20 (b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to
21 the Department of Defense may be used, other than under this title, during the period specified in
22 subsection (a)—

1 (1) to identify, through any transmittal to the Congress or through any other
2 public announcement or notification, any military installation inside the United States as
3 an installation to be closed or realigned or as an installation under consideration for
4 closure or realignment; or

5 (2) to carry out any closure or realignment of a military installation inside the
6 United States.

7 (c) EXCEPTION.—Nothing in this title affects the authority of the Secretary to carry out
8 closures and realignments to which section 2687 of title 10, United States Code, is not
9 applicable, including closures and realignments carried out for reasons of national security or a
10 military emergency referred to in subsection (c) of such section.

11 **SEC. 2910. DEFINITIONS.**

12 As used in this title:

13 (1) The term “Account” means the Department of Defense Base Closure Account
14 established by section 2906(a)(1).

15 (2) The term “congressional defense committees” means the Committee on
16 Armed Services and the Committee on Appropriations of the Senate and the Committee
17 on Armed Services and the Committee on Appropriations of the House of
18 Representatives.

19 (3) The term “Commission” means the Commission established by section 2902.

20 (4) The term “military installation” means a base, camp, post, station, yard,
21 center, homeport facility for any ship, or other activity under the jurisdiction of the
22 Department of Defense, including any leased facility. Such term does not include any

1 facility used primarily for civil works, rivers and harbors projects, flood control, or other
2 projects not under the primary jurisdiction or control of the Department of Defense.

3 (5) The term “realignment” includes any action which both reduces and relocates
4 functions and civilian personnel positions but does not include a reduction in force
5 resulting from workload adjustments, reduced personnel or funding levels, or skill
6 imbalances.

7 (6) The term “Secretary” means the Secretary of Defense.

8 (7) The term “United States” means the 50 States, the District of Columbia, the
9 Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any
10 other commonwealth, territory, or possession of the United States.

11 (8) The term “date of approval”, with respect to a closure or realignment of an
12 installation, means the date on which the authority of Congress to disapprove a
13 recommendation of closure or realignment, as the case may be, of such installation under
14 this title expires.

15 (9) The term “redevelopment authority”, in the case of an installation to be closed
16 or realigned under this title, means any entity (including an entity established by a State
17 or local government) recognized by the Secretary of Defense as the entity responsible for
18 developing the redevelopment plan with respect to the installation or for directing the
19 implementation of such plan.

20 (10) The term “redevelopment plan” in the case of an installation to be closed or
21 realigned under this title, means a plan that—

22 (A) is agreed to by the local redevelopment authority with respect to the
23 installation; and

1 (B) provides for the reuse or redevelopment of the real property and
2 personal property of the installation that is available for such reuse and
3 redevelopment as a result of the closure or realignment of the installation.

4 (11) The term “representative of the homeless” has the meaning given such term
5 in section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.
6 11411(i)(4)).

7 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER**
8 **PROVISIONS OF LAW.**

9 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE 10.—Section 101(a)(17) of title 10,
10 United States Code, is amended by adding at the end the following new subparagraph:

11 “(D) The Defense Base Closure and Realignment Act of 2016.”.

12 (b) DEFINITION OF “BASE CLOSURE LAW” IN OTHER LAWS.—

13 (1) Section 131(b) of Public Law 107-249 (10 U.S.C. 221 note) is amended by
14 striking “means” and all that follows and inserting “has the meaning given the term ‘base
15 closure law’ in section 101(a)(17) of title 10, United States Code.”.

16 (2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year
17 1994 (Public Law 103-160; 10 U.S.C. 2701 note) is amended by adding at the end the
18 following new subparagraph:

19 “(C) The Defense Base Closure and Realignment Act of 2016.”.

20 (3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year
21 1994 (Public Law 103-160; 10 U.S.C. 2687 note) is amended by adding at the end the
22 following new subparagraph:

23 “(C) The Defense Base Closure and Realignment Act of 2016.”.

1 **SEC. 2912. CONFORMING AMENDMENTS.**

2 (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Section 2667(e) of title 10, United States
3 Code, is amended—

4 (1) in paragraph (5), by striking “on or after January 1, 2005,” and inserting “from
5 January 1, 2005 through December 31, 2005,”; and

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

7 “(6) Money rentals received by the United States from a lease under subsection (g) at a
8 military installation approved for closure or realignment under a base closure law on or after
9 January 1, 2006, shall be deposited into the account established under section 2906 of the
10 Defense Base Closure and Realignment Act of 2016.”.

11 (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY FOR PUBLIC AIRPORTS.—Section
12 47151(g) of title 49, United States Code, is amended by striking “section 2687 of title 10, section
13 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10
14 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990
15 (10 U.S.C. 2687 note)” and inserting “a base closure law, as that term is defined in section
16 101(a)(17) of title 10,”.

17 (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended
18 by striking “the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of
19 Public Law 101–510; 10 U.S.C. 2687 note)” and inserting “a base closure law, as that term is
20 defined in section 101(a)(17) of title 10,”.