

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:

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1 **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

2 **TITLE I—PROCUREMENT**

3 **Subtitle A—Authorization of Appropriations**

4 **SEC. 101. ARMY.**

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

- 7 (1) For aircraft, \$3,614,787,000.
8 (2) For missiles, \$1,519,966,000.
9 (3) For weapons and tracked combat vehicles, \$2,265,177,000.
10 (4) For ammunition, \$1,513,157,000.
11 (5) For other procurement, \$5,873,949,000.

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

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

- 15 (1) For aircraft, \$14,109,148,000.
16 (2) For weapons, including missiles and torpedoes, \$3,209,262,000.
17 (3) For ammunition procurement, Navy and Marine Corps, \$664,368,000.
18 (4) For shipbuilding and conversion, \$18,354,874,000.

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

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

3 **SEC. 103. AIR FORCE.**

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

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

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

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

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

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

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

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

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

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

17 **Subtitle B—Army Programs**

18 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-64E APACHE**

19 **HELICOPTERS.**

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

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

5 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-60M/HH-**
6 **60M(BLACKHAWK) HELICOPTER AIRFRAMES.**

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

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

15 **Subtitle C—Navy Programs**

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

17 (a) CONTRACT AUTHORITY.—Notwithstanding any provision of law pertaining to
18 multiyear contracts, the Secretary of the Navy may enter into one block buy contract to procure
19 up to 8 Ship to Shore Connector craft.

20 (b) LIABILITY.—Any contract entered into under subsection (a) shall provide that any
21 obligation of the United States to make a payment under the contract is subject to the availability
22 of appropriations for that purpose, and that total liability to the Government for termination of

1 any contract entered into shall be limited to the total amount of funding obligated at time of
2 termination.

3 **Subtitle D—Air Force Programs**

4 **SEC. 131. AVAILABILITY OF AIR FORCE PROCUREMENT FUNDS FOR CERTAIN**
5 **COMMERCIAL-OFF-THE-SHELF PARTS FOR INTERCONTINENTAL**
6 **BALLISTIC MISSILE FUZES.**

7 (a) AVAILABILITY OF PROCUREMENT FUNDS.—Notwithstanding section 1502(a) of title
8 31, United States Code, of the amount authorized to be appropriated for fiscal year 2017 by
9 section 103 for Missile Procurement, Air Force, \$17,095,000 shall be available for the
10 procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl
11 Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015
12 (Public Law 113-291; 128 Stat. 3651).

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

16 **SEC. 132. REPEAL OF THE REQUIREMENT TO PRESERVE CERTAIN RETIRED C-**
17 **5 AIRCRAFT.**

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

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

21 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

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

6 **TITLE III—OPERATION AND MAINTENANCE**

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

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

- 11 (1) For the Army, \$33,809,040,000.
- 12 (2) For the Navy, \$39,483,581,000.
- 13 (3) For the Marine Corps, \$5,954,258,000.
- 14 (4) For the Air Force, \$37,518,056,000.
- 15 (5) For Defense-wide activities, \$32,571,590,000.
- 16 (6) For the Army Reserve, \$2,712,331,000.
- 17 (7) For the Navy Reserve, \$927,656,000.
- 18 (8) For the Marine Corps Reserve, \$270,633,000.
- 19 (9) For the Air Force Reserve, \$3,067,929,000.
- 20 (10) For the Army National Guard, \$6,825,370,000.
- 21 (11) For the Air National Guard, \$6,703,578,000.
- 22 (12) For the United States Court of Appeals for the Armed Forces, \$14,194,000.
- 23 (13) For Environmental Restoration, Army, \$170,167,000.

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

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

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

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

5 (18) For Overseas Humanitarian, Disaster, and Civic Aid programs,
6 \$105,125,000.

7 (19) For Cooperative Threat Reduction programs, \$325,604,000.

8 **SEC. 302. AUTHORITY TO RETAIN CERTAIN FEES PROVIDED BY A STATE TO**
9 **FUND EMERGENCY TELECOMMUNICATIONS SERVICES ON**
10 **MILITARY INSTALLATIONS.**

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

13 “(3) FEES PROVIDED TO MILITARY INSTALLATIONS.—If the Secretary of a military
14 department receives from a State, pursuant to an application by the Secretary or
15 otherwise, an amount remitted to the Secretary as a share of the fees and charges
16 collected by the State under this subsection from persons residing on a military
17 installation under the Secretary’s jurisdiction within the State, such amount shall be
18 credited to appropriations available for that military department to support or implement
19 9-1-1 or enhanced 9-1-1 services for that military installation and shall be available for
20 such purposes subject to the same availability, conditions, and limitations as the
21 appropriation to which credited.”.

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

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

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

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

17 “(2) such individual is hospitalized as a result of disease or injury incurred as
18 a result of service in an overseas area designated by the President under paragraph
19 (1).”.

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

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

4 “(1) Letter mail communications having the character of personal
5 correspondence.

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

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

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

14 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

15 **Subtitle A—Active Forces**

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

17 The Armed Forces are authorized strengths for active duty personnel as of September
18 30, 2017, as follows:

19 (1) The Army, 460,000.

20 (2) The Navy, 322,900.

21 (3) The Marine Corps, 182,000.

22 (4) The Air Force, 317,000.

1 **Subtitle B—Reserve Forces**

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

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

5 (1) The Army National Guard of the United States, 335,000.

6 (2) The Army Reserve, 195,000.

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

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

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

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

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

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

14 (1) the total authorized strength of units organized to serve as units of the Selected
15 Reserve of such component which are on active duty (other than for training) at the end
16 of the fiscal year; and

17 (2) the total number of individual members not in units organized to serve as units
18 of the Selected Reserve of such component who are on active duty (other than for
19 training or for unsatisfactory participation in training) without their consent at the end of
20 the fiscal year.

21 (c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected
22 Reserve for any reserve component are released from active duty during any fiscal year, the end
23 strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall

1 be increased proportionately by the total authorized strengths of such units and by the total
2 number of such individual members.

3 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF**
4 **THE RESERVES.**

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

- 10 (1) The Army National Guard of the United States, 30,155.
- 11 (2) The Army Reserve, 16,261.
- 12 (3) The Navy Reserve, 9,955.
- 13 (4) The Marine Corps Reserve, 2,261.
- 14 (5) The Air National Guard of the United States, 14,764.
- 15 (6) The Air Force Reserve, 2,955.

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

17 The minimum number of military technicians (dual status) as of the last day of fiscal year
18 2017 for the reserve components of the Army and the Air Force (notwithstanding section 129 of
19 title 10, United States Code) shall be the following:

- 20 (1) For the Army National Guard of the United States, 25,507.
- 21 (2) For the Army Reserve, 7,570.
- 22 (3) For the Air National Guard of the United States, 22,103.
- 23 (4) For the Air Force Reserve, 10,061.

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

3 (a) LIMITATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **Subtitle C—Authorization of Appropriations**

4 **SEC. 421. MILITARY PERSONNEL.**

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

7 **TITLE V—MILITARY PERSONNEL POLICY**

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

9 **SEC. 501. EQUAL CONSIDERATION OF OFFICERS FOR EARLY RETIREMENT OR**
10 **DISCHARGE.**

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

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

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

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

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

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

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

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

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

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

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

13 “(B) the names of all eligible officers described in that subsection in a particular
14 grade and competitive category, whether or not they are eligible to be retired under any
15 provision of law, who are also in particular year groups, specialties, or retirement
16 categories, or any combination thereof, with that competitive category.

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

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

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

1 **SEC. 502. EXTENSION OF AUTHORITY FOR REDUCTION DURING FORCE**
2 **DRAWDOWN PERIOD IN AMOUNT OF ACTIVE COMMISSIONED**
3 **SERVICE REQUIRED FOR OFFICERS TO RETIRE IN A**
4 **COMMISSIONED GRADE.**

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

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

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

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

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

12 (2) in subparagraph (B), by striking “September 30, 2018” and inserting
13 September 30, 2019”.

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

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

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

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

21 **SEC. 503. REPEAL OF REQUIREMENT FOR A PRESIDENTIALLY-APPOINTED**
22 **CHAPLAIN AT THE UNITED STATES AIR FORCE ACADEMY.**

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

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

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

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

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

14 **SEC. 505. SENIOR MILITARY ACQUISITION ADVISOR/ADJUNCT PROFESSOR**
15 **PROGRAM.**

16 (a) PROGRAM AUTHORITY.—

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

19 **“§ 1725. Senior Military Acquisition Advisor/Adjunct Professor Program**

20 “(a) POSITION.—(1) The Secretary of Defense may establish a position in the Defense
21 Acquisition Corps to be known as ‘Senior Military Acquisition Advisor’. Senior Military
22 Acquisition Advisors shall be appointed by the President, by and with the advice and consent of
23 the Senate.

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

2 “(A) shall serve as an advisor to, and provide senior level acquisition expertise to,
3 the Service Acquisition Executive of that officer’s military department in accordance
4 with this section; and

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

7 “(b) CONTINUATION ON ACTIVE DUTY.—An officer who is appointed as a Senior Military
8 Acquisition Advisor may continue on active duty while serving in such position without regard
9 to any mandatory retirement date that would otherwise be applicable to that officer by reason of
10 years of service or age. An officer who is continued on active duty pursuant to this section is not
11 eligible for consideration for selection for promotion.

12 “(c) RETIRED GRADE.—Upon retirement, an officer who is a Senior Military Acquisition
13 Advisor may, in the discretion of the President, be retired in the grade of brigadier general or rear
14 admiral (lower half) if—

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

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

19 “(d) SELECTION AND TENURE.—(1) Selection of an officer for recommendation for
20 appointment as a Senior Military Acquisition Advisor shall be made competitively and shall be
21 based upon demonstrated experience and expertise in acquisition.

22 “(2) Officers shall be selected for recommendation for appointment as Senior Military
23 Acquisition Advisors from among officers of the Defense Acquisition Corps from among

1 officers who are serving in the grade of colonel or, in the case of the Navy, captain, and who
2 have at least 12 years of acquisition experience. An officer selected for recommendation for
3 appointment as a Senior Military Acquisition Advisor, shall have at least 30 years of active
4 commissioned service at the time of appointment.

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

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

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

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

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

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

15 “(f) ADVICE TO SERVICE ACQUISITION EXECUTIVE.—An officer who is a Senior Military
16 Acquisition Advisor shall have as the officer’s primary duty providing strategic, technical, and
17 programmatic advice to the Service Acquisition Executive of the officer’s military department on
18 matters pertaining to the Defense Acquisition System, including matters pertaining to
19 procurement, research and development, advanced technology, test and evaluation, production,
20 program management, systems engineering, and lifecycle logistics.”.

21 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter

22 II of such chapter is amended by adding at the end the following new item:

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

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

3 “(9) Officers who are Senior Military Acquisition Advisors under section 1725 of
4 this title, but not to exceed 15.”.

5 **Subtitle B—Reserve Component Management**

6 **SEC. 511. REPEAL OF REQUIREMENT FOR REVIEW OF CERTAIN ARMY** 7 **RESERVE OFFICER UNIT VACANCY PROMOTIONS BY** 8 **COMMANDERS OF ASSOCIATED ACTIVE DUTY UNITS.**

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

11 **SEC. 512. REVISION OF DEPLOYABILITY RATING SYSTEM AND PLANNING** 12 **REFORM.**

13 (a) DEPLOYMENT PRIORITIZATION AND READINESS.—

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

16 **“§ 10102a. Deployment prioritization and readiness of Army components**

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

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

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

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

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

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

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

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

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

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

12 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter
13 1003 of such title is amended by inserting after the item relating to section 10102 the
14 following new item:

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

15 (b) REPEAL OF SUPERSEDED PROVISIONS OF LAW.—Sections 1121 and 1135 of the
16 Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102-
17 484; 10 U.S.C. 10105 note) are repealed.

18 **SEC. 513. TECHNICAL CORRECTION TO ANNUAL AUTHORIZATION FOR**
19 **PERSONNEL STRENGTHS.**

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

21 (1) in subsection (b)(1)—

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

3 (B) in subparagraph (C), by striking “502(f)(2)” and inserting
4 “502(f)(1)(B)”;

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

6 **SEC. 514. EXTENSION OF REMOVAL OF RESTRICTIONS ON THE TRANSFER OF**
7 **OFFICERS BETWEEN THE ACTIVE AND INACTIVE NATIONAL**
8 **GUARD.**

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

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

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

15 **SEC. 515. EXTENSION OF TEMPORARY AUTHORITY TO USE AIR FORCE**
16 **RESERVE COMPONENT PERSONNEL TO PROVIDE TRAINING AND**
17 **INSTRUCTION REGARDING PILOT TRAINING.**

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

21 **SEC. 516. RECONCILIATION OF CONTRADICTION PROVISIONS RELATING TO**
22 **CITIZENSHIP QUALIFICATIONS FOR ENLISTMENT IN THE**
23 **RESERVE COMPONENTS OF THE ARMED FORCES.**

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

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

5 “(2) that person is authorized to enlist by the Secretary concerned under section
6 504(b)(2) of this title.”.

7 **SEC. 517. TECHNICAL CORRECTION TO VOLUNTARY SEPARATION PAY AND**
8 **BENEFITS.**

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

10 (1) in paragraph (2)—

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

12 and

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

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

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

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

19 Section 3301(1)(B) of title 38, United States Code, is amended by striking “or
20 12304” and inserting “12304, or 12304b”.

21 **SEC. 522. INCLUSION OF RESERVE SERVICE IN ASSISTANCE OF A MAJOR**
22 **DISASTER OR EMERGENCY OR FOR A PREPLANNED MISSION IN**
23 **SUPPORT OF A COMBATANT COMMAND AS ELIGIBLE SERVICE**

1 **FOR AN EXTENSION OF ELIGIBILITY FOR VOCATIONAL**
2 **REHABILITATION BENEFITS.**

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

5 **SEC. 523. AUTHORITY FOR UNITED STATES AIR FORCE INSTITUTE OF**
6 **TECHNOLOGY TO CHARGE AND RETAIN TUITION FOR**
7 **INSTRUCTION OF PERSONS OTHER THAN AIR FORCE PERSONNEL**
8 **DETAILED FOR INSTRUCTION AT THE INSTITUTE.**

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

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

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

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

16 “**§ 9314a. United States Air Force Institute of Technology: reimbursement and tuition;**
17 **instruction of persons other than Air Force personnel**”.

18 (b) INSTRUCTION OF PERSONS OTHER THAN AIR FORCE PERSONNEL.—Section 9314a of
19 such title, as designated by the amendment made by subsection (a)(3), is amended as follows:

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

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

1 INSTITUTE”; and

2 (B) in paragraph (1)—

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

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

7 (C) in paragraph (3)—

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

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

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

12 (2) Such section is further amended—

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

15 (B) by striking “(A)” in such subsection and inserting “FEDERAL CIVILIAN
16 EMPLOYEES OTHER THAN AIR FORCE EMPLOYEES WHO ARE DETAILED TO THE
17 INSTITUTE.—(1)”;

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

19 (D) by striking paragraph (5) of such subsection; and

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

21 “(c) NON-DETAILED PERSONS.—(1) The Secretary of the Air Force may permit persons
22 described in paragraph (2) to receive instruction at the United States Air Force Institute of
23 Technology on a space-available basis.

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

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

4 “(B) A civilian employee of a military department, of another component of the
5 Department of Defense, of another Federal agency, or of a State’s National Guard not
6 detailed for that instruction by the Secretary concerned or head of the other Department
7 of Defense component, other Federal agency, or the National Guard.

8 “(C) A United States citizen who is the recipient of a competitively selected
9 Federal or Department of Defense sponsored scholarship or fellowship with a defense
10 focus in areas of study related to the academic disciplines offered by the Air Force
11 Institute of Technology and which requires a service commitment to the Federal
12 government in exchange for educational financial assistance.

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

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

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

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

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

1 (4)”;

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

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

6 (A) by striking “ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR
7 FORCE.—”; and

8 (B) by redesignating paragraphs (1) and (2) therein as subparagraphs (A)
9 and (B), respectively; and

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

12 (A) by striking “PROGRAM REQUIREMENTS.—”;

13 (B) by redesignating paragraphs (1) and (2) therein as subparagraphs (A)
14 and (B), respectively; and

15 (C) in subparagraph (A), as so redesignated—

16 (i) by striking “under this section” and inserting “under this
17 subsection”; and

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

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

20 (1) by inserting after “(1)” the following: “The United States Air Force Institute
21 of Technology may charge tuition for students enrolled under subparagraphs (A) and (B)
22 of subsection (c)(2), at the discretion of the Commandant.”;

23 (2) by striking “under this section” and inserting “under paragraph (c)(2)(C) and

1 subsection (d”;

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

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

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

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

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

9 (f) CLERICAL AMENDMENTS.—

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

12 **“§ 9314. United States Air Force Institute of Technology: degree granting authority”.**

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

“9314. United States Air Force Institute of Technology: degree granting authority.

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

16 **Subtitle D—Defense Dependents’ Education and Military Family Readiness**

17 **Matters**

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

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

21 **SEC. 532. AUTHORITY TO PROVIDE ADDITIONAL ANY PURPOSE LEAVE FOR**
22 **TEACHERS IN THE DEPARTMENT OF DEFENSE DEPENDENTS**

1 **SCHOOL SYSTEM WHO ARE EMPLOYED IN SUPERVISORY**
2 **POSITIONS.**

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

7 **SEC. 533. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE**
8 **TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS**
9 **TO LOCAL EDUCATIONAL AGENCIES.**

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

13 **SEC. 534. TIME LIMITATION FOR APPOINTMENT OF CERTAIN MILITARY**
14 **SPOUSES.**

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

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

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

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

13 **SEC. 546. TRANSFER OF PROVISION RELATING TO EXPENSES INCURRED IN**
14 **CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY**
15 **OPERATIONS.**

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

19 **“709a. Expenses incurred in connection with leave canceled due to contingency operations:**
20 **reimbursement**

21 **“(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a**
22 **member of the armed forces under the jurisdiction of the Secretary for travel and related**

1 expenses (to the extent not otherwise reimbursable under law) incurred by the member as a
2 result of the cancellation of previously approved leave when—

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

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

7 “(b) REGULATIONS.—The Secretary of Defense and, in the case of the Coast Guard
8 when it is not operating as a service in the Navy, the Secretary of Homeland Security shall
9 prescribe regulations to establish the criteria for the applicability of subsection (a).

10 “(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for
11 reimbursement under subsection (a) is final and conclusive.”.

12 (b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 40 of
13 such title is amended by inserting after the item relating to section 709 the following new
14 item:

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

15 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section 453 of title 37, United States Code, is
16 amended by striking subsection (g).

17 **SEC. 547. CODIFICATION AND REVISION OF AUTHORITY TO CONDUCT**
18 **PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION**
19 **OF MEMBERS OF THE ARMED FORCES.**

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

22 (1) a heading as follows:

1 **“§710. Career flexibility to enhance retention of members”**; and

2 (2) a text consisting of the text of subsections (a) through (h) of section 533 of the
3 Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C.
4 prec. 701 note), as amended by section 523 of the National Defense Authorization Act for
5 Fiscal Year 2016 (Public Law 114-92).

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

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

10 (2) in subsection (d), by inserting before the period at the end the following: “and
11 the procedures and standards to be used to determine the period of active service (if any)
12 to be specified in the agreement under paragraph (3) of that subsection”.

13 (c) AMENDMENTS TO REMOVE REFERENCES TO PROGRAM AS A PILOT PROGRAM.—Such
14 section is further amended—

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

16 (2) in subsection (a)—

17 (A) by striking “PILOT PROGRAMS AUTHORIZED” and all that follows
18 through “Each Secretary” and inserting “PROGRAMS AUTHORIZED.—Each
19 Secretary”; and

20 (B) by striking paragraph (2).

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

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

23 (A) in subsection (a), as amended by subsection (c) of this section—

1 (i) by striking “officers and enlisted”; and
2 (ii) by striking “and Full Time Support personnel of the reserve
3 components of the Armed Forces”;
4 (B) in subsection (c)(1), by striking “of the Armed Force concerned” and
5 inserting “of the armed force concerned”; and
6 (C) in subsections (a)(2), (c), (e), and (h), by striking “Armed Forces”
7 each place it appears and inserting “armed forces”.

8 (2) REFERENCES TO ACTIVE DUTY.—Such section is further amended by striking
9 “active duty” each place it appears (other than in subsection (h) and including in
10 subsection headings) and inserting “active service”.

11 (3) UNITED STATES CODE CROSS-REFERENCES.—Such section is further
12 amended—

13 (A) by striking “, United States Code.” each place it appears and inserting
14 a period;
15 (B) by striking “, United States Code,” each place it appears other than in
16 subsection (f)(5);
17 (C) in subsections (f)(5) and (h)(1), by striking “, United States Code”;
18 and
19 (D) by striking “of title 10” each place it appears and inserting “of this
20 title”.

21 (e) OTHER CONFORMING AMENDMENTS.—Such section is further amended—
22 (1) in subsection (d), by striking “issue” and inserting “prescribe”; and
23 (2) in subsection (f)(4)(A), by striking “section 404” and inserting “section 474”.

1 (f) REPEAL OF SUPERSEDED PILOT PROGRAM AUTHORITY.—Section 533 of the Duncan
2 Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is
3 repealed.

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

5 (a) EXPANDED PARENTAL LEAVE AUTHORITY.—

6 (1) MEMBERS OF THE ARMED FORCES.—

7 (A) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended

8 by inserting after section 701 the following new section:

9 **“§ 701a. Parental leave**

10 “(a) LEAVE AUTHORIZED.— A member of the armed forces who is performing active
11 service may be allowed leave under this section for each instance in which the member becomes
12 a parent as a result of the member’s spouse giving birth.

13 “(b) AMOUNT OF LEAVE.—Leave under this section shall be 14 days, under regulations
14 prescribed under this section by the Secretary concerned.

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

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

17 “(2) If the member having the leave becomes entitled to leave under this section
18 with respect to a different child.

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

20 “(d) COORDINATION WITH OTHER LEAVE AUTHORITIES.—Leave granted under this
21 section is in addition to any other leave and may not be deducted or charged against other leave
22 authorized by this chapter.

1 “(e) REGULATIONS.—This section shall be carried out under regulations prescribed by the
2 Secretary concerned. Regulations prescribed under this section by the Secretaries of the military
3 departments shall be as uniform as practicable and shall be subject to approval by the Secretary
4 of Defense.”.

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

“701a. Parental leave.”.

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

9 (b) ADOPTIONS BY DUAL-SERVICE COUPLES.—Section 701(i) of such title is amended—

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

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

15 (3) by redesignating paragraph (4) as paragraph (3).

16 (c) COVERAGE OF COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE.—Section
17 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the
18 following new paragraph:

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

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

21 **Subtitle A—Pay and Allowances**

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

1 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during
2 fiscal year 2017 required by section 1009 of title 37, United States Code, in the rates of monthly
3 basic pay authorized members of the uniformed services shall not be made.

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

6 **SEC. 602. ALLOWANCE OF PAYMENTS PURSUANT TO POWER OF ATTORNEY.**

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

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

11 **SEC. 611. EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY**

12 **AUTHORITIES.**

13 (a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 910(g) of title 37, United
14 States Code, relating to income replacement payments for reserve component members
15 experiencing extended and frequent mobilization for active duty service is amended by
16 striking “December 31, 2016” and inserting “the date of the enactment of an Act authorizing
17 appropriations for fiscal year 2018 for military activities of the Department of Defense”.

18 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The
19 following sections of title 10, United States Code, are amended by striking “December 31,
20 2016” and inserting “The date of the enactment of an Act authorizing appropriations for
21 fiscal year 2018 for military activities of the Department of Defense”:

22 (1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

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

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

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

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

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

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

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

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

15 (7) Section 302k(f), relating to accession bonus for medical officers in
16 critically short wartime specialties.

17 (8) Section 302l(g), relating to accession bonus for dental specialist officers
18 in critically short wartime specialties.

19 (d) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37,
20 United States Code is amended by striking “December 31, 2016” and inserting “the date of
21 the enactment of an Act authorizing appropriations for fiscal year 2018 for military
22 activities of the Department of Defense”.

1 (e) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE
2 PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are
3 amended by striking “December 31, 2016” and inserting “the date of the enactment of an
4 Act authorizing appropriations for fiscal year 2018 for military activities of the Department
5 of Defense”:

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

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

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

10 (4) Section 335(k), relating to bonus and incentive pay authorities for officers
11 in health professions.

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

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

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

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

17 (9) Section 355(h), relating to retention incentives for members qualified in
18 critical military skills or assigned to high priority units.

19 (f) OTHER TITLE 37 BONUS AND SPECIAL PAY AUTHORITIES.—The following sections
20 of title 37, United States Code, are amended by striking “December 31, 2016” and inserting
21 “the date of the enactment of an Act authorizing appropriations for fiscal year 2018 for
22 military activities of the Department of Defense”:

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

1 (2) Section 307a(g), relating to assignment incentive pay.

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

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

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

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

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

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

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

17 **SEC. 613. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO 2008
18 CONSOLIDATION OF CERTAIN SPECIAL PAY AUTHORITIES.**

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

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

1 (c) RETENTION ON ACTIVE DUTY DURING DISABILITY EVALUATION PROCESS.—Section
2 1218(d)(1) of title 10, United States Code, is amended by inserting “or 351” after “section
3 310”.

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

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

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

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

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

16 (1) in section 212(a), by inserting “, or paragraph (1) or (3) of section
17 351(a),” after “section 310”;

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

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

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

21 (5) in section 910(b)(2)(B), by inserting “, or paragraph (1) or (3) of section
22 351(a),” after “section 310”.

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

4 (j) EXCLUSIONS FROM INCOME FOR PURPOSE OF HEAD START PROGRAM.—Section
5 645(a)(3)(B)(i) of the Head Start Act (42 U.S.C. 9840(a)(3)(B)(i)) is amended by inserting
6 “or 351” after “section 310”.

7 (k) EXCLUSIONS FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—Section
8 112(c)(5)(B) of the Internal Revenue Code of 1986 is amended by inserting “, or paragraph
9 (1) or (3) of section 351(a),” after “section 310”.

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

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

12 (1) in paragraph (1)—

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

16 (B) in the second sentence, by inserting “or trust” after “person” both
17 places it appears; and

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

20 **SEC. 615. AUTHORITY TO WAIVE RECOUPMENT OF INVOLUNTARY**

21 **SEPARATION PAY FOR MEMBERS WHO SUBSEQUENTLY BECOME**

22 **ENTITLED TO RETIRED PAY.**

1 Section 1174(h) of title 10, United States Code, is amended by adding at the end the
2 following new paragraph:

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

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

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

11 (1) in subparagraph (A), by striking “not to exceed—” and all that follows
12 through “flying duty;” and inserting “not to exceed \$1,000 per month;”; and

13 (2) in subparagraph (B), by striking “may not exceed” and all that follows and
14 inserting “may not exceed \$35,000 for each 12-month period of obligated service
15 agreed to under subsection (d).”.

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)”; and

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 **Subtitle D—Survivor Benefits**

17 **SEC. 631. BENEFITS FOR SURVIVORS OF MEMBERS DYING WHILE IN**

18 **INACTIVE-DUTY TRAINING STATUS.**

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

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

22 (A) in clause (i)—

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

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

2 (B) in clause (iii)—

3 (i) by striking “section 1448(f) of this title” and inserting “section
4 1448(f)(1)(A) of this title by reason of the death of a member or former
5 member not in line of duty”; and

6 (ii) by striking "active".

7 (2) APPLICATION OF AMENDMENTS.—No annuity benefit under the Survivor
8 Benefit Plan shall accrue to any person by reason of the amendments made by
9 paragraph (1) for any period before the date of the enactment of this Act. With
10 respect to an annuity under the Survivor Benefit Plan for a death occurring on or
11 after September 10, 2001, and before the date of the enactment of this Act, the
12 Secretary concerned shall recompute the benefit amount to reflect the amendments
13 made by subparagraphs (A) and (B)(i) of paragraph (1), effective for months
14 beginning after the date of the enactment of this Act. The amendment made by
15 subparagraph (B)(ii) of such paragraph shall apply only with respect to an annuity
16 under the Survivor Benefit Plan for a death occurring on or after the date of the
17 enactment of this Act.

18 (b) CONSISTENT TREATMENT OF DEPENDENT CHILDREN.—

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

21 “(2) DEPENDENT CHILDREN ANNUITY.—

22 “(A) ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a
23 person described in paragraph (1), the Secretary concerned shall pay an

1 annuity under this subchapter to the dependent children of that person under
2 subsection (a)(2) or (a)(4) of section 1450 of this title as applicable.

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

12 (2) ELECTIONS FOR DEATHS BEFORE DATE OF ENACTMENT.—For any death that
13 occurred before the date of the enactment of this Act with respect to which an
14 annuity under the Survivor Benefit Plan is being paid (or could be paid) to a
15 surviving spouse, the Secretary concerned may, within six months of such date of
16 enactment and in consultation with the surviving spouse, determine it appropriate to
17 provide an annuity for the dependent children of the decedent under section
18 1448(f)(2)(B) of title 10, United States Codes, as added by paragraph (1), instead of
19 an annuity for the surviving spouse. Any such determination and resulting change in
20 beneficiary shall be effective as of the first day of the first month following the date
21 of the determination and shall apply with respect to benefit payments for months
22 beginning on or after that day.

23 (c) DEEMED ELECTIONS.—

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

3 “(5) DEEMED ELECTION TO PROVIDE AN ANNUITY FOR DEPENDENT.—In the case
4 of a person described in paragraph (1) who dies on or after the date of the enactment
5 of this paragraph, the Secretary concerned may, if no other annuity is payable on
6 behalf of that person under this subchapter, pay an annuity to a natural person who
7 has an insurable interest in such person as if the annuity were elected by the person
8 under subsection (b)(1). The Secretary concerned may pay such an annuity under this
9 paragraph only in the case of a person who is a dependent of that deceased person (as
10 defined in section 1072(2) of this title). An annuity under this paragraph shall be
11 computed in the same manner as provided under subparagraph (B) of subsection
12 (d)(6) for an annuity under that subsection.”.

13 (2) EFFECTIVE DATE.—No annuity payment under paragraph (5) of section
14 1448(f) of title 10, United States Code, as added by paragraph (1), may be made for
15 any period before the date of the enactment of this Act

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

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

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

21 **SEC. 632. TECHNICAL AMENDMENTS TO SURVIVOR BENEFIT PLAN STATUTE.**

22 (a) AMENDMENT TO CLARIFY DEFINITION OF SURVIVING SPOUSE.—

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

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

4 “(A) died on active duty under the circumstances described in section
5 1448(d) of this title;

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

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

11 “(i) was married to the person for at least one year immediately
12 before the person’s death; or

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

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

16 “(A) died on active duty under the circumstances described in section
17 1448(d) of this title;

18 “(B) died when or before eligible to elect a reserve-component
19 annuity under the circumstances described in section 1448(f) of this title; or

20 “(C) died under circumstances other than those described in
21 subparagraphs (A) and (B) and, if the surviving husband was not married to
22 the person at the time the person became eligible for retired pay—

1 “(i) was married to the person for at least one year immediately
2 before the person’s death; or

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

4 (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take
5 effect as of September 10, 2001, and shall apply with respect to deaths occurring on
6 or after that date, as if included in the amendments made by section 642 of the
7 National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115
8 Stat. 1151) when enacted.

9 (b) CROSS-REFERENCE CORRECTIONS.—

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

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

15 **Subtitle E—Other Provisions Related to Retired Pay**

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

19 Section 12731(f)(2)(B)(i) of title 10, United States Code, is amended by inserting “or
20 12304b” after “section 12301(d)”.

21 **TITLE VII—HEALTHCARE PROVISIONS**

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

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

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

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

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

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

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

9 “(4) TRICARE Second Payer plan under section 1075 of this title.”.

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

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

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

15 “(A) TRICARE Select (the managed care option);

16 “(B) TRICARE Choice (the self-managed option); and

17 “(C) the Second Payer Option.

18 “(2) An additional option, the TRICARE-for-Life option, is established under section
19 1086(d) of this chapter.

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

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

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

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

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

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

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

11 “(C) RETIRED.—This category consists of beneficiaries covered by section
12 1086(c) of this title other than those beneficiaries referred to in paragraphs (B)(ii)
13 or (iii).

14 “(c) TRICARE SELECT OPTION.—

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

20 “(2) ELIGIBILITY.—

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

1 “(B) A beneficiary in the retired beneficiary category (as described in
2 paragraph (b)(1)(C)) is eligible to enroll in the Managed Care Option in selected
3 locations to the extent a facility of the uniformed services in the location has, in
4 the judgment of the Secretary, a significant number of uniformed health care
5 providers, including specialty providers, and sufficient capability to support
6 efficient operation of the TRICARE Select Option in the area for the projected
7 enrollees.

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

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

18 “(d) TRICARE CHOICE OPTION.—

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

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

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

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

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

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

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

22 “(f) COST-SHARING AMOUNTS.—

1 “(1) AMOUNTS IN CALENDAR YEAR 2018.—Beneficiaries (other than active duty
2 members) enrolled in the TRICARE Select Option and the TRICARE Choice Option
3 shall be subject to cost-sharing requirements in accordance with the amounts and
4 percentages under the following table during calendar year 2018 and as such amounts are
5 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 **SEC. 805. PROGRAM FRAUD CIVIL REMEDIES STATUTE FOR THE**
17 **DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS**
18 **AND SPACE ADMINISTRATION.**

19 (a) PURPOSE.—The purpose of this section is to provide the Secretary of Defense and the
20 Administrator of the National Aeronautics and Space Administration with an effective
21 administrative remedy to obtain recompense for the Department of Defense and the National
22 Aeronautics and Space Administration for losses resulting from the submission to the

1 Department or the Administration, respectively, of false, fictitious, or fraudulent claims and
2 statements.

3 (b) PROGRAM FRAUD CIVIL REMEDIES.—

4 (1) IN GENERAL.—Chapter IV of subtitle A of title 10, United States Code, is
5 amended by inserting after chapter 163 the following new chapter:

6 **“CHAPTER 164—ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND**
7 **STATEMENTS**

“Sec.

“2751. Applicability of chapter; definitions.

“2752. False claims and statements; liability.

“2753. Hearing and determinations.

“2754. Payment; interest on late payments.

“2755. Judicial review.

“2756. Collection of civil penalties and assessments.

“2757. Right to administrative offset.

“2758. Limitations.

“2759. Effect on other laws.

8 **”§ 2751. Applicability of chapter; definitions**

9 “(a) APPLICABILITY OF CHAPTER.—This chapter applies to the following agencies:

10 “(1) The Department of Defense.

11 “(2) The National Aeronautics and Space Administration.

12 “(b) DEFINITIONS.—In this chapter:

13 “(1) HEAD OF AN AGENCY.—The term ‘head of an agency’ means the Secretary of
14 Defense and the Administrator of the National Aeronautics and Space Administration.

15 “(2) CLAIM.—The term ‘claim’ means any request, demand, or submission—

16 “(A) made to the head of an agency for property, services, or money
17 (including money representing grants, loans, insurance, or benefits);

18 “(B) made to a recipient of property, services, or money received directly
19 or indirectly from the head of an agency or to a party to a contract with the head

1 of an agency —

2 “(i) for property or services if the United States—

3 “(I) provided such property or services;

4 “(II) provided any portion of the funds for the purchase of
5 such property or services; or

6 “(III) will reimburse such recipient or party for the
7 purchase of such property or services; or

8 “(ii) for the payment of money (including money representing
9 grants, loans, insurance, or benefits) if the United States—

10 “(I) provided any portion of the money requested or
11 demanded; or

12 “(II) will reimburse such recipient or party for any portion
13 of the money paid on such request or demand; or

14 “(C) made to the head of an agency which has the effect of decreasing an
15 obligation to pay or account for property, services, or money.

16 “(3) KNOWS OR HAS REASON TO KNOW.—The term ‘knows or has reason to know’,
17 for purposes of establishing liability under section 2752 of this title, means that a person,
18 with respect to a claim or statement—

19 “(A) has actual knowledge that the claim or statement is false, fictitious, or
20 fraudulent;

21 “(B) acts in deliberate ignorance of the truth or falsity of the claim or
22 statement; or

23 “(C) acts in reckless disregard of the truth or falsity of the claim or

1 statement, and no proof of specific intent to defraud is required.

2 “(4) RESPONSIBLE OFFICIAL.—The term ‘responsible official’ means a designated
3 debarring and suspending official of the agency named in subsection (a).

4 “(5) RESPONDENT.—The term ‘respondent’ means a person who has received
5 notice from a responsible official asserting liability under section 2752 of this title.

6 “(6) STATEMENT.—The term ‘statement’ means any representation, certification,
7 affirmation, document, record, or an accounting or bookkeeping entry made—

8 “(A) with respect to a claim or to obtain the approval or payment of a claim
9 (including relating to eligibility to make a claim); or

10 “(B) with respect to (including relating to eligibility for)—

11 “(i) a contract with, or a bid or proposal for a contract with the head
12 of an agency; or

13 “(ii) a grant, loan, or benefit from the head of an agency.

14 “(c) CLAIMS.—For purposes of paragraph (2) of subsection (b)—

15 “(1) each voucher, invoice, claim form, or other individual request or demand for
16 property, services, or money constitutes a separate claim;

17 “(2) each claim for property, services, or money is subject to this chapter regardless
18 of whether such property, services, or money is actually delivered or paid; and

19 “(3) a claim shall be considered made, presented, or submitted to the head of an
20 agency, recipient, or party when such claim is actually made to an agent, fiscal
21 intermediary, or other entity acting for or on behalf of such authority, recipient, or party.

22 “(d) STATEMENTS.—For purposes of paragraph (6) of subsection (b)—

23 “(1) each written representation, certification, or affirmation constitutes a separate

1 statement; and

2 “(2) a statement shall be considered made, presented, or submitted to the head of an
3 agency when such statement is actually made to an agent, fiscal intermediary, or other
4 entity acting for or on behalf of such authority.

5 **“§ 2752. False claims and statements; liability**

6 “(a) FALSE CLAIMS.—Any person who makes, presents, or submits, or causes to be made,
7 presented, or submitted, to the head of an agency a claim that the person knows or has reason to
8 know—

9 “(1) is false, fictitious, or fraudulent;

10 “(2) includes or is supported by any written statement which asserts a material fact
11 this is false, fictitious, or fraudulent;

12 “(3) includes or is supported by any written statement that—

13 “(A) omits a material fact;

14 “(B) is false, fictitious, or fraudulent as a result of such omission; and

15 “(C) the person making, presenting, or submitting such statement has a
16 duty to include such material fact; or

17 “(4) is for payment for the provision of property or services which the person has
18 not provided as claimed,

19 shall, in addition to any other remedy that may be prescribed by law, be subject to a civil penalty
20 of not more than \$5,000 for each such claim. Such person shall also be subject to an assessment
21 of not more than twice the amount of such claim, or the portion of such claim which is
22 determined by the responsible official to be in violation of the preceding sentence.

23 “(b) FALSE STATEMENTS.—Any person who makes, presents, submits, or causes to be

1 made, presented, or submitted, a written statement in conjunction with a procurement program or
2 acquisition of an agency named in section 2751(a) of this title that—

3 “(1) the person knows or has reason to know—

4 “(A) asserts a material fact that is false, fictitious, or fraudulent; or

5 “(B)(i) omits a material fact; and

6 “(ii) is false, fictitious, or fraudulent as a result of such omission;

7 “(2) in the case of a statement described in subparagraph (B) of paragraph (1), is a
8 statement in which the person making, presenting, or submitting such statement has a
9 duty to include such material fact; and

10 “(3) contains or is accompanied by an express certification or affirmation of the
11 truthfulness and accuracy of the contents of the statement,
12 shall be subject to, in addition to any other remedy that may be prescribed by law, a civil
13 penalty of not more than \$5,000 for each such statement.

14 **“§ 2753. Hearing and determinations**

15 “(a) TRANSMITTAL OF NOTICE TO ATTORNEY GENERAL.—If a responsible official
16 determines that there is adequate evidence to believe that a person is liable under section 2752 of
17 this title, the responsible official shall transmit to the Attorney General, or any other officer or
18 employee of the Department of Justice designated by the Attorney General, a written notice of
19 the intention of such official to initiate an action under this section. The notice shall include the
20 following:

21 “(1) A statement of the reasons for initiating an action under this section.

22 “(2) A statement specifying the evidence which supports liability under section
23 2752 of this title.

1 “(3) A description of the claims or statements for which liability under section
2 2752 of this title is alleged.

3 “(4) An estimate of the penalties and assessments that will be demanded under
4 section 2752 of this title.

5 “(5) A statement of any exculpatory or mitigating circumstances which may
6 relate to such claims or statements.

7 “(b) STATEMENT FROM ATTORNEY GENERAL.

8 “(1) Within 90 days after receipt of a notice from a responsible official under
9 subsection (a), the Attorney General, or any other officer or employee of the Department
10 of Justice designated by the Attorney General, shall transmit a written statement to the
11 responsible official which specifies—

12 “(A) that the Attorney General, or any other officer or employee of the
13 Department of Justice designated by the Attorney General, approves or
14 disapproves initiating an action under this section based on the allegations of
15 liability stated in such notice; and

16 “(B) in any case in which the initiation of an action under this section is
17 disapproved, the reasons for such disapproval.

18 “(2) If at any time after the initiation of an action under this section the Attorney
19 General, or any other officer or employee of the Department of Justice designated by the
20 Attorney General, transmits to a responsible official a written determination that the
21 continuation of any action under this section may adversely affect any pending or
22 potential criminal or civil action, such action shall be immediately stayed and may be
23 resumed only upon written authorization from the Attorney General, or any other officer

1 or employee of the Department of Justice designated by the Attorney General.

2 “(c) LIMITATION ON AMOUNT OF CLAIM THAT MAY BE PURSUED UNDER THIS SECTION.—

3 No action shall be initiated under this section, nor shall any assessment be imposed under this
4 section, if the total amount of the claim determined by the responsible official to violate section
5 2752(a) of this title exceeds \$500,000. The \$500,000 threshold does not include penalties or any
6 assessment permitted under 2752(a) of this title greater than the amount of the claim determined
7 by the responsible official to violate such section.

8 “(d) PROCEDURES FOR RESOLVING CLAIMS.—(1) Upon receiving approval under
9 subsection (b) to initiate an action under this section, the responsible official shall mail, by
10 registered or certified mail, or other similar commercial means, or shall deliver, a notice to the
11 person alleged to be liable under section 2752 of this title. Such notice shall specify the
12 allegations of liability against such person, specify the total amount of penalties and assessments
13 sought by the United States, advise the person of the opportunity to submit facts and arguments
14 in opposition to the allegations set forth in the notice, advise the person of the opportunity to
15 submit offers of settlement or proposals of adjustment, and advise the person of the procedures
16 of the agency named in section 2751(a) of this title governing the resolution of actions initiated
17 under this section.

18 “(2) Within 30 days after receiving a notice under paragraph (1), or any additional period
19 of time granted by the responsible official, the respondent may submit in person, in writing, or
20 through a representative, facts and arguments in opposition to the allegations set forth in the
21 notice, including any additional information that raises a genuine dispute of material fact.

22 “(3) If the respondent fails to respond within 30 days, or any additional time granted by
23 the responsible official, the responsible official may issue a written decision disposing of the

1 matters raised in the notice. Such decision shall be based on the record before the responsible
2 official. If the responsible official concludes that the respondent is liable under section 2752 of
3 this title, the decision shall include the findings of fact and conclusions of law which the
4 responsible official relied upon in determining that the respondent is liable, and the amount of
5 any penalty or assessment or both the responsible official has determined to be imposed on the
6 respondent. Any such determination shall be based on a preponderance of the evidence. The
7 responsible official shall promptly send to the respondent a copy of the decision by registered or
8 certified mail, or other similar commercial means, or shall hand deliver a copy of the decision.

9 “(4) If the respondent makes a timely submission in response to the first notice, and the
10 responsible official determines that the respondent has not raised any genuine dispute of material
11 fact, the responsible official may issue a written decision disposing of the matters raised in the
12 notice. Such decision shall be based on the record before the responsible official. If the
13 responsible official concludes that the respondent is liable under section 2752 of this title, the
14 decision shall include the findings of fact and conclusions of law which the responsible official
15 relied upon in determining that the respondent is liable, and the amount of any penalty or
16 assessment the responsible official has determined to be imposed on the respondent. Any such
17 determination shall be based on a preponderance of the evidence. The responsible official shall
18 promptly send to the respondent a copy of the decision by registered or certified mail, or other
19 similar commercial means, or shall hand deliver a copy of the decision.

20 “(5) If the respondent makes a timely submission in response to the first notice, and the
21 responsible official determines that the respondent has raised a genuine dispute of material fact,
22 the responsible official shall commence a hearing to resolve the genuinely disputed material facts
23 by mailing by registered or certified mail, or other similar commercial means, or by hand

1 delivery of, a notice informing the respondent of —

2 “(A) the time, place, and nature of the hearing;

3 “(B) the legal authority under which the hearing is to be held;

4 “(C) the material facts determined by the responsible official to be genuinely in
5 dispute that will be the subject of the hearing; and

6 “(D) a description of the procedures for the conduct of the hearing.

7 “(6) The responsible official and any person against whom liability is asserted under this
8 chapter may agree to a compromise or settle an action at any time. Any compromise or
9 settlement must be in writing.

10 “(e) RESPONDENT ENTITLED TO COPY OF THE RECORD.—At any time after receiving a
11 notice under paragraph (1) of subsection (d), the respondent shall be entitled to a copy of the
12 entire record before the responsible official.

13 “(f) HEARINGS.—Any hearing commenced under this section shall be conducted by the
14 responsible official, or a fact-finder designated by the responsible official, solely to resolve
15 genuinely disputed material facts identified by the responsible official and set forth in the notice
16 to the respondent.

17 “(g) PROCEDURES FOR HEARINGS.—(1) Each hearing shall be conducted under procedures
18 prescribed by the head of the agency. Such procedures shall include the following:

19 “(A) The provision of written notice of the hearing to the respondent, including
20 written notice of—

21 “(i) the time, place, and nature of the hearing;

22 “(ii) the legal authority under which the hearing is to be held;

23 “(iii) the material facts determined by the responsible official to be

1 genuinely in dispute that will be the subject of the hearing; and

2 “(iv) a description of the procedures for the conduct of the hearing.

3 “(B) The opportunity for the respondent to present facts and arguments through
4 oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-
5 examination as may be required to resolve any genuinely disputed material facts
6 identified by the responsible official.

7 “(C) The opportunity for the respondent to be accompanied, represented, and
8 advised by counsel or such other qualified representative as the Secretary may specify in
9 such regulations.

10 “(2) For the purpose of conducting hearings under this section, the responsible official is
11 authorized to administer oaths or affirmations.

12 “(3) Hearings shall be held at the responsible official’s office, or at such other place as
13 may be agreed upon by the respondent and the responsible official.

14 “(h) DECISION FOLLOWING HEARING.—The responsible official shall issue a written
15 decision within 60 days after the conclusion of the hearing. That decision shall set forth specific
16 findings of fact resolving the genuinely disputed material facts that were the subject of the
17 hearing. The written decision shall also dispose of the matters raised in the notice required under
18 paragraph (1) of subsection (d). If the responsible official concludes that the respondent is liable
19 under section 2752 of this title, the decision shall include the findings of fact and conclusions of
20 law which the responsible official relied upon in determining that the respondent is liable, and
21 the amount of any penalty or assessment to be imposed on the respondent. Any decisions issued
22 under this subparagraph shall be based on the record before the responsible official and shall be
23 supported by a preponderance of the evidence. The responsible official shall promptly send to

1 the respondent a copy of the decision by registered or certified mail, or other similar commercial
2 means, or shall hand deliver a copy of the decision.

3 **“§ 2754. Payment; interest on late payments**

4 “(a) PAYMENT OF ASSESSMENTS AND PENALTIES.—A respondent shall render payment of
5 any assessment and penalty imposed by a responsible official, or any amount otherwise agreed to
6 as part of a settlement or adjustment, not later than the date—

7 “(1) that is 30 days after the date of the receipt by the respondent of the
8 responsible official’s decision; or

9 “(2) as otherwise agreed to by the respondent and the responsible official.

10 “(b) INTEREST.—If there is an unpaid balance as of the date determined under paragraph
11 (1), interest shall accrue from that date on any unpaid balance. The rate of interest charged shall
12 be the rate in effect as of that date that is published by the Secretary of the Treasury under
13 section 3717 of title 31.

14 “(c) TREATMENT OF RECEIPTS.—All penalties, assessments, or interest paid, collected, or
15 otherwise recovered under this chapter shall be deposited into the Treasury as miscellaneous
16 receipts as provided in section 3302 of title 31.

17 **“§ 2755. Judicial review**

18 “A decision by a responsible official under section 2753(d) or 2753(h) of this title shall
19 be final. Any such final decision is subject to judicial review only under chapter 7 of title 5.

20 **“§ 2756. Collection of civil penalties and assessments**

21 “(a) JUDICIAL ENFORCEMENT OF CIVIL PENALTIES AND ASSESSMENTS.—The Attorney
22 General shall be responsible for judicial enforcement of any civil penalty or assessment imposed
23 under this chapter.

1 “(b) CIVIL ACTIONS FOR RECOVERY.—Any penalty or assessment imposed in a decision
2 by a responsible official, or amounts otherwise agreed to as part of a settlement or adjustment,
3 along with any accrued interest, may be recovered in a civil action brought by the Attorney
4 General. In any such action, no matter that was raised or that could have been raised in a
5 proceeding under this chapter or pursuant to judicial review under section 2755 of this title may
6 be raised as a defense, and the determination of liability and the determination of amounts of
7 penalties and assessments shall not be subject to review.

8 “(c) JURISDICTION OF UNITED STATES DISTRICT COURTS.—The district courts of the
9 United States shall have jurisdiction of any action commenced by the United States under
10 subsection (b).

11 “(d) JOINING AND CONSOLIDATING ACTIONS.—Any action under subsection (b) may,
12 without regard to venue requirements, be joined and consolidated with or asserted as a
13 counterclaim, cross-claim, or setoff by the United States in any other civil action which includes
14 as parties the United States, and the person against whom such action may be brought.

15 “(e) JURISDICTION OF UNITED STATES COURT OF FEDERAL CLAIMS. —The United States
16 Court of Federal Claims shall have jurisdiction of any action under subsection (b) to recover any
17 penalty or assessment, or amounts otherwise agreed to as part of a settlement or adjustment,
18 along with any accrued interest, if the cause of action is asserted by the United States as a
19 counterclaim in a matter pending in such court. The counterclaim need not relate to the subject
20 matter of the underlying claim.

21 **“§ 2757. Right to administrative offset**

22 “The amount of any penalty or assessment that has been imposed by a responsible
23 official, or any amount agreed upon in a settlement or compromise, along with any accrued

1 interest, may be collected by administrative offset.

2 **“§ 2758. Limitations**

3 “(a) LIMITATION ON PERIOD FOR INITIATION OF ADMINISTRATIVE ACTION.—An action
4 under section 2752 of this title with respect to a claim or statement shall be commenced within
5 six years after the date on which such claim or statement is made, presented, or submitted.

6 “(b) LIMITATION PERIOD FOR INITIATION OF CIVIL ACTION FOR RECOVERY OF
7 ADMINISTRATIVE PENALTY OR ASSESSMENT.—A civil action to recover a penalty or assessment
8 under section 2756 of this title shall be commenced within three years after the date of the
9 decision of the responsible official imposing the penalty or assessment.

10 **“§ 2759. Effect on other laws**

11 “(a) RELATIONSHIP TO TITLE 44 AUTHORITIES.—This chapter does not diminish the
12 responsibility of the head of an agency to comply with the provisions of chapter 35 of title 44,
13 relating to coordination of Federal information policy.

14 “(b) RELATIONSHIP TO TITLE 31 AUTHORITIES.—The procedures set forth in this chapter
15 apply to the agencies named in section 2751(a) of this title in lieu of the procedures under
16 chapter 38 of title 31, relating to administrative remedies for false claims and statements.

17 “(c) RELATIONSHIP TO OTHER AUTHORITIES.—Any action, inaction, or decision under this
18 chapter shall be based solely upon the information before the responsible official and shall not
19 limit or restrict any agency of the Government from instituting any other action arising outside
20 this chapter, including suspension or debarment, based upon the same information. Any action,
21 inaction or decision under this chapter shall not restrict the ability of the Attorney General to
22 bring judicial action, based upon the same information as long as such action is not otherwise
23 prohibited by law.”.

1 (2) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle
2 A, and at the beginning of part IV of subtitle A, of such title are each amended by
3 inserting after the item relating to chapter 163 the following new item:

“164. Administrative Remedies for False Claims and Statements.....2751”.

4 (c) CONFORMING AMENDMENTS.—Section 3801(a)(1) of title 31, United States Code, is
5 amended—

6 (1) by inserting “(other than the Department of Defense)” in subparagraph (A)
7 after “executive department”;

8 (2) by striking subparagraph (B);

9 (3) by redesignating subparagraph (C) as subparagraph (B) and by inserting
10 “(other than the National Aeronautics and Space Administration)” in that subparagraph
11 after “not an executive department”; and

12 (4) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D),
13 and (E), respectively.

14 (d) EFFECTIVE DATE.—Chapter 164 of title 10, United States Code, as added by
15 subsection (b), and the amendments made by subsection (c), shall apply to any claim or
16 statement made, presented, or submitted on or after the date of the enactment of this Act.

17 **SEC. 806. DISTRIBUTION SUPPORT AND SERVICES FOR WEAPON SYSTEMS**
18 **CONTRACTORS.**

19 (a) AUTHORITY. The Secretary of Defense may make available storage and
20 distribution services support to a contractor in support of the performance by the contractor of a
21 contract for the production, modification, maintenance, or repair of a weapon system that is
22 entered into by an official of the Department of Defense.

1 (b) SUPPORT CONTRACTS. Any storage and distribution services to be provided
2 under this section to a contractor in support of the performance of a contract described in
3 subsection (a) shall be provided under a separate contract that is entered into by the Director of
4 the Defense Logistics Agency with that contractor. The requirements of section 2208(h) of title
5 10, United States Code, and the regulations prescribed pursuant to such section shall apply to the
6 contract between the Director of the Defense Logistics Agency and the contractor.

7 (c) SCOPE OF SUPPORT AND SERVICES. The storage and distribution support
8 services that may be provided under this section in support of the performance of a contract
9 described in subsection (a) are storage and distribution of materiel and repair parts necessary for
10 the performance of that contract.

11 (d) REGULATIONS. Before exercising the authority under this section, the Secretary of
12 Defense shall prescribe in regulations such requirements, conditions, and restrictions as the
13 Secretary determines appropriate to ensure that storage and distribution services are provided
14 under this section only when it is in the best interests of the United States to do so. The
15 regulations shall include, at a minimum, the following:

16 (1) A requirement for the solicitation of offers for a contract described in
17 subsection (a), for which storage and distribution services are to be made available under
18 this section, to include—

19 (A) a statement that the storage and distribution services are to be made
20 available under the authority of this section to any contractor awarded the
21 contract, but only on a basis that does not require acceptance of the support and
22 services; and

1 (B) a description of the range of the storage and distribution services that
2 are to be made available to the contractor.

3 (2) A requirement for the rates charged a contractor for storage and distribution
4 services provided to a contractor under this section to reflect the full cost to the United
5 States of the resources used in providing the support and services, including the costs of
6 resources used, but not paid for, by the Department of Defense.

7 (3) With respect to a contract described in subsection (a) that is being performed
8 for a department or agency outside the Department of Defense, a prohibition, in
9 accordance with applicable contracting procedures, on the imposition of any charge on
10 that department or agency for any effort of Department of Defense personnel or the
11 contractor to correct deficiencies in the performance of such contract.

12 (4) A prohibition on the imposition of any charge on a contractor for any effort of
13 the contractor to correct a deficiency in the performance of storage and distribution
14 services provided to the contractor under this section.

15 (e) RELATIONSHIP TO TREATY OBLIGATIONS. The Secretary shall ensure that the
16 exercise of authority under this section does not conflict with any obligation of the United States
17 under any treaty or other international agreement.

18 **SEC. 807. TIMELINESS RULES FOR FILING BID PROTESTS AT THE UNITED**
19 **STATES COURT OF FEDERAL CLAIMS.**

20 (a) JURISDICTION.—Paragraph (1) of section 1491(b) of title 28, United States Code, is
21 amended—

22 (1) in the first sentence, by striking “Both the” and all that follows through “shall
23 have” and inserting “The United States Court of Federal Claims shall have”; and

1 (2) in the second sentence—

2 (A) by striking “Both the” and all that follows through “shall have” and
3 inserting “The United States Court of Federal Claims shall have”; and

4 (B) by striking “is awarded.” and inserting “is awarded, but such
5 jurisdiction is subject to time limits as follows:

6 “(A) A protest based upon alleged improprieties in a solicitation that are apparent
7 before bid opening or the time set for receipt of initial proposals shall be filed before bid
8 opening or the time set for receipt of initial proposals. In the case of a procurement where
9 proposals are requested, alleged improprieties that do not exist in the initial solicitation
10 but that are subsequently incorporated into the solicitation shall be protested not later
11 than the next closing time for receipt of proposals following the incorporation. A protest
12 that meets these time limitations that was previously filed with the Comptroller General
13 may not be reviewed.

14 “(B) A protest other than one covered by subparagraph (A) shall be filed not later
15 than 10 days after the basis of the protest is known or should have been known
16 (whichever is earlier), with the exception of a protest challenging a procurement
17 conducted on the basis of competitive proposals under which a debriefing is requested
18 and, when requested, is required. In such a case, with respect to any protest the basis of
19 which is known or should have been known either before or as a result of the debriefing,
20 the initial protest shall not be filed before the debriefing date offered to the protester, but
21 shall be filed not later than 10 days after the date on which the debriefing is held.

22 “(C) If a timely agency-level protest was previously filed, any subsequent protest
23 to the United States Court of Federal Claims that is filed within 10 days of actual or

1 constructive knowledge of initial adverse agency action shall be considered, if the
2 agency-level protest was filed in accordance with subparagraphs (A) and (B), unless the
3 contracting agency imposes a more stringent time for filing the protest, in which case the
4 agency's time for filing shall control. In a case where an alleged impropriety in a
5 solicitation is timely protested to a contracting agency, any subsequent protest to the
6 United States Court of Federal Claims shall be considered timely if filed within the 10-
7 day period provided by this subparagraph, even if filed after bid opening or the closing
8 time for receipt of proposals.

9 “(D) A protest untimely on its face shall be dismissed. A protester shall include in
10 its protest all information establishing the timeliness of the protest; a protester shall not
11 be permitted to introduce for the first time in a motion for reconsideration information
12 necessary to establish that the protest was timely. Under no circumstances may the
13 United States Court of Federal Claims consider a protest that is untimely because it was
14 first filed with the Government Accountability Office.”.

15 (b) AVAILABLE RELIEF.—Paragraph (2) of such section is amended by inserting
16 “monetary relief shall not be available if injunctive relief is or has been granted, and” after
17 “except that”.

18 (c) AGENCY DECISIONS OVERRIDING STAY OF CONTRACT AWARD OR PERFORMANCE.—
19 Such section is further amended—

20 (1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7),
21 respectively; and

22 (2) by inserting after paragraph (4) the following new paragraph (5):

23 “(5) The United States Court of Federal Claims shall have jurisdiction to render judgment

1 on an action by an interested party challenging an agency’s decision to override a stay of contract
2 award or contract performance that would otherwise be required by section 3553 of title 31.”.

3 (d) CONFORMING AMENDMENTS.—

4 (1) IN GENERAL.—Section 3556 of title 31, United States Code, is amended—

5 (A) by inserting “instead of with the Comptroller General” before the
6 period at the end of the first sentence; and

7 (B) by striking the second sentence.

8 (2) SECTION HEADING AMENDMENT.—The heading of such section is amended by
9 striking “; **matter included in agency record**”.

10 (e) EFFECTIVE DATE.—The amendments made by this section shall apply to any cause of
11 action filed 180 days or more after the date of the enactment of this Act.

12 **SEC. 808. SPECIAL EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE**
13 **THE DEFENSE AGAINST OR RECOVERY FROM A CYBER ATTACK.**

14 Section 1903(a)(2) of title 41, United States Code, is amended by inserting “cyber,”
15 before “nuclear.”.

16 **SEC. 809. MODIFICATION OF AUTHORITY FOR THE CIVILIAN ACQUISITION**
17 **WORKFORCE PERSONNEL DEMONSTRATION PROJECT.**

18 Section 1762 of title 10, United States Code, is amended—

19 (1) in subsection (c), by striking “120,000” and inserting “150,000”; and

20 (2) in subsection (g), by striking “December 31, 2020” and inserting
21 “December 31, 2022”.

22 **SEC. 810. PURPOSES FOR WHICH THE DEPARTMENT OF DEFENSE**
23 **ACQUISITION WORKFORCE DEVELOPMENT FUND MAY BE USED.**

1 (a) IN GENERAL.—Subsection (e)(4) of section 1705 of title 10, United States Code, is
2 amended by striking “other than for the purpose of” and all that follows and inserting “other than
3 for the purpose of—

4 “(A) providing advanced training to Department of Defense employees;

5 and

6 “(B) support of human capital and talent management of the acquisition
7 workforce, including benchmarking studies, assessments, and requirements
8 planning.”.

9 (b) TECHNICAL AMENDMENTS.—Such section is further amended—

10 (1) in subsection (d)(2)(C), by striking “in each” and inserting “in such”;

11 (2) in subsection (f)—

12 (A) by striking “Not later than 120 days after the end of each fiscal year”

13 and inserting “Not later than February 1 each year”; and

14 (B) by striking “such fiscal year” the first place it appears and inserting

15 “the preceding fiscal year”; and

16 (3) in subsection (g)(1)—

17 (A) by striking “of of” and inserting “of”; and

18 (B) by striking “, as defined in subsection (h),”.

19 **SEC. 811. CLOSEOUT OF OLD CONTRACTS.**

20 (a) Notwithstanding any other provision of law, the Secretary of the Navy may close out
21 contracts described in subsection (b) through the issuance of one or more modifications to
22 existing Department of the Navy contracts without completing further reconciliation audits or

1 corrective actions other than those described in this section. To accomplish close out of such
2 contracts—

3 (1) remaining contract balances may be offset with balances in other contract line
4 items within a contract regardless of the year or type of appropriation previously or
5 currently obligated to fund each contract line item and regardless of whether either
6 appropriation has closed; and

7 (2) remaining contract balances may be offset with balances on other
8 contracts regardless of the year or type of appropriation previously or currently
9 obligated to fund each contract and regardless of whether either appropriation has
10 closed.

11 (b) The contracts covered by this section are contracts to design, construct, repair, or
12 support the construction or repair of Navy submarines that—

13 (1) were entered into between fiscal years 1974 and 1998; and

14 (2) have no further supply or services deliverables due under the terms and
15 conditions of the contract;

16 (3) The Secretary of the Navy has established the total final contract value for
17 each contract; and

18 (4) The Secretary of the Navy has determined the final allowable cost for each
19 contract that may have a negative or positive unliquidated obligation balance for which it
20 would be difficult to determine the year or type of appropriation because—

21 (A) the records have been destroyed or lost; or

22 (B) the records are available but the Contracting Officer in collaboration
23 with the Certifying Official has determined that a discrepancy is of a *de minimis*

1 value such that the time and effort required to determine the cause of an out-of-
2 balance condition is disproportionate to the amount of the discrepancy.

3 (c) The contracts identified in subsection (b) may be closed out—

4 (1) Upon receipt of \$581,803 from the contractor to be deposited into the
5 Treasury as Miscellaneous Receipts; and

6 (i) Without seeking further amounts from the contractor;

7 (2) Without payment to the contractor of any amounts that may be due under any
8 such contracts.

9 (d) In any case where this authority is exercised, the cognizant payment or accounting
10 offices may adjust and close any open finance and accounting records.

11 (e) No liability will attach to any accounting, certifying, or payment official or
12 contracting officer for any adjustments or close out made pursuant to this authority.

13 **SEC. 812. CONTRACT CLOSEOUT AUTHORITY.**

14 (a) Notwithstanding any other provision of law or regulation, the Secretary of Defense
15 may close out a contract or group of contracts as described in subsection (b) through the issuance
16 of one or more modifications to existing Department of Defense contracts without completing a
17 reconciliation audit or other corrective action as more specifically described in subsection (c) and
18 the regulations promulgated by the Secretary pursuant to subsection (f). To accomplish closeout
19 of such contracts—

20 (1) remaining contract balances may be offset with balances in other contract line
21 items within a contract regardless of the year or type of appropriation previously or
22 currently obligated to fund each contract line item and regardless of whether either
23 appropriation has closed; and

1 (2) remaining contract balances may be offset with balances on other
2 contracts regardless of the year or type of appropriation previously or currently
3 obligated to fund each contract and regardless of whether either appropriation has
4 closed;

5 (b) Contracts covered by this section are contracts or a group of contracts between the
6 Department of Defense and a defense contractor that —

7 (1) were entered into prior to fiscal year 2000;

8 (2) have no further supplies or services deliverables due under the terms and
9 conditions of the contract; and

10 (3) are determined by the Secretary of Defense to be not otherwise reconcilable
11 because—

12 (i) the records have been destroyed or lost; or

13 (ii) the records are available but the Secretary of Defense has determined
14 that the time or effort required to determine the exact amount owed to the
15 government or amount owed to the contractor is disproportionate to the amount at
16 issue.

17 (c) Any contract or contracts covered by this section may be closed out through a
18 negotiated settlement with the contractor.

19 (d) In any case where this authority is exercised, the cognizant payment or accounting
20 offices may adjust and close any open finance and accounting records.

21 (e) No liability will attach to any accounting, certifying, or payment official or
22 contracting officer for any adjustments or closeout made pursuant to this authority.

1 (f) The Secretary of Defense shall prescribe regulations for the administration of the
2 authority under this section.

3 **SEC. 813. SIMPLIFICATION OF THE PROCESS FOR PREPARATION AND**
4 **EVALUATION OF PROPOSALS FOR CERTAIN SERVICE**
5 **CONTRACTS.**

6 (a) CONTRACTING UNDER TITLE 41, UNITED STATES CODE.—Section 3306(c) of title 41,
7 United States Code, is amended—

8 (1) in paragraph (1), by inserting “except as provided in paragraph (3),” in
9 subparagraphs (B) and (C) after the subparagraph designation; and

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

11 “(3) EXCEPTIONS FOR CERTAIN INDEFINITE DELIVERY, INDEFINITE QUANTITY
12 MULTIPLE-AWARD CONTRACTS AND CERTAIN FEDERAL SUPPLY SCHEDULE CONTRACTS.—If
13 the head of an agency issues a solicitation for multiple task or delivery order contracts
14 under section 4103 of this title, or a Federal supply schedule contract under section
15 501(b) of title 40 and section 152(3) of this title, for the same or similar services and
16 intends to make a contract award to each qualifying offeror—

17 “(A) cost or price to the Federal Government need not, at the
18 Government’s discretion, be considered under subparagraph (B) of paragraph (1)
19 as an evaluation factor for the contract award; and

20 “(B) if, pursuant to subparagraph (A), cost or price to the Federal
21 Government is not considered as an evaluation factor for the contract award—

22 “(i) the disclosure requirement of subparagraph (C) of paragraph
23 (1) shall not apply; and

1 “(ii) cost or price to the Federal Government shall be considered in
2 conjunction with the issuance of a task or delivery order under any
3 contract resulting from the solicitation that is awarded pursuant to section
4 501(b) of title 40 and section 152(3) of this title.

5 “(4) QUALIFYING OFFEROR DEFINED.—In paragraph (3), the term ‘qualifying
6 offeror’ means an offeror that—

7 “(A) is determined to be a responsible source;

8 “(B) submits a proposal that conforms to the requirements of the
9 solicitation; and

10 (C) the contracting officer has no reason to believe would likely offer
11 other than fair and reasonable pricing.”.

12 (b) CONTRACTING UNDER TITLE 10, UNITED STATES CODE.—Section 2305(a)(3) of title
13 10, United States Code, is amended—

14 (1) in subparagraph (A), by inserting “(except as provided in subparagraph (C))”
15 in clauses (ii) and (iii) after “shall”; and

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

17 “(C) If the head of an agency issues a solicitation for multiple task or delivery order
18 contracts under section 2304a(d)(1)(B) of this title for the same or similar services and intends to
19 make a contract award to each qualifying offeror—

20 “(i) cost or price to the Federal Government need not, at the Government’s
21 discretion, be considered under clause (ii) of subparagraph (A) as an evaluation factor for
22 the contract award; and

23 “(ii) if, pursuant to clause (i), cost or price to the Federal Government is not

1 considered as an evaluation factor for the contract award—

2 “(I) the disclosure requirement of clause (iii) of subparagraph (A) shall not
3 apply; and

4 “(II) cost or price to the Federal Government shall be considered in
5 conjunction with the issuance pursuant to section 2304c(b) of this title of a task or
6 delivery order under any contract resulting from the solicitation.

7 “(D) In subparagraph (C), the term ‘qualifying offeror’ means an offeror that—

8 “(i) is determined to be a responsible source;

9 “(ii) submits a proposal that conforms to the requirements of the solicitation; and

10 “(iii) the contracting officer has no reason to believe would likely offer other than
11 fair and reasonable pricing.”.

12 **SEC. 814. MICRO-PURCHASE THRESHOLD APPLICABLE TO GOVERNMENT**
13 **PROCUREMENTS.**

14 (a) INCREASE IN THRESHOLD.—Section 1902 of title 41, United States Code, is
15 amended—

16 (1) in subsection (a), by striking “\$3,000” and inserting “\$10,000”; and

17 (2) in subsections (d) and (e), by striking “not greater than \$3,000” and inserting

18 “with a price not greater than the micro-purchase threshold”.

19 (b) OMB GUIDANCE.—The Director of the Office of Management and Budget shall
20 update the guidance in Circular A-123, Appendix B, as appropriate, to ensure that agencies—

21 (1) follow sound acquisition practices when making purchases using the
22 Government purchase card; and

1 (2) maintain internal controls that reduce the risk of fraud, waste, and abuse in
2 Government charge card programs.

3 (c) CONVENIENCE CHECKS.—A convenience check may not be used for an amount in
4 excess of one half of the micro-purchase threshold under section 1902(a) of title 41, United
5 States Code, or a lower amount set by the head of the agency, and use of convenience checks
6 shall comply with controls prescribed in OMB Circular A-123, Appendix B.

7 **SEC. 815. PILOT PROGRAMS FOR AUTHORITY TO ACQUIRE INNOVATIVE**
8 **COMMERCIAL ITEMS USING GENERAL SOLICITATION**
9 **COMPETITIVE PROCEDURES.**

10 (a) AUTHORITY.—

11 (1) IN GENERAL.—The head of an agency may carry out a pilot program, to be
12 known as a “commercial solutions opening pilot program”, under which innovative
13 commercial items may be acquired through a competitive selection of proposals resulting
14 from a general solicitation and the peer review of such proposals.

15 (2) HEAD OF AN AGENCY.—In this section, the term “head of an agency” means the
16 following:

17 (A) The Secretary of Defense.

18 (B) The Secretary of Homeland Security.

19 (C) The Administrator of General Services.

20 (3) APPLICABILITY OF SECTION.—This section applies to the following agencies:

21 (A) The Department of Defense.

22 (B) The Department of Homeland Security.

23 (C) The General Services Administration.

1 (b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive
2 procedures for the pilot program under subsection (a) shall be considered—

3 (1) in the case of the Department of Defense, to be use of competitive procedures
4 for purposes of chapter 137 of title 10, United States Code; and

5 (2) in the case of the Department of Homeland Security and the General Services
6 Administration, to be use of competitive procedures for purposes divison C of title 41,
7 United States Code (as defined in section 152 of such title).

8 (c) LIMITATION.—The head of an agency may not enter into a contract under the pilot
9 program for an amount in excess of \$10,000,000.

10 (d) GUIDANCE.—The head of an agency shall issue guidance for the implementation of
11 the pilot program under this section within that agency. Such guidance shall be issued in
12 consultation with the Office of Management and Budget and shall be posted for access by the
13 public.

14 (e) REPORT REQUIRED.—

15 (1) IN GENERAL.—Not later than three years after the date of the enactment of this
16 Act, the head of an agency shall submit to the congressional committees specified in
17 paragraph (3) a report on the activities the agency carried out under the pilot program.

18 (2) ELEMENTS OF REPORT.—Each report under this subsection shall include the
19 following:

20 (A) An assessment of the impact of the pilot program on competition.

21 (B) In the case of the Department of Defense, an assessment of the ability
22 under the pilot program to attract proposals from nontraditional defense
23 contractors (as defined in section 2302(9) of title 10, United States Code).

1 (C) A comparison of acquisition timelines for—
2 (i) procurements made using the pilot program; and
3 (ii) procurements made using other competitive procedures that do
4 not use general solicitations.

5 (D) A recommendation on whether the authority for the pilot program
6 should be made permanent.

7 (3) The congressional committees specified in this paragraph are the following:

8 (A) With respect to the Department of Defense, the Committee on Armed
9 Services of the Senate and the Committee on Armed Services of the House of
10 Representatives.

11 (B) With respect to the Department of Homeland Security and the General
12 Services Administration, the Committee on Homeland Security and
13 Governmental Affairs of the Senate and the Committee on Oversight and
14 Government Reform of the House of Representatives.

15 (e) DEFINITION.—In this section, the term “innovative” means—

16 (1) any new technology, process, or method, including research and development;

17 or

18 (2) any new application of an existing technology, process, or method.

19 (f) TERMINATION.—The authority to enter into a contract under a pilot program under this
20 section terminates on September 30, 2022.

21 **SEC. 816. INCREASE IN SIMPLIFIED ACQUISITION THRESHOLD.**

22 Section 134 of title 41, United States Code, is amended by striking “\$100,000” and
23 inserting “\$500,000”.

1 **SEC. 817. CATEGORY MANAGEMENT.**

2 (a) GUIDANCE.—The Office of Management and Budget shall issue guidance to support
3 the implementation of category management by executive agencies. The guidance shall address,
4 at a minimum, the following:

5 (1) Principles and practices for—

6 (A) addressing common agency needs for goods and services through the
7 use of data analytics, application of best-in-class practices, and an understanding
8 of market and agency cost drivers and other relevant considerations;

9 (B) reducing duplication of contract vehicles for the same or similar
10 requirements;

11 (C) collecting and interagency sharing of pricing data, contract terms and
12 conditions, and other information as appropriate;

13 (D) strengthening demand management practices; and

14 (E) meeting other policy objectives achieved through federal contracting,
15 including—

16 (i) ensuring that small businesses, qualified HUBZone small
17 business concerns, small businesses owned and controlled by socially and
18 economically disadvantaged individuals, service-disabled veteran-owned
19 small businesses, and small businesses owned and controlled by women
20 are provided with the maximum practicable opportunities, as available to
21 other potential contractors, to participate in Federal acquisitions; and

22 (ii) strengthening sustainability and accessibility requirements in
23 Federal acquisitions.

1 (2) The roles and responsibilities of the Office of Management and Budget, the
2 General Services Administration, and other agencies, as appropriate, in furthering
3 category management principles and practices.

4 (3) Metrics for measuring results achieved through application of category
5 management principles and practices.

6 (b) RESPONSIBILITIES OF AGENCY CHIEF ACQUISITION OFFICERS.—Section 1702(b)(3) of
7 title 41, United States Code, is amended—

8 (1) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E),
9 (F), (G), and (H), respectively; and

10 (2) by inserting after subparagraph (C) the following new subparagraph (D):

11 “(D) establishing and overseeing a category management program for the
12 agency’s spend in consultation with the agency Chief Information Officer, the
13 agency Chief Financial Officer, and other agency officials, as appropriate;”.

14 **SEC. 818. INNOVATION SET ASIDE PILOT PROGRAM.**

15 (a) IN GENERAL.—The Director of the Office of Management and Budget may, in
16 consultation with the Administrator of the Small Business Administration, conduct a pilot
17 program to increase the participation of new, innovative entities in Federal contracting through
18 the use of innovation set-asides.

19 (b) AUTHORITY.— (1) Notwithstanding the competition requirements in chapter 33 of
20 title 41, United States Code, and the set-aside requirements in section 15 of the Small Business
21 Act (15 U.S.C. 644), a Federal agency, with the concurrence of the Director, may set aside a
22 contract award to one or more new entrant contractors. The Director shall consult with the
23 Administrator prior to providing concurrence.

1 (2) Notwithstanding any law addressing compliance requirements for Federal contracts—

2 (A) except as provided in subparagraph (B), a contract award to a new entrant
3 contractor under the pilot program shall be subject to the same relief afforded under
4 section 1905 of title 41, United States Code, to contracts the value of which is not greater
5 than the simplified acquisition threshold; and

6 (B) for up to five pilots, the Director may authorize an agency to make an award
7 to a new entrant contractor subject to the same compliance requirements that apply to a
8 contractor receiving an award from the Secretary of Defense under section 2371 of title
9 10 United States Code.

10 (c) CONDITIONS FOR USE.—The authority provided in subsection (b) may be used under
11 the following conditions:

12 (1)(A) The agency has a requirement for new methods, processes, or technologies,
13 which may include research and development, or new applications of existing methods,
14 processes or technologies, to improve quality, reduce costs, or both; or

15 (B) Based on market research, the agency has determined that the
16 requirement cannot be easily provided through an existing Federal contract;

17 (2) The agency intends either to make an award to a small business concern or to
18 give special consideration to a small business concern before making an award to other
19 than a small business; and

20 (3) The length of the resulting contract will not exceed 2 years.

21 (d) NUMBER OF PILOTS.—The Director may authorize the use of up to 25 innovation set-
22 asides acquisitions.

23 (e) AWARD AMOUNT.—

1 (1) Except as provided in paragraph (2), the amount of an award under the pilot
2 program under this section may not exceed \$2,000,000 (including any options).

3 (2) The Director may authorize not more than 5 set-asides with an award amount
4 greater than \$2,000,000 but not greater than \$5,000,000 (including any options).

5 (f) GUIDANCE AND REPORTING.—

6 (1) The Director shall issue guidance, as necessary, to implement the pilot
7 program under this section.

8 (2) Within 3 years after the date of the enactment of this Act, the Director, in
9 consultation with the Administrator shall submit to Congress a report on the pilot
10 program under this section. The report shall include the following:

11 (A) The number of awards (or orders under the Schedule) made under the
12 authority of this section.

13 (B) For each award (or order)—

14 (i) the agency that made the award (or order);

15 (ii) the amount of the award (or order); and

16 (iii) a brief description of the award (or order), including the nature
17 of the requirement and the innovation produced from the award (or
18 expected if contract performance is not completed).

19 (g) SUNSET.—The authority to award an innovation set-aside under this section shall
20 terminate on December 31, 2020.

21 (h) DEFINITION.—For purposes of this section, the term “new entrant contractor”, with
22 respect to any contract under the program, means an entity that has not been awarded a Federal

1 contract within the 5-year period ending on the date on which a solicitation for that contract is
2 issued under the program.

3 **SEC. 819. CODIFICATION AND ENHANCEMENT OF AUTHORIZED USE OF FUNDS**
4 **IN JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

5 (a) REDESIGNATION OF FUND.—The fund of the Department of Defense known as the
6 “Joint Improvised Explosive Device Defeat Fund” is redesignated as the “Joint Improvised-
7 Threat Defeat Fund”.

8 (b) CODIFICATION OF AUTHORITY AND EXPANSION OF AUTHORIZED USE OF FUNDS.—

9 (1) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by
10 adding at the end the following new section:

11 **“§2283. Joint Improvised-Threat Defeat Fund: authorized uses**

12 “(a) USE OF FUNDS.—Funds made available to the Secretary of Defense for the Joint
13 Improvised-Threat Defeat Fund (in this section referred to as the ‘Fund’) for any fiscal year shall
14 be available to investigate, develop, and provide equipment, supplies, services, training,
15 facilities, personnel, and funds to assist armed forces in the defeat of improvised threats as
16 specified by the Secretary of Defense.

17 “(b) TRANSFER AUTHORITY.—

18 “(1) TRANSFERS AUTHORIZED.— Amounts available in the Fund may be
19 transferred from the Fund to any of the following accounts and funds of the Department
20 of Defense to accomplish the purposes provided in subsection (a):

21 “(A) Military personnel accounts.

22 “(B) Operation and maintenance accounts.

23 “(C) Procurement accounts.

1 “(D) Research, development, test, and evaluation accounts.

2 “(E) Defense working capital funds.

3 “(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by
4 paragraph (1) is in addition to any other transfer authority available to the Department of
5 Defense.

6 “(3) ADVANCE NOTICE TO CONGRESSIONAL COMMITTEES.—Funds may not be
7 transferred from the Fund under paragraph (1) until five days after the date on which the
8 Secretary of Defense submits to the congressional defense committees notice in writing
9 of the details of the proposed transfer.

10 “(4) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the
11 funds transferred from the Fund under paragraph (1) are not necessary for the purpose
12 provided, such funds may be transferred back to the Fund.

13 “(5) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an
14 account under the authority in paragraph (1) shall be deemed to increase the amount
15 authorized for such account by an amount equal to the amount transferred.

16 “(c) INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR MATERIALS.—

17 “(1) AVAILABILITY OF FUNDS.—Of the funds made available for the Fund for any
18 fiscal year, up to \$15,000,000 may be used by the Secretary of Defense to provide
19 assistance in the form of training, equipment, supplies, and services to ministries and
20 other governmental entities of any country that the Secretary of Defense, with the
21 concurrence of the Secretary of State, has identified as critical for countering the
22 movement of precursor materials for improvised explosive devices. Any such assistance

1 shall be provided for the purpose of countering the movement of such precursor
2 materials.

3 “(2) PROVISION THROUGH OTHER UNITED STATES AGENCIES.—If agreed upon by
4 the Secretary of Defense and the head of another department or agency of the United
5 States, the Secretary of Defense may transfer funds available under paragraph (1) to the
6 head of such department or agency for the provision by such department or agency of
7 assistance described in that paragraph to ministries and other government entities of a
8 country identified under that paragraph.

9 “(3) ADVANCE NOTICE TO CONGRESSIONAL COMMITTEES.—Funds may not be
10 used under the authority in paragraph (1) with respect to any country until 15 days after
11 the date on which the Secretary of Defense submits to the congressional committees
12 specified in subsection (e) a notice (prepared in coordination with the Secretary of State)
13 of the following:

14 “(A) The country identified pursuant to paragraph (1).

15 “(B) The amount of funds to be used with respect to that country and the
16 training, equipment, supplies, and services to be provided using such funds.

17 “(C) Evaluation of the effectiveness of efforts by that country to counter
18 the movement of precursor materials for improvised explosive devices.

19 “(d) TRAINING OF FOREIGN SECURITY FORCES TO DEFEAT IMPROVISED THREATS. —

20 “(1) AVAILABILITY OF FUNDS.—Of the funds made available for the Fund for any
21 fiscal year, up to \$15,000,000 may be used by the Secretary of Defense to provide
22 training, basic equipment, and services to foreign security forces to defeat improvised

1 threats under authority provided the Secretary of Defense under any other provision of
2 law.

3 “(2) CONSTRUCTION OF AVAILABILITY OF FUNDS.—Paragraph (1) is not authority
4 itself for the provision of training, basic equipment, and services described in that
5 paragraph.

6 “(e) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees
7 specified in this subsection are the following:

8 “(1) The Committee on Armed Services, the Committee on Foreign Relations,
9 and the Committee on Appropriations of the Senate.

10 “(2) The Committee on Armed Services, the Committee on Foreign Affairs and
11 the Committee on Appropriations of the House of Representatives.”.

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

“2283. Joint Improvised-Threat Defeat Fund: authorized uses.”.

14 (c) CONFORMING REPEALS.—The following provisions of law are repealed:

15 (1) Section 1514 of the John Warner National Defense Authorization Act for
16 Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as most recently amended by
17 section 1532(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public
18 Law 113-66; 127 Stat. 939).

19 (2) Section 1533 of the National Defense Authorization Act for Fiscal Year 2016
20 (Public Law 114-92; 129 Stat. 1092).

21 **SEC. 820. REPEAL OF PROHIBITION ON PERFORMANCE OF NON-DEFENSE**
22 **AUDITS BY DEFENSE CONTRACT AUDIT AGENCY.**

23 Section 893 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law

1 114-92; 129 Stat. 952) is amended by striking subsections (a) and (d).

2 **SEC. 821. AUTHORITY FOR DISCLOSURE OF CERTAIN SENSITIVE**
3 **INFORMATION TO DEPARTMENT OF DEFENSE CONTRACTORS**
4 **PERFORMING UNDER A DEPARTMENT OF DEFENSE FEDERALLY**
5 **FUNDED RESEARCH AND DEVELOPMENT CENTER CONTRACT.**

6 (a) **AUTHORITY.**— Chapter 3 of title 10, United States Code, is amended by inserting
7 after section 129d the following new section:

8 **“§ 129e. Disclosure to Department of Defense contractors performing under a Department**
9 **of Defense federally funded research and development center contract**

10 “(a) **DISCLOSURE AUTHORITY.**—Subject to subsection (b), an officer or employee of
11 the Department of Defense may disclose sensitive information to a Department of Defense
12 contractor performing under a Department of Defense federally funded research and
13 development center contract if the disclosure is for the sole purpose of the performance of
14 administrative, technical or professional services under and within the scope of the contract.

15 “(b) **CONDITIONS ON DISCLOSURE.**—Sensitive information may be disclosed under
16 subsection (a) with respect to a contract described in that subsection only if the contractor
17 agrees to and acknowledges in such contract—

18 “(1) that sensitive information furnished to the contractor under the authority
19 of this section will be accessed and used only for the purposes stated in the contract;

20 “(2) that the contractor will take all precautions necessary to prevent
21 disclosure of the sensitive information furnished to anyone not authorized access to
22 the information in order to perform such contract;

1 “(3) that such sensitive information furnished under the authority of this
2 section shall not be used by the contractor to compete against a third party for
3 Government or non-Government contracts; and

4 “(4) that the violation of paragraph (1), (2), or (3) is a basis for the
5 Government to terminate the contract for default or to pursue other such remedies as
6 permitted under the contract or by law.

7 “(c) DEFINITION.—In this section, the term ‘sensitive information’ means
8 confidential commercial, financial, or proprietary information, technical data, contract
9 performance, contract performance evaluation, management, and administration data, or
10 other privileged information owned by other defense contractors that is exempt from public
11 disclosure under section 552(b)(4) of title 5 or which would otherwise be prohibited from
12 disclosure under section 1832 or 1905 of title 18.”.

13 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
14 amended by inserting after the item relating to section 129d the following new item:

“129e. Disclosure to Department of Defense contractors performing under a Department of Defense federally
funded research and development center contract.”.

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

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

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

21 “(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy
22 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 **SEC. 906. REDUCTION IN THE MINIMUM NUMBER OF NAVY CARRIER AIR**
22 **WINGS AND CARRIER AIR WING HEADQUARTERS REQUIRED TO**
23 **BE MAINTAINED.**

1 (a) CODIFICATION AND REDUCTION.—Section 5062 of title 10, United States Code, is
2 amended by adding at the end the following new subsection:

3 “(e) The Secretary of the Navy shall ensure that the Navy maintains—

4 “(1) a minimum of 9 carrier air wings; and

5 “(2) for each such carrier air wing, a dedicated and fully staffed
6 headquarters.”.

7 (b) REPEAL OF SUPERSEDED SECTION.—Section 1093 of the National Defense
8 Authorization Act for Fiscal Year 2012 (10 U.S.C. 5062 note) is repealed.

9 **SEC. 907. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT JOINT**
10 **SPECIAL OPERATIONS UNIVERSITY.**

11 Section 1595(c) of title 10, United States Code, is amended by adding at the end the
12 following new paragraph:

13 “(5) The Joint Special Operations University.”

14 **SEC. 908. MODIFICATIONS TO REQUIREMENTS FOR ACCOUNTING FOR**
15 **MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF**
16 **DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.**

17 (a) LIMITATION OF DPAA TO MISSING PERSONS FROM PAST CONFLICTS.—Section 1501(a)
18 of title 10, United States Code, is amended—

19 (1) in paragraph (1)(A), by inserting “from past conflicts” after “matters relating
20 to missing persons”;

21 (2) in paragraph (2)—

22 (A) by striking subparagraph (A);

1 (B) by redesignating subparagraphs (B), (C), (D), (E), and (F) as
2 subparagraphs (A), (B), (C), (D), and (E), respectively; and

3 (C) by inserting “from past conflicts” after “missing persons” each place it
4 appears;

5 (3) in paragraph (4)—

6 (A) by striking “for personal recovery (including search, rescue, escape,
7 and evasion) and”; and

8 (B) by inserting “from past conflicts” after “missing persons”; and

9 (4) by striking paragraph (5).

10 (b) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—Section 1505(c) of such
11 title is amended by striking “designated Agency Director” in paragraphs (1), (2), and (3) and
12 inserting “Secretary of Defense”.

13 (c) DEFINITION OF “ACCOUNTED FOR”. —Section 1513(3)(B) of such title is amended by
14 inserting “to the extent practicable” after “are recovered”.

15 **TITLE X—GENERAL PROVISIONS**

16 **Subtitle A—Financial Matters**

17 **SEC. 1001. LIQUIDATION OF UNPAID CREDITS ACCRUED AS A RESULT OF** 18 **TRANSACTIONS UNDER A CROSS-SERVICING AGREEMENT.**

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

21 “(c)(1) Any credits of the United States accrued as a result of the provision of logistic
22 support, supplies, and services under the authority of this subchapter that remain unliquidated
23 more than 18 months after the date of delivery of the logistic support, supplies, or services may,

1 at the option of the Secretary of Defense, with the concurrence of the Secretary of State, be
2 liquidated by offsetting the credits against any amount owed by the Department of Defense,
3 pursuant to a transaction or transactions concluded under the authority of this subchapter, to the
4 government or international organization to which the logistic support, supplies, or services were
5 provided by the United States.

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

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

12 **SEC. 1002. SPECIAL AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO**
13 **REINVEST TRAVEL REFUNDS.**

14 (a) REFUNDS FOR OFFICIAL TRAVEL.—Subchapter I of chapter 8 of title 37, United
15 States Code, is amended by adding at the end the following new section:

16 **“§ 456. Managed travel program refunds**

17 “(a) CREDIT OF REFUNDS.—The Secretary of Defense may credit refunds attributable
18 to Department of Defense managed travel programs as a direct result of official travel to
19 such operation and maintenance or research, development, test, and evaluation accounts of
20 the Department of Defense as designated by the Secretary that are available for obligation
21 for the fiscal year in which the refund or amount is collected.

1 “(b) USE OF REFUNDS.—Refunds credited under subsection (a) may only be used for
2 official travel or operations and efficiency improvements for improved financial
3 management of official travel.

4 “(c) DEFINITIONS.—In this section:

5 “(1) MANAGED TRAVEL PROGRAM.—The term ‘managed travel program’
6 includes air, rental car, train, bus, dining, lodging, and travel management, but does
7 not include rebates or refunds attributable to the use of the Government travel card,
8 the Government Purchase Card, or Government travel arranged by Government
9 Contracted Travel Management Centers.

10 “(2) REFUND.—The term ‘refund’ includes miscellaneous receipts credited to
11 the Department identified as a refund, rebate, repayment, or other similar amounts
12 collected.”.

13 (b) CLERICAL AMENDMENT—The table of sections at the beginning of such chapter is
14 amended by inserting after the item relating to section 455 the following new item:

 “456. Managed travel program refunds.”.

15 (c) CLARIFICATION ON RETENTION OF TRAVEL PROMOTIONAL ITEMS.—Section
16 1116(a) of the National Defense Authorization Act for Fiscal Year 2002 (5 U.S.C. 5702
17 note) is amended—

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

20 “(1) The term”; and

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

22 “(2) The term ‘general public’ includes the Federal Government or an
23 agency.”.

1 **SEC. 1003. AUTHORITY FOR USE OF AMOUNTS RECOVERED FOR DAMAGE TO**
2 **GOVERNMENT PROPERTY.**

3 (a) EXTENSION TO PERSONAL PROPERTY.—The first sentence of section 2782 of title 10,
4 United States Code, is amended by striking “real property” both places it appears and inserting
5 “property”.

6 (b) AVAILABILITY OF RECOVERED FUNDS.—The second sentence of such section is
7 amended—

8 (1) by striking “In such amounts as are provided in advance in appropriation Acts,
9 amounts” and inserting “Amounts”;

10 (2) by inserting “merged with, and” before “available for use”;

11 (3) by inserting “and for the same period” after “same purposes”; and

12 (4) by inserting a comma after “circumstances as”.

13 (c) CLERICAL AMENDMENTS.—

14 (1) SECTION HEADING.—The heading of such section is amended by striking
15 “real”.

16 (2) TABLE OF SECTIONS.—The item relating to such section in the table of sections
17 at the beginning of chapter 165 of such title is amended to read as follows:

“2782. Damage to property: disposition of amounts recovered.”.

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

19 **SEC. 1011. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO**
20 **PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES AND**
21 **ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME.**

1 Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year
2 1991 (Public Law 101-510; 10 U.S.C. 374 note), is amended by striking “During fiscal years
3 2012 through 2017” and inserting “During fiscal years 2012 through 2019”.

4 **SEC. 1012. EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT**
5 **FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN**
6 **GOVERNMENTS.**

7 (a) EXTENSION OF AUTHORITY.—Subsection (a)(2) of section 1033 of the National
8 Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as most
9 recently amended by section 1012 of the National Defense Authorization Act for Fiscal Year
10 2016 (Public Law 114-92; 129 Stat. 963), is further amended by striking “expires September 30,
11 2017” and inserting “shall be available through the end of fiscal year 2019”.

12 (b) REDUCTION IN WAITING PERIOD FOR OBLIGATION OR EXPENDITURE OF FUNDS AFTER
13 NOTIFICATION OF CONGRESS.—Subsection (f)(2)(B) of such section is amended by striking “60
14 days” and inserting “15 days”.

15 **SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG**
16 **AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA AND OF**
17 **NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES**
18 **PERSONNEL IN COLOMBIA.**

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

23 (1) in subsection (a)(1), by striking “2017” and inserting “2021”; and

1 (2) in subsection (c), by striking “2017” and inserting “2021”.

2 **Subtitle C—Transportation Matters**

3 **SEC. 1021. AUTHORITY TO MAKE PRO RATA ANNUAL PAYMENTS UNDER**
4 **OPERATING AGREEMENTS FOR VESSELS PARTICIPATING IN**
5 **MARITIME SECURITY FLEET.**

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

7 (1) by striking “and” at the end of paragraph (2);

8 (2) by striking the period at the end of paragraph (3) and inserting “; and”; and

9 (3) by adding at the end following new paragraph:

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

12 **SEC. 1022. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING**
13 **TO VESSELS PARTICIPATING IN THE MARITIME SECURITY**
14 **FLEET.**

15 (a) AUTHORITY.—

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

18 “(g) AUTHORITY FOR EXTENSION OF MAXIMUM SERVICE AGE FOR A PARTICIPATING FLEET
19 VESSEL.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may,
20 for a particular participating fleet vessel, extend the maximum age restrictions under section
21 53101(5)(A)(ii) and section 53106(c)(3) for a period of up to 5 years if the Secretaries jointly
22 determine that it is in the national interest to do so.”.

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

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

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

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

8 (3) by striking subparagraph (C).

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

11 Section 44310(b) of title 49, United States Code, is amended by striking “December 31,
12 2018” and inserting “December 31, 2019”.

13 **SEC. 1024. EXPANDED AUTHORITY FOR TRANSPORTATION BY THE**
14 **DEPARTMENT OF DEFENSE OF NON-DEPARTMENT OF DEFENSE**
15 **PERSONNEL AND CARGO.**

16 (a) TRANSPORTATION OF ALLIED AND CIVILIAN PERSONNEL AND CARGO.—Subsection (c)
17 of section 2649 of title 10, United States Code, is amended—

18 (1) in the subsection heading, by striking “PERSONNEL” and inserting “AND
19 CIVILIAN PERSONNEL AND CARGO”;

20 (2) by striking “Until January 6, 2016, when” and inserting “When”; and

21 (3) by striking “allied forces or civilians”, and inserting “allied and civilian
22 personnel and cargo”.

1 (b) COMMERCIAL INSURANCE.—Such section is further amended by adding at the end the
2 following new subsection:

3 “(d) COMMERCIAL INSURANCE.—The Secretary may enter into a contract or other
4 arrangement with one or more commercial providers to make insurance products available to
5 non-Department of Defense shippers using the Defense Transportation System to insure against
6 the loss or damage of the shipper’s cargo. Any such contract or arrangement shall provide that—

7 “(1) any insurance premium is collected by the commercial
8 provider;

9 “(2) any claim for loss or damage is processed and paid by the
10 commercial provider;

11 “(3) the commercial provider agrees to hold the United States harmless and waive
12 any recourse against the United States for amounts paid to an insured as a result of a
13 claim; and

14 “(4) the contract between the commercial provider and the insured shall contain a
15 provision whereby the insured waives any claim against the United States for loss or
16 damage that is within the scope of enumerated risks covered by the insurance product.”.

17 (c) CONFORMING CROSS-REFERENCE AMENDMENTS.—Subsection (b) of such section is
18 amended by striking “this section” both places it appears and inserting “subsection (a)”.

19 **SEC. 1025. MODIFICATIONS TO NATIONAL DEFENSE SEALIFT FUND**
20 **REQUIREMENTS.**

21 (a) TWO-YEAR SUSPENSION OF LIMITATION ON FUNDS AVAILABLE FOR NATIONAL
22 DEFENSE SEALIFT PURPOSES.—Subsection (c)(3) of section 2218 of title 10, United States
23 Code, is amended to read as follows:

1 “(3) Amounts may be obligated or expended for a purpose set forth in subparagraph
2 (B) or (D) of paragraph (1) only from—

3 “(A) funds appropriated for any of fiscal years 2017 through 2018 that are
4 otherwise available for such purpose; or

5 “(B) funds deposited in the Fund pursuant to subsection (d)(1).”.

6 (b) TWO-YEAR SUSPENSION OF REQUIREMENT TO DEPOSIT FUNDS FOR NATIONAL
7 DEFENSE SEALIFT PURPOSES IN THE NATIONAL DEFENSE SEALIFT FUND.—Subsection (d)(1)
8 of such section is amended by inserting “for a fiscal year after fiscal year 2018” after
9 “appropriated to the Department of Defense”.

10 (c) APPLICABILITY OF “BUY AMERICAN” AND OTHER RESTRICTIONS. —Subsection (c)
11 of such section is further amended by adding at the end the following new paragraph:

12 “(4) Funds appropriated for the Department of Defense for fiscal years 2017 through
13 2018 that are available —

14 “(A) for the installation and maintenance of defense features for national defense
15 purposes on privately owned and operated vessels may be obligated and expended for
16 such purpose only for vessels that are constructed in the United States and documented
17 under the laws of the United States; and

18 “(B) for expenses for maintaining the National Defense Reserve Fleet under
19 section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and the
20 costs of acquisition of vessels, and alteration and conversion of vessels in (or to be
21 placed in the fleet), may be obligated and expended for such purposes only for
22 vessels built in United States shipyards or vessels authorized for inclusion in the

1 National Defense Reserve Fleet and only in accordance with section 1424(b) of the
2 National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 7291 note).”.

3 (d) CONFORMING AMENDMENT.—Subsection (f)(2) of such section is amended by
4 striking “Public Law 101-510 (104 Stat. 1683)” and inserting “the National Defense
5 Authorization Act for Fiscal Year 1991 (10 U.S.C. 7291 note)”.

6 (e) EFFECTIVE DATE.—The amendments made by this section shall not apply with respect
7 to funds appropriated for a fiscal year before fiscal year 2017.

8 **SEC. 1026. DURATION OF AUTHORIZATION OF DOMICILE-TO-DUTY**

9 **TRANSPORTATION FOR DEFENSE PERSONNEL DESIGNATED TO**
10 **BE PROVIDED SUCH TRANSPORTATION WHEN ESSENTIAL TO THE**
11 **CONDUCT OF OFFICIAL BUSINESS.**

12 (a) DESIGNATION OF ELIGIBLE PERSONNEL.—Section 2637 of title 10, United States Code,
13 is amended—

14 (1) by inserting “(a) AREAS OUTSIDE THE UNITED STATES.—” before “The
15 Secretary of Defense”;

16 (2) by striking the last sentence of subsection (a), as designated by paragraph (1);
17 and

18 (3) by adding at the end the following new subsections:

19 “(b) DOMICILE-TO-DUTY TRANSPORTATION.—In the application of section 1344 of title
20 31 to the Department of Defense, an authorization made pursuant to subsection (b)(9) of such
21 section, and an extension of such an authorization made pursuant to subsection (d)(2) of such
22 section, may be effective for a period not to exceed one year (notwithstanding the otherwise
23 applicable time periods specified in such section).

1 “(c) REGULATIONS.—Transportation under subsection (a) and the implementation of
2 subsection (b) shall be provided in accordance with regulations prescribed by the Secretary of
3 Defense.”.

4 (b) CLERICAL AMENDMENTS.—

5 (1) SECTION HEADING.—The heading of such section is amended to read as
6 follows:

7 **“2637. Transportation in certain areas outside the United States; transportation between
8 residence and place of work”.**

9 (2) TABLE OF SECTIONS.—The item relating to such section in the table of sections
10 at the beginning of chapter 157 of such title is amended to read as follows:

 “2637. Transportation in certain areas outside the United States; transportation between
 residence and place of work.”.

11 (c) CONFORMING CROSS-REFERENCE AMENDMENT.—Section 1344(c) of title 31,
12 United States Code, is amended by striking “section 2637” and inserting “section 2637(a)”.

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

14 **SEC. 1031. EXEMPTION OF INFORMATION ON MILITARY TACTICS,
15 TECHNIQUES, AND PROCEDURES FROM RELEASE UNDER
16 FREEDOM OF INFORMATION ACT.**

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

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

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

22 “(1) the information is—

1 “(A) Department of Defense critical infrastructure security
2 information; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (B) by striking “through the Office of the Director of Administration
6 and Management” and inserting “in accordance with guidelines prescribed by
7 the Secretary”.

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

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

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

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

16 (e) SECTION HEADING AND CLERICAL AMENDMENT.—

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

18 “**§130e. Nondisclosure of information: critical infrastructure; military tactics,
19 techniques, and procedures**”.

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

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

1 **SEC. 1032. EXPANSION OF COVERAGE OF PERSONS WHO MAY BE ASSISTED**
2 **UNDER PROGRAM TO PROVIDE POST-ISOLATION SUPPORT**
3 **ACTIVITIES FOR CERTAIN RECOVERED ISOLATED PERSONNEL.**

4 Section 1056a(c)(2) of title 10, United States Code, is amended—

5 (1) by striking “(whether as an individual or a group)”;

6 (2) by inserting “other United States Government” after “military activity or” ;

7 and

8 (3) by inserting “or other individual determined by the Secretary of Defense”

9 before the period at the end.

10 **SEC. 1033. MODIFICATION TO AND EXTENSION OF AUTHORIZATION OF NON-**
11 **CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.**

12 (a) MODIFICATION TO AUTHORIZED ACTIVITIES.—Subsection (c) of section 943 of the
13 Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417;
14 122 Stat. 4578), as most recently amended by section 1271 of the National Defense
15 Authorization Act for Fiscal Year 2016 (Public Law 114-92), is amended by inserting “and other
16 individuals as determined by the Secretary of Defense” before the period at the end of the first
17 sentence.

18 (b) EXTENSION OF AUTHORITY.—Subsection (h) of such section is amended by striking
19 “2018” and inserting “2021”.

20 **SEC. 1034. PROTECTION AGAINST MISUSE OF NAVAL SPECIAL WARFARE**
21 **COMMAND INSIGNIA.**

22 (a) IN GENERAL.—Chapter 663 of title 10, United States Code, is amended by adding
23 at the end the following new section:

1 **“§ 7882. Protection against misuse of insignia of Naval Special Warfare Command**

2 “(a) COVERED NAVAL SPECIAL WARFARE INSIGNIA DEFINED.—In this section, the
3 term ‘covered Naval Special Warfare insignia’ means any of the following:

4 “(1) The Naval Special Warfare Insignia comprising or consisting of the
5 design of an eagle holding an anchor, trident, and flint-lock pistol.

6 “(2) The Special Warfare Combatant Craft Crewman Insignia comprising or
7 consisting of the design of the bow and superstructure of a Special Operations Craft
8 on a crossed flint-lock pistol and enlisted cutlass, on a background of ocean swells.

9 “(3) Any colorable imitation of the insignia referred to in paragraphs (1) and
10 (2), in a manner which could reasonably be interpreted or construed as conveying the
11 false impression that an advertisement, solicitation, business activity, or product is in
12 any manner approved, endorsed, sponsored, or authorized by, or associated with, the
13 United States Government, the Department of Defense, or the Department of the
14 Navy.

15 “(b) PROTECTION AGAINST MISUSE.—Subject to subsection (c), no person may use
16 any covered Naval Special Warfare insignia in connection with any promotion, good,
17 service, or other commercial activity when a particular use would be likely to suggest a
18 false affiliation, connection, or association with, endorsement by, or approval of, the United
19 States, the Department of Defense, or the Department of the Navy.

20 “(c) EXCEPTION.—Subsection (b) shall not apply to the use of a covered Naval
21 Special Warfare insignia for purposes such as criticism, comment, news reporting, analysis,
22 research, or scholarship.

1 “(d) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has
2 violated this section shall be made without regard to any use of a disclaimer of affiliation,
3 connection, or association with, endorsement by, or approval of the United States
4 Government, the Department of Defense, the Department of the Navy, or any subordinate
5 organization thereof to the extent consistent with international obligations of the United
6 States.

7 “(e) ENFORCEMENT.—Whenever it appears to the Attorney General that any person is
8 engaged in, or is about to engage in, an act or practice that constitutes or will constitute
9 conduct prohibited by this section, the Attorney General may initiate a civil proceeding in a
10 district court of the United States to enjoin such act or practice, and such court may take
11 such injunctive or other action as is warranted to prevent the act, practice, or conduct.

12 “(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the
13 authority of the Secretary of the Navy to register any symbol, name, phrase, term, acronym,
14 or abbreviation otherwise capable of registration under the provisions of the Act of July 5,
15 1946, popularly known as the Lanham Act or the Trademark Act of 1946 (15 U.S.C. 1051 et
16 seq.).”.

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

“7882. Protection against misuse of Naval Special Warfare Command insignia .”.

19 **SEC. 1035. AUTHORITY TO ASSIST OTHER AGENCIES TO EXPEDITE REVIEW OF**
20 **PROPOSED DEPARTMENT OF DEFENSE ACTIONS NUDER THE**
21 **ENDANGERED SPECIES ACT.**

22 (a) ASSISTANCE AUTHORIZED.—For any action by the Department of Defense that
23 requires a section 7 consultation, the Secretary of Defense may transfer funds from accounts

1 available for operation and maintenance and may detail personnel on a nonreimbursable
2 basis to the head of the appropriate service to support such consultation.

3 (b) CONDITIONS.—The Secretary may provide funds or detail personnel under this
4 section only if—

5 (1) the Secretary determines that it is in the interest of national defense to
6 complete a section 7 consultation for an action by the Department of Defense within
7 a particular time period;

8 (2) the head of the appropriate service provides to the Secretary notice that
9 the appropriate service does not have available funds or adequate personnel to
10 complete such section 7 consultation within such time period; and

11 (3) the Secretary enters into an agreement with the head of the appropriate
12 service that specifies the funds or personnel that the Secretary will provide to such
13 service and requires that such funds or personnel be used only to contribute toward
14 carrying out the section 7 consultation within such time period.

15 (c) CREDITING OF FUNDS.—Funds received by the head of the appropriate service
16 pursuant to subsection (a) may be credited to appropriations available to such service for
17 salaries and expenses. Subject to subsection (b), funds so credited shall be merged with and
18 be available for the same purposes and for the same time period as the appropriations
19 account to which such funds are credited.

20 (d) LIMITATIONS.—

21 (1) USE OF FUNDS.—Funds or personnel provided to the head of the
22 appropriate service under subsection (a) may be used only to support activities that

1 directly and meaningfully contribute to carrying out the section 7 consultation for
2 which such funds or personnel are provided.

3 (2) MAXIMUM AMOUNT OF FUNDS AVAILABLE TO TRANSFER IN A FISCAL
4 YEAR.—The Secretary may not provide funds or personnel under this section in
5 excess of an aggregate value of \$1,000,000 in any fiscal year.

6 (e) SUNSET.—

7 (1) IN GENERAL.—Except as provided in paragraph (2), the authority to
8 transfer funds or detail personnel under this section shall terminate on December 31,
9 2022.

10 (2) EXCEPTION.—With respect to any section 7 consultation initiated prior to
11 the date specified in paragraph (1) and for which the Secretary began transferring
12 funds or detailing personnel under this section before such date, the Secretary may
13 continue to transfer funds and detail personnel in accordance with this section.

14 (f) DEFINITIONS.—In this section:

15 (1) HEAD OF THE APPROPRIATE SERVICE.—The term “head of the appropriate
16 service” has the meaning given the term “Secretary” in section 3 of the Endangered
17 Species Act of 1973 (16 U.S.C. 1532).

18 (2) SECTION 7 CONSULTATION.—The term “section 7 consultation” means
19 consultation or conference by the Department of Defense with the Secretary (as
20 defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532)) under
21 section 7 of such Act (16 U.S.C. 1536).

22 **TITLE XI—CIVILIAN PERSONNEL MATTERS**

1 **Subtitle A—General Matters**

2 **SEC. 1101. AUTHORITY TO PROVIDE ADDITIONAL ALLOWANCES AND**
3 **BENEFITS FOR DEFENSE CLANDESTINE SERVICE EMPLOYEES.**

4 Section 1603 of title 10, United States Code, is amended by adding at the end the
5 following new subsection:

6 “(c) **ADDITIONAL ALLOWANCES AND BENEFITS FOR EMPLOYEES OF THE DEFENSE**
7 **CLANDESTINE SERVICE.**—In addition to the authority to provide compensation under
8 subsection (a), the Secretary of Defense may provide an employee in a defense intelligence
9 position who is assigned to the Defense Clandestine Service allowances and benefits under
10 paragraph (1) of section 9904 of title 5 without regard to the limitations in that section—

11 “(1) that the employee be assigned to activities outside the United States; or

12 “(2) that the activities to which the employee is assigned be in support of
13 Department of Defense activities abroad.”.

14 **SEC. 1102. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT**
15 **ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN**
16 **PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

17 Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for
18 Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120
19 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act
20 for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and as most recently amended by
21 section 1102 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-
22 92; 129 Stat. zzz), is further amended by striking “2017” and inserting “2018”.

1 **SEC. 1103. TWO-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL**
2 **LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON**
3 **PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.**

4 Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal
5 Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1108 of
6 the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat.
7 1027), is amended by striking “through 2016” and inserting “through 2018”.

8 **SEC. 1104. AUTHORITY FOR ADVANCEMENT OF PAY FOR CERTAIN**
9 **EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS**
10 **TERRITORIES.**

11 (a) **COVERAGE.**—Subsection (a) of section 5524a of title 5, United States Code, is
12 amended—

13 (1) by inserting “(1)” after “(a)”; and

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

15 “(2) The head of each agency may provide for the advance payment of basic
16 pay, covering not more than 6 pay periods, to an employee who is assigned to a
17 position in the agency that is located—

18 “(A) outside of the employee’s current commuting area; and

19 “(B) in an area not covered by section 5927.”.

20 (b) **CONFORMING AMENDMENTS.**—Subsection (b) of such section is amended—

21 (1) in paragraph (1), by inserting “or assigned” after “appointed”; and

22 (2) in paragraph (2)(B)—

23 (A) by inserting “or assignment” after “appointment”; and

1 (B) by inserting “or assigned” after “appointed”.

2 (c) CLERICAL AMENDMENTS.—

3 (1) SECTION HEADING.—The heading of such section is amended to read as
4 follows:

5 **“§ 5524a. Advance payments for new appointees and for certain current employees**
6 **relocating within the United States and its territories”.**

7 (2) TABLE OF SECTIONS.—The item relating to such section in the table of
8 sections at the beginning of chapter 55 of such title is amended to read as follows:

“5524a. Advance payments for new appointees and for certain current employees relocating within the United States and
its territories.”.

9 (d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the
10 date that is one year after the date of the enactment of this Act.

11 **SEC. 1105. INCREASE IN MAXIMUM AMOUNT OF VOLUNTARY SEPARATION**
12 **INCENTIVE PAY AUTHORIZED FOR CIVILIAN EMPLOYEES.**

13 (a) GOVERNMENT EMPLOYEES GENERALLY.—Section 3523(b)(3)(B) of title 5, United
14 States Code, is amended by striking “\$25,000” and inserting “\$40,000”.

15 (b) DEPARTMENT OF DEFENSE EMPLOYEES.—Section 9902(f)(5)(A)(ii) of such title is
16 amended by striking “\$25,000” and inserting “an amount determined by the Secretary, not to
17 exceed \$40,000”.

18 **SEC. 1106. EXPANDED FLEXIBILITY IN SELECTING CANDIDATES FROM**
19 **REFERRAL LISTS.**

20 (a) EXPANDED FLEXIBILITY.—Subchapter I of chapter 33 of title 5, United States
21 Code, is amended by striking sections 3317 and 3318 and inserting the following new
22 sections:

1 **“§ 3317. Competitive service; certification using numerical ratings**

2 “(a)(1) The Director of the Office of Personnel Management shall certify a sufficient
3 number of names from the top of the appropriate register or list of eligibles, as determined
4 pursuant to regulations prescribed under subsection (b), and provide a certificate with such
5 names to an appointing authority that has requested a certificate of eligibles to consider
6 when filling a job in the competitive service.

7 “(2) Unless otherwise provided for in regulations prescribed under subsection (b),
8 the number of names certified under paragraph (1) shall be not less than 3.

9 “(b) When an appointing authority, for reasons considered sufficient by the Director,
10 has three times considered and passed over a preference eligible who was certified from a
11 list of eligibles, the Director may discontinue certifying the preference eligible for
12 appointment. The Director shall provide to such preference eligible notice of the intent to
13 discontinue certifying such preference eligible prior to the discontinuance of certification.

14 “(c) The Director shall prescribe regulations to carry out the provisions of this
15 section. Such regulations shall include the establishment of mechanisms for identifying the
16 eligibles who will be considered for each vacancy. Such mechanisms may include cut-off
17 scores.

18 **“§ 3318. Competitive service; selections using numerical ratings**

19 “(a) An appointing authority shall select for appointment from the eligibles available
20 for appointment on a certificate furnished under section 3317(a), unless objection to one or
21 more of the individuals certified is made to, and sustained by, the Director for proper and
22 adequate reason under regulations prescribed by the Director.

1 “(b)(1) During the 240-day period beginning on the date of issuance of a certificate
2 of eligibles under section 3317(a), an appointing authority other than the appointing
3 authority requesting the certificate (in this subsection referred to as the ‘other appointing
4 authority’) may select an individual from that certificate in accordance with this subsection
5 for an appointment to a position that is—

6 “(A) in the same occupational series as the position for which the certification
7 of eligibles was issued (in this subsection referred to as the ‘original position’); and

8 “(B) at a similar grade level as the original position.

9 “(2) An appointing authority requesting a certificate of eligibles may share the
10 certificate with another appointing authority only if the announcement of the original
11 position provided notice that the resulting list of eligible candidates may be used by another
12 appointing authority.

13 “(3) The selection of an individual under paragraph (1)--

14 “(A) shall be made in accordance with subsection (a); and

15 “(B) subject to paragraph (4), may be made without any additional posting
16 under section 3327.

17 “(4) Before selecting an individual under paragraph (1), and subject to the
18 requirements of any collective bargaining obligation of the other appointing authority, the
19 other appointing authority shall—

20 “(A) provide notice of the available position to employees of the other
21 appointing authority;

22 “(B) provide up to 10 business days for employees of the other appointing
23 authority to apply for the position; and

1 “(C) review the qualifications of employees submitting an application.

2 “(5) Nothing in this subsection limits any collective bargaining obligation of an
3 agency under chapter 71.

4 “(c)(1) If an appointing authority proposes to pass over a preference eligible on a
5 certificate to select an individual who is not a preference eligible, the appointing authority
6 shall file written reasons with the Director for passing over the preference eligible. The
7 Director shall make the reasons presented by the appointing authority part of the record of
8 the preference eligible and may require the submission of more detailed information from
9 the appointing authority in support of the passing over of the preference eligible. The
10 Director shall determine the sufficiency or insufficiency of the reasons submitted by the
11 appointing authority, taking into account any response received from the preference eligible
12 under paragraph (2). When the Director has completed review of the proposed pass over,
13 the Director shall send the findings of the Director to the appointing authority and to the
14 preference eligible. The appointing authority shall comply with the findings.

15 “(2) In the case of a preference eligible described in section 2108(3)(C) who has a
16 compensable service-connected disability of 30 percent or more, the appointing authority
17 shall, at the same time it notifies the Director under paragraph (1), notify the preference
18 eligible of the proposed pass over, of the reasons therefore, and of the individual’s right to
19 respond to those reasons to the Director within 15 days of the date of the notification. The
20 Director shall, before completing the review under paragraph (1), require a demonstration
21 by the appointing authority that the notification was timely sent to the preference eligible’s
22 last known address.

1 “(3) A preference eligible not described in paragraph (2), or his or her representative,
2 shall be entitled, on request, to a copy of—

3 “(A) the reasons submitted by the appointing authority in support of the
4 proposed pass over; and

5 “(B) the findings of the Director.

6 “(4) In the case of a preference eligible described in paragraph (2), the functions of
7 the Director under this subsection may not be delegated in accordance with section 1104.

8 “(d) When the names of preference eligibles are on a reemployment list appropriate
9 for the position to be filled, an appointing authority may appoint from a register of eligibles
10 established after examination only an individual who qualifies as a preference eligible under
11 section 2108(3)(C)-(G).”.

12 (b) CONFORMING AMENDMENTS.—Subchapter I of chapter 33 of such title is
13 amended—

14 (1) in section 3319, by amending the heading to read as follows:

15 “**§ 3319. Competitive service; selection using category rating**”; and

16 (2) in section 3320 in the first sentence, by striking “sections 3308-3318” and
17 inserting “sections 3308-3319”.

18 (c) TABLE OF SECTIONS AMENDMENTS.—The table of sections at the beginning of
19 such chapter is amended by striking the items relating to sections 3317, 3318, and 3319 and
20 inserting the following new items:

 “3317. Competitive service; certification using numerical ratings.

 “3318. Competitive service; selection using numerical ratings.

 “3319. Competitive service; selection using category rating.”.

21 (d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the
22 date on which the Director issues final regulations to carry out such amendments.

1 **SEC. 1107. NONCOMPETITIVE TEMPORARY AND TERM APPOINTMENTS IN THE**
2 **COMPETITIVE SERVICE.**

3 (a) TEMPORARY AND TERM APPOINTMENTS.—Subchapter I of chapter 31 of title 5,
4 United States Code, is amended by adding at the end the following new section:

5 **“§ 3115. Temporary and term appointments**

6 “(a) DEFINITIONS.—In this section:

7 “(1) The term ‘temporary appointment’ means an appointment in the
8 competitive service for a period of not more than 1 year.

9 “(2) The term ‘term appointment’ means an appointment in the competitive
10 service for a period of more than 1 year but not more than 5 years, unless a longer
11 period is authorized by the Director of the Office of Personnel Management prior to
12 appointment.

13 “(b) APPOINTMENT.—(1) The head of an agency may make a temporary appointment
14 or term appointment to a position in the competitive service when the need for an
15 employee’s services is not permanent.

16 “(2) EXTENSION.—Under conditions prescribed by the Director of the Office of
17 Personnel Management, the head of an agency may extend a temporary appointment or term
18 appointment made under paragraph (1).

19 “(c) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—Under conditions prescribed by
20 the Director of the Office of Personnel Management, the head of an agency may make a
21 noncompetitive temporary appointment, or a noncompetitive term appointment for a period
22 of not more than 18 months, to a position in the competitive service for which a critical

1 hiring need exists, without regard to the requirements of sections 3327 and 3330. An
2 appointment made under this subsection may not be extended.

3 “(d) REGULATIONS.—The Director of the Office of Personnel Management may
4 prescribe regulations to carry out this section.”.

5 (b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of such
6 chapter is amended by inserting the following item after the item relating to section 3114:

“3115. Temporary and term appointments.”.

7 **SEC. 1108. CLARIFICATION REGARDING ADVERSE ACTIONS.**

8 (a) SUFFICIENCY OF NOTIFICATION.—Chapter 75 of title 5, United States Code, is
9 amended—

10 (1) in section 7513(b)(1), by inserting “, including the factual basis for the
11 proposed action with sufficient clarity to reasonably inform the employee of the
12 charge under the circumstances” after “proposed action”; and

13 (2) in section 7543(b)(1), by inserting “, including the factual basis for the
14 proposed action with sufficient clarity to reasonably inform the employee of the
15 charge under the circumstances” after “proposed action”.

16 (b) APPEALS.—Section 7701(b) of such title is amended—

17 (1) by redesignating paragraph (3) as paragraph (6); and

18 (2) by inserting after paragraph (2) the following new paragraphs:

19 “(3) With respect to an appeal from an adverse action covered by subchapter II or V
20 of chapter 75, the Board shall—

21 “(A) review whether the agency has proved the factual specifications of the
22 charge in light of the circumstances;

1 “(B) in the case of an adverse action covered by subchapter II of such chapter,
2 review whether the proposed adverse action is for such cause as will promote the
3 efficiency of the service;

4 “(C) in the case of an adverse action covered by subchapter V of such chapter,
5 review whether the proposed adverse action is for misconduct, neglect of duty,
6 malfeasance, or failure to accept a directed reassignment or to accompany a position
7 in a transfer of function; and

8 “(D) not infer any elements of proof from the title, caption, or label of the
9 charge.

10 “(4) An adverse action shall not be overturned or modified due to insufficiency of
11 the charge if the factual basis for the proposed adverse action is stated with sufficient clarity
12 so that the employee knew or reasonably should have known what the charge is.

13 “(5) An action under section 4303 shall not be overturned because of the wording of
14 a performance standard if the employee has been placed on notice in the performance
15 standards or by other means during the applicable minimal appraisal period, including an
16 opportunity period, of the performance necessary to demonstrate acceptable performance,
17 such that the employee knew or reasonably should have known the performance necessary
18 to demonstrate acceptable performance.”.

19 (c) JUDICIAL REVIEW; ENFORCEMENT.—Section 7123(a)(1) of such title is amended
20 by inserting “unless the person alleges that the order is contrary to law or” before “unless
21 the order”.

22 (d) GRIEVANCE PROCEDURES.—Section 7121 of such title is amended—

1 (1) in subsection (a)(1), by striking “subsections (d), (e), and (g)” and
2 inserting “subsections (d) and (f)”;

3 (2) in subsection (c)—

4 (A) in paragraph (4), by striking “; or” and inserting a semicolon;

5 (B) in paragraph (5), by striking the period and inserting “; or”; and

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

7 “(6) matters covered under sections 4303 and 7512 that would otherwise be
8 appealable to the Merit Systems Protection Board.”;

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

10 (4) by redesignating subsections (f) through (h) as subsections (e) through (g),
11 respectively.

12 **SEC. 1109. ELIMINATION OF THE FOREIGN EXEMPTION PROVISION IN**
13 **REGARDS TO OVERTIME FOR FEDERAL CIVILIAN EMPLOYEES**
14 **TEMPORARILY ASSIGNED TO A FOREIGN AREA.**

15 (a) IN GENERAL.—Section 5542 of title 5, United States Code, is amended by adding
16 at the end the following new subsection:

17 “(h) Notwithstanding section 13(f) of the Fair Labor Standards Act (29 U.S.C.
18 213(f)), an employee who is working at a location in a foreign country, or in a territory
19 under the jurisdiction of the United States covered by such section 13(f), in temporary duty
20 travel status while maintaining an official duty station or worksite in an area of the United
21 States not covered by such section 13(f) shall, for all purposes, not be considered to be
22 exempted from section 7 of such Act on the basis of the employee performing work at such
23 a location.”.

1 (b) FEDERAL WAGE SYSTEM EMPLOYEES.—Section 5544 of title 5, United States
2 Code, is amended by adding at the end the following new subsection:

3 “(d) Notwithstanding section 13(f) of the Fair Labor Standards Act (29 U.S.C.
4 213(f)), an employee whose overtime pay is determined in accordance with subsection (a)
5 who is working at a location in a foreign country, or in a territory under the jurisdiction of
6 the United States covered by such section 13(f), in temporary duty travel status while
7 maintaining an official duty station or worksite in an area of the United States not covered
8 by such section 13(f) shall, for all purposes, not be considered to be exempted from section
9 7 of such Act on the basis of the employee performing work at such a location.”.

10 (c) CONFORMING REPEAL.—Section 5542(a) of title 5, United States Code, is
11 amended by striking paragraph (6).

12 **SEC. 1110. EMPLOYMENT OF RECENT GRADUATES AND STUDENTS.**

13 (a) RECENT GRADUATES.—Subchapter I of chapter 31 of title 5, United States Code,
14 is amended by adding at the end the following new section:

15 **“§ 3115. Employment of Recent Graduates**

16 “(a) APPOINTMENT.—In accordance with regulations prescribed by the Director of
17 the Office of Personnel Management (in this section referred to as the “Director”), and
18 subject to subsection (b), the head of an agency may appoint, without regard to the
19 provisions of chapter 33 governing appointments in the competitive service, and without
20 regard to section 3320, a qualified candidate to a position classified in a professional or
21 administrative occupational category in accordance with the standards prescribed by the
22 Director.

1 “(b) REQUIREMENTS FOR APPOINTMENT.—An appointment under paragraph (1) may
2 be made only if the individual so appointed—

3 “(1)(A) not more than 2 years before the effective date of the appointment,
4 was awarded a baccalaureate or graduate degree from an institution of higher
5 education (as defined in section 101(a) of the Higher Education Act of 1965 (20
6 U.S.C. 1001(a)); or

7 “(B) in the case of an individual who has completed a period of obligated
8 service in a uniformed service of 4 years or more, the effective date of the
9 appointment is not more than 2 years after the date of the discharge or release of
10 such individual from such service; and

11 “(2) meets the minimum qualification standards as prescribed by the Director
12 for the position to which the individual is being appointed.

13 “(c) LENGTH OF APPOINTMENT.—An appointment made under subsection (a) shall be
14 an appointment in the excepted service and shall not exceed 2 years.

15 “(d) TRIAL PERIOD.—An appointment under subsection (a) is subject to a 2-year trial
16 period.

17 “(e) CONVERSION.—Upon completion of 2 years of satisfactory service, an employee
18 appointed under subsection (a) who is a United States citizen may be converted
19 noncompetitively to a career or career-conditional appointment in the competitive service.

20 “(f) REGULATIONS.—The Director shall prescribe regulations for the administration
21 of this section. Such regulations shall establish caps on the number of individuals appointed
22 under this section within a specific agency or throughout the Federal Government.”.

1 (b) STUDENTS.—Such subchapter is further amended by adding at the end the
2 following new section:

3 **“§ 3116. Appointment of Students; excepted service**

4 “(a) APPOINTMENT.—In accordance with regulations prescribed by the Director of
5 the Office of Personnel Management (in this section referred to as the “Director”), the head
6 of an agency may appoint, without regard to the provisions of chapter 33 governing
7 appointments in the competitive service, and without regard to section 3320, a qualified
8 student to any position in the excepted service for which the student is qualified.

9 “(b) CONVERSION.—An individual appointed under subsection (a) may be converted
10 noncompetitively to a term, career, or career conditional position in the competitive service
11 if the individual—

12 “(1) is awarded—

13 “(A) a diploma from a home school operated in accordance with the
14 laws of the State in which such home school is located;

15 “(B) a diploma from a high school; or

16 “(C) a degree from an institution of higher education;

17 “(2) completes the required hours of work of the appointment under
18 subsection (a) as prescribed by the Director;

19 “(3) meets the qualification standards of the competitive service position to
20 which the individual will be converted;

21 “(4) receives favorable recommendation for appointment by the employing
22 agency in which the individual served during the appointment under subsection (a);
23 and

1 “(5) is a United States citizen.

2 “(c) REGULATIONS.—The Director shall prescribe regulations for the administration
3 of this section.

4 “(d) DEFINITIONS.—In this section:

5 “(1) The term “high school” has the meaning given the term in section 8101
6 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

7 “(2) The term “institution of higher education” has the meaning given the
8 term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a).

9 “(3) The term ‘qualified student’ means a person enrolled or accepted for
10 enrollment by a high school or an institution of higher education.”.

11 (c) TABLE OF SECTIONS AMENDMENTS.—The table of sections at the beginning of
12 such chapter is amended by inserting after the item relating to section 3114 the following
13 new items:

 “3115. Employment of Recent Graduates.

 “3116. Appointment of Students; excepted service.”.

14 **SEC. 1111. PAID TIME OFF INCENTIVE FOR NEW HIRES IN DIFFICULT-TO-FILL**
15 **POSITIONS.**

16 (a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended
17 by adding at the end the following new section:

18 **“§6329a. Paid time off incentive for new appointees**

19 “(a)(1) This section may be applied to an employee as defined in section 6301.

20 “(2) An incentive may not be granted under this section to an individual who is
21 appointed to—

1 “(A) a position to which an individual is appointed by the President, by and
2 with the advice and consent of the Senate;

3 “(B) a position in the Senior Executive Service as a noncareer appointee (as
4 such term is defined under section 3132(a));

5 “(C) a position which has been excepted from the competitive service by
6 reason of its confidential, policy-determining, policy-making, or policy-advocating
7 character; or

8 “(D) any other position that is determined to be political in character under
9 regulations prescribed by the Director of the Office of Personnel Management.

10 “(b) The head of an agency may grant time off, without loss of pay or charge to
11 leave, as an incentive under this section, to an individual only if—

12 “(1) the position to which such individual is appointed is likely to be difficult
13 to fill in the absence of such an incentive or such an incentive in combination with an
14 incentive under section 5753; and

15 “(2) the individual is newly appointed as an employee.

16 “(c)(1) Grant of an incentive under this section shall be contingent upon the
17 employee entering into a written service agreement to complete a period of employment
18 with the agency, not longer than 4 years. The Director of the Office of Personnel
19 Management may, by regulation, prescribe a minimum service period for the purposes of
20 this section.

21 “(2) The agreement shall include—

22 “(A) the commencement and termination dates of the required service period
23 (or provisions for the determination thereof);

1 “(B) the number hours of time off; and

2 “(C) other terms and conditions under which the time off incentive is granted,
3 subject to the requirements of this section and regulations prescribed by the Director.

4 “(3) The terms and conditions for granting the incentive, as specified in the service
5 agreement, shall include—

6 “(A) the conditions under which the agreement may be terminated before the
7 agreed-upon service period has been completed; and

8 “(B) the effect of the termination.

9 “(4) The required service period shall commence upon the commencement of service
10 with the agency unless the service agreement provides for a later commencement date in
11 circumstances and to the extent allowable under regulations prescribed by the Director, such
12 as when there is an initial period of formal basic training.

13 “(5) If an employee fails to complete the terms and conditions of the agreement and
14 is required to repay all or a portion of the value of the paid time off incentive granted and
15 used, repayment shall be accomplished to the extent possible by applying the employee’s
16 positive balance of annual leave, time-off awards, credit hours under section 6122, or
17 compensatory time off under section 5543 or 5550b to offset the debt of hours. Any
18 remaining debt of hours shall be converted to a monetary debt.

19 “(d)(1) The time off incentive granted under this section may not exceed 80 hours of
20 paid time off from duty.

21 “(2) An employee may be granted both a time off incentive under this section and a
22 recruitment bonus under section 5753 in connection with a new appointment.

1 “(3) An employee may not receive payment for unused hours of a time off incentive
2 under this section under any circumstance. Entitlement to any unused time off under this
3 section shall be permanently forfeited when an employee separates from Federal service,
4 transfers to another agency, or, to the extent addressed in the service agreement, moves to a
5 different position in the same agency.

6 “(e) The head of an agency shall establish a plan for the use of any time off
7 incentives before granting any such incentives, subject to regulations prescribed by the
8 Director of the Office of Personnel Management. The head of an agency shall report on the
9 granting and use of time off incentives as required by the Director of the Office of
10 Personnel Management.

11 “(f) The Director of the Office of Personnel Management may prescribe regulations
12 to carry out this section.”.

13 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
14 amended by inserting after the item relating to section 6329 the following new item:

“6329a. Paid time off for new appointee.”.

15 (c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date
16 that is one year after the date of the enactment of this Act.

17 **Subtitle B—Federal Employees Paid Parental Leave**

18 **SEC. 1121. SHORT TITLE.**

19 This subtitle may be cited as the “Federal Employees Paid Parental Leave Act of 2016”.

20 **SEC. 1122. PAID PARENTAL LEAVE UNDER TITLE 5.**

21 (a) AMENDMENTS TO TITLE 5.—Chapter 63 of title 5, United States Code, is
22 amended—

1 (1) in section 6381, by amending paragraph (1)(B) to read as follows:

2 “(B) has completed at least 12 months of service as an employee (within
3 the meaning of subparagraph (A)), except that no minimum service is required if
4 the employee is invoking the right to leave under this subchapter based on the
5 birth or placement of a son or daughter, as provided in section 6382(a)(1)(A) or
6 (B);”;

7 (2) in section 6382—

8 (A) in subsection (a)(1)(B), by inserting before the period “and in order to
9 care for such son or daughter”;

10 (B) in subsection (b)(1), by striking the first sentence and inserting the
11 following: “An employing agency shall accommodate an employee’s leave
12 schedule request under subparagraph (A) or (B) of subsection (a)(1), including a
13 request to use such leave intermittently or on a reduced leave schedule, to the
14 extent that it does not disrupt unduly agency operations. To the extent that an
15 employee’s requested leave schedule is based on medical necessity related to a
16 serious health condition connected to the birth of a son or daughter, the agency
17 shall handle the scheduling consistent with the treatment of employees who are
18 using leave under subparagraphs (C) or (D) of subsection (a)(1).”; and

19 (C) by amending subsection (d) to read as follows:

20 “(d)(1)(A) An employee may elect to substitute for any leave without pay under
21 subparagraph (C), (D), or (E) of subsection (a)(1) any of the employee’s accrued or accumulated
22 annual or sick leave under subchapter I, any advanced annual leave under section 6302(d), any
23 advanced sick leave under section 6307(d), any donated annual leave under subchapter III or IV,

1 or any other paid time off that the employee is authorized to use, for any part of the 12-week
2 period of leave under such subsection, except that an employing agency may not permit
3 substitution of sick leave, advanced sick leave, donated annual leave, or such other paid time off
4 in a situation for which usage of such leave is not normally allowed.

5 “(B) An employee may elect to substitute for leave without pay under subsection (a)(3)—

6 “(i) any annual leave accrued or accumulated by such employee, or advanced to
7 such employee, under subchapter I;

8 “(ii) any sick leave accrued or accumulated by such employee, or advanced to
9 such employee, under subchapter I, notwithstanding the conditions and limitations that
10 normally would apply to an employee using such sick leave under applicable law and
11 regulations; and

12 “(iii) any other paid time off (including donated annual leave under subchapter III
13 or IV) that the employee is authorized to use, except an employee may not use such time
14 off in a situation for which usage of the time off is not normally allowed.

15 “(2) An employee may elect to substitute for any leave without pay under subparagraph
16 (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that
17 purpose.

18 “(3) The paid leave that is available to an employee for purposes of paragraph (2) is—

19 “(A) 6 administrative workweeks of paid parental leave under this subparagraph
20 in connection with the birth or placement involved to be used during the 12-month period
21 beginning on the date of birth or placement;

22 “(B) any annual leave accrued or accumulated by such employee, or advanced to
23 such employee, under subchapter I;

1 “(C) any sick leave accrued or accumulated by such employee, or advanced to
2 such employee, under subchapter I, notwithstanding the conditions and limitations that
3 normally would apply to an employee using such sick leave under applicable law and
4 regulations (such as conditions that would otherwise prevent sick leave from being used
5 by a parent to bond with a newly born or placed child who is healthy); and

6 “(D) any other paid time off (including donated annual leave under subchapter III
7 or IV) that the employee is authorized to use, except an employee may not use such time
8 off in a situation for which usage of the time off is not normally allowed.

9 “(4) An employee may not be required to first use all or any portion of the leave
10 described in subparagraph (B), (C), or (D) of paragraph (3) before being allowed to use the paid
11 parental leave described in subparagraph (A) of paragraph (3).

12 “(5) Paid parental leave under paragraph (3)(A)—

13 “(A) shall be payable from any appropriation or fund available for salaries or
14 expenses for positions within the employing agency;

15 “(B) may not be considered to be annual or vacation leave for purposes of section
16 5551 or 5552 or for any other purpose;

17 “(C) if not used by the employee before the end of the 12-month period (as
18 referred to in subsection (a)) to which it relates, may not be available for any subsequent
19 use and may not be converted into a cash payment;

20 “(D) may be granted only to the extent that the employee does not receive a total
21 of more than 6 weeks of paid parental leave in any 12-month period beginning on the
22 date of a birth or placement;

1 “(E) may not be granted in excess of a lifetime aggregate total of 30
2 administrative workweeks based on placements of a foster child for any individual
3 employee, and may not be granted in connection with temporary foster care placements
4 expected to last less than 1 year;

5 “(F) may not be granted for a child being placed for foster care or adoption if such
6 leave was previously granted to the same employee when the same child was placed with
7 the employee for foster care in the past;

8 “(G) shall be used in increments of hours (or fractions thereof), with 6
9 administrative workweeks equal to 240 hours for employees with a regular full-time work
10 schedule and converted to a proportional number of hours for employees with part-time,
11 seasonal, or uncommon tours of duty; and

12 “(H) may not be used during off-season (nonpay status) periods for employees
13 with seasonal work schedules.

14 “(6) The Director of the Office of Personnel Management shall prescribe any regulations
15 necessary to carry out this subsection, including—

16 “(A) the manner in which an employee may designate any day or other period as
17 to which such employee wishes to use paid parental leave described in paragraph (3)(A);
18 and

19 “(B) the circumstances under which an employee may retroactively change the
20 type of leave an employee is charged.”.

21 (b) FEDERAL AVIATION ADMINISTRATION AND TRANSPORTATION SECURITY
22 ADMINISTRATION.—The Administrator of the Federal Aviation Administration and the
23 Administrator of the Transportation Security Administration shall each prescribe procedures and

1 policies to ensure that the rights under this section apply to the employees of each
2 Administration. Such policies and procedures shall take effect on the effective date specified in
3 subsection (c).

4 (c) EFFECTIVE DATE.—This section and the amendments made by this section shall
5 take effect 1 year after the date of the enactment of this Act.

6 **SEC. 1123. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.**

7 (a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT.—Section 202 of the
8 Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

9 (1) in subsection (a)(1), by adding at the end the following: “In applying section
10 102(a)(1) (A) and (B) of such Act to covered employees, subsection (d) shall apply.”;

11 (2) by redesignating subsections (d) and (e) as subsections (e) and (f),
12 respectively; and

13 (3) by inserting after subsection (c) the following:

14 “(d) SPECIAL RULE FOR PAID PARENTAL LEAVE FOR CONGRESSIONAL
15 EMPLOYEES.—

16 “(1) SUBSTITUTION OF PAID LEAVE.—A covered employee taking leave without
17 pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave
18 Act of 1993 (29 U.S.C. 2612(a)(1)) may elect to substitute for any such leave any paid
19 leave which is available to such employee for that purpose.

20 “(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered
21 employee for purposes of paragraph (1) is—

1 “(A) 6 administrative workweeks of paid parental leave under this
2 subparagraph in connection with the birth or placement involved to be used
3 during the 12-month period beginning on the date of birth or placement;

4 “(B) any additional paid vacation leave provided by the employing office
5 to such employee;

6 “(C) any sick leave available to such employee, notwithstanding the
7 conditions and limitations that normally would apply to an employee using such
8 sick leave; and

9 “(D) other paid time off that the employee is authorized to use, except an
10 employee may not use such time off in a situation for which usage of the time off
11 is not normally allowed.

12 “(3) LIMITATION.—An employee may not be required to first use all or any
13 portion of the leave described in subparagraph (B), (C), or (D) of paragraph (2) before
14 being allowed to use the paid parental leave described in subparagraph (A) of paragraph
15 (2).

16 “(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

17 “(A) shall be payable from any appropriation or fund available for salaries
18 or expenses for positions within the employing office;

19 “(B) if not used by the covered employee before the end of the 12-month
20 period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of
21 1993 (29 U.S.C. 2612(a)(1))) to which it relates, may not be available for any
22 subsequent use and may not be converted into a cash payment; and

1 “(C) shall be subject to the conditions specified in subparagraphs (D)
2 through (H) of section 6382(d)(5) of title 5, United States Code.”.

3 (b) EFFECTIVE DATE.—The amendments made by this section shall not be effective
4 with respect to any birth or placement occurring before the end of the 12-month period beginning
5 on the date of the enactment of this Act.

6 **SEC. 1124. CONFORMING AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT**
7 **FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.**

8 (a) AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 102(d)
9 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by adding at the
10 end the following:

11 “(3) SPECIAL RULE FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.—

12 “(A) SUBSTITUTION OF PAID LEAVE.—An employee of an employer
13 described in section 101(4)(A)(iv) taking leave under subparagraph (A) or (B) of
14 subsection (a)(1) may elect to substitute for any such leave any paid leave which
15 is available to such employee for that purpose.

16 “(B) AMOUNT OF PAID LEAVE.—The paid leave that is available to an
17 employee of an employer described in section 101(4)(A)(iv) for purposes of
18 subparagraph (A) is—

19 “(i) 6 administrative workweeks of paid parental leave under this
20 subparagraph in connection with the birth or placement involved to be
21 used during the 12-month period beginning on the date of birth or
22 placement;

1 “(ii) any additional paid vacation leave provided by such
2 employer;

3 “(iii) any sick leave available to such employee, notwithstanding
4 the conditions and limitations that normally would apply to an employee
5 using such sick leave; and

6 “(iv) other paid time off that the employee is authorized to use,
7 except an employee may not use such time off in a situation for which
8 usage of the time off is not normally allowed.

9 “(C) LIMITATION.—An employee may not be required to first use all or
10 any portion of the leave described in clause (ii), (iii), or (iv) of subparagraph
11 (B) before being allowed to use the paid parental leave described in clause (i)
12 of such subparagraph.

13 “(D) ADDITIONAL RULES.—Paid parental leave under subparagraph
14 (B)(i)—

15 “(i) shall be payable from any appropriation or fund available for
16 salaries or expenses for positions with the employer described in section
17 101(4)(A)(iv); and

18 “(ii) if not used by the employee of such employer before the end
19 of the 12-month period (as referred to in subsection (a)(1)) to which it
20 relates, may not be available for any subsequent use and may not be
21 converted into a cash payment; and

22 “(iii) shall be subject to the conditions specified in subparagraphs
23 (D) through (H) of section 6382(d)(5) of title 5, United States Code.”.

1 (b) EFFECTIVE DATE.—The amendment made by this section shall not be effective with
2 respect to any birth or placement occurring before the end of the 12-month period beginning on
3 the date of the enactment of this Act.

4 **SEC. 1125. CLARIFICATION FOR MEMBERS OF THE NATIONAL GUARD AND**
5 **RESERVES.**

6 (a) EXECUTIVE BRANCH EMPLOYEES.—For purposes of determining the eligibility of
7 an employee who is a member of the National Guard or Reserves to take leave under
8 subparagraph (A) or (B) of section 6382(a)(1) of title 5, United States Code, or to substitute such
9 leave pursuant to paragraph (2) of section 6382(d) of such title (as amended by section
10 1122(a)(2)(C)), any service by such employee on active duty (as defined in section 6381(7) of
11 such title) shall be counted as service as an employee for purposes of section 6381(1)(B) of such
12 title.

13 (b) CONGRESSIONAL EMPLOYEES.—For purposes of determining the eligibility of a
14 covered employee (as such term is defined in section 101(3) of the Congressional Accountability
15 Act) who is a member of the National Guard or Reserves to take leave under subparagraph (A)
16 or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (pursuant to section
17 202(a)(1) of the Congressional Accountability Act), or to substitute such leave pursuant to
18 subsection (d) of section 202 of such Act (as added by section 1123(a)(3)), any service by such
19 employee on active duty (as defined in section 101(14) of the Family and Medical Leave Act of
20 1993) shall be counted as time during which such employee has been employed in an employing
21 office for purposes of section 202(a)(2)(B) of the Congressional Accountability Act.

22 (c) GAO AND LIBRARY OF CONGRESS EMPLOYEES.—For purposes of determining
23 the eligibility of an employee of the Government Accountability Office or Library of Congress

1 who is a member of the National Guard or Reserves to take leave under subparagraph (A) or (B)
2 of section 102(a)(1) of the Family and Medical Leave Act of 1993, or to substitute such leave
3 pursuant to paragraph (3) of section 102(d) of such Act (as added by section 1124(a)), any
4 service by such employee on active duty (as defined in section 101(14) of such Act) shall be
5 counted as time during which such employee has been employed for purposes of section
6 101(2)(A) of such Act.

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

8 **Subtitle A—Consolidation and Reform of Department of**
9 **Defense Security Cooperation Authorities**

10 **SEC. 1201. ENACTMENT OF NEW CHAPTER FOR DEFENSE SECURITY**

11 **COOPERATION AUTHORITIES AND TRANSFER OF CERTAIN**
12 **AUTHORITIES TO NEW CHAPTER.**

13 (a) STATUTORY REORGANIZATION.—Part I of subtitle A of title 10, United States Code, is
14 amended—

15 (1) by redesignating chapters 13, 15, and 17 as chapters 12, 13, and 14,
16 respectively;

17 (2) by redesignating sections 311, 312, 331, 332, 333, 334, 335, and 351 as
18 sections 271, 272, 281, 282, 283, 284, 285, and 291, respectively; and

19 (3) by inserting after chapter 14, as redesignated by paragraph (1), the following
20 new chapter:

21 **“CHAPTER 16—SECURITY COOPERATION**

“Subchapter	Sec.
I. General Matters	301
“II. Military-to-Military Engagements.....	311
“III. Training With Foreign Forces.....	321

1 (2) EXTENSION OF AUTHORITY.—Subsection (c)(1) of section 333 of title 10,
2 United States Code, as added by paragraph (1), is amended by striking “December 31,
3 2017” and inserting “December 31, 2019”.

4 (3) CONFORMING REPEAL.—Section 1081 of the National Defense Authorization
5 Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 168 note) is repealed.

6 (d) TRANSFER OF SECTION 184 AND CODIFICATION OF RELATED PROVISIONS.—

7 (1) TRANSFER TO NEW CHAPTER.—Section 184 of title 10, United States Code, is
8 transferred to chapter 16 of title 10, United States Code, as added by subsection (a)(3),
9 inserted after the table of sections at the beginning of subchapter V, and redesignated as
10 section 341.

11 (2) CODIFICATION OF REIMBURSEMENT-RELATED PROVISIONS.—Subsection (f)(3)
12 of such section, as so transferred and redesignated, is amended—

13 (A) by inserting “(A)” after “(3)”; and

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

15 “(B) (i) In fiscal years 2009 through 2019, the Secretary of Defense may, with the
16 concurrence of the Secretary of State, waive reimbursement otherwise required under this
17 subsection of the costs of activities of Regional Centers under this section for personnel of
18 nongovernmental and international organizations who participate in activities of the Regional
19 Centers that enhance cooperation of nongovernmental organizations and international
20 organizations with United States forces if the Secretary of Defense determines that attendance of
21 such personnel without reimbursement is in the national security interests of the United States.

22 “(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year
23 may not exceed \$1,000,000.”.

1 (3) CODIFICATION OF PROVISIONS RELATING TO SPECIFIC CENTERS.—Such section,
2 as so transferred and redesignated, is further amended by adding at the end the following
3 new subsections:

4 “(h) AUTHORITIES SPECIFIC TO MARSHALL CENTER.—(1) The Secretary of Defense may
5 authorize participation by a European or Eurasian country in programs of the George C. Marshall
6 European Center for Security Studies (in this subsection referred to as the ‘Marshall Center’) if
7 the Secretary determines, after consultation with the Secretary of State, that such participation is
8 in the national interest of the United States.

9 “(2)(A) In the case of any person invited to serve without compensation on the
10 Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for
11 financial disclosure that would otherwise apply to that person solely by reason of service on such
12 Board.

13 “(B) A member of the Marshall Center Board of Visitors may not be required to register
14 as an agent of a foreign government solely by reason of service as a member of the Board.

15 “(C) Notwithstanding section 219 of title 18, a non-United States citizen may serve on
16 the Marshall Center Board of Visitors even though registered as a foreign agent.

17 “(3)(A) The Secretary of Defense may waive reimbursement of the costs of conferences,
18 seminars, courses of instruction, or similar educational activities of the Marshall Center for
19 military officers and civilian officials from states located in Europe or the territory of the former
20 Soviet Union if the Secretary determines that attendance by such personnel without
21 reimbursement is in the national security interest of the United States.

22 “(B) Costs for which reimbursement is waived pursuant to subparagraph (A) shall be
23 paid from appropriations available for the Center.

1 “(i) AUTHORITIES SPECIFIC TO INOUE CENTER.—(1) The Secretary of Defense may
2 waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar
3 educational activities of the Daniel K. Inouye Asia-Pacific Center for Security Studies for
4 military officers and civilian officials of foreign countries if the Secretary determines that
5 attendance by such personnel, without reimbursement, is in the national security interest of the
6 United States.

7 “(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid
8 from appropriations available for the Center.”.

9 (4) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are
10 repealed:

11 (A) Section 941(b) of the Duncan Hunter National Defense Authorization
12 Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 184 note).

13 (B) Section 1065 of the National Defense Authorization Act for Fiscal
14 Year 1997 (Public Law 104-201; 10 U.S.C. 113 note).

15 (C) Section 1306 of the National Defense Authorization Act for Fiscal
16 Year 1995 (Public Law 103-337; 10 U.S.C. 113 note).

17 (D) Section. 8073 of the Department of Defense Appropriations Act, 2003
18 Public Law 107-248 (10 U.S.C. prec. 2161 note).

19 (e) TRANSFER OF SECTION 2166.—

20 (1) TRANSFER AND REDESIGNATION.—Section 2166 of title 10, United States
21 Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted
22 after section 341, as transferred and redesignated by subsection (d), and redesignated as
23 section 342.

1 (2) CONFORMING STYLISTIC AMENDMENTS.—Such section, as so transferred and
2 redesignated, is amended by striking “nations” each place it appears in subsections (b)
3 and (c) and inserting “countries”.

4 (3) CROSS-REFERENCE AMENDMENT.—Section 2612(a) of such title is amended by
5 striking “section 2166(f)(4)” and inserting “section 342(f)(4)”.

6 (f) TRANSFER OF SECTION 2350M.—Section 2350m of title 10, United States Code, is
7 transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 342, as
8 transferred and redesignated by subsection (e), and redesignated as section 343.

9 (g) TRANSFER OF SECTION 2249d.—

10 (1) TRANSFER AND REDESIGNATION.—Section 2249d of title 10, United States
11 Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted
12 after section 343, as transferred and redesignated by subsection (g), and redesignated as
13 section 344.

14 (2) CONFORMING STYLISTIC AMENDMENTS.—Such section, as so transferred and
15 redesignated, is amended—

16 (A) by striking “nations” in subsections (a) and (d) and inserting
17 “countries”; and

18 (B) by striking subsection (g).

19 (h) REENACTMENT OF CHAPTER 905.—

20 (1) CONSOLIDATION OF SECTIONS 9381, 9382, AND 9383.— Chapter 16 of title 10,
21 United States Code, as added by subsection (a)(3), is amended by inserting after section
22 344, as transferred and redesignated by subsection (g), the following new section:

23 **“§346. Aviation Leadership Program**

1 “(a) ESTABLISHMENT OF PROGRAM.— Under regulations prescribed by the Secretary of
2 Defense, the Secretary of the Air Force may establish and maintain an Aviation Leadership
3 Program to provide undergraduate pilot training and necessary related training to personnel of
4 the air forces of friendly, developing foreign countries. Training under this section shall include
5 language training and programs to promote better awareness and understanding of the
6 democratic institutions and social framework of the United States.

7 “(b) SUPPLIES AND CLOTHING.—(1) The Secretary of the Air Force may, under such
8 conditions as the Secretary may prescribe, provide to a person receiving training under this
9 section—

10 “(A) transportation incident to the training;

11 “(B) supplies and equipment to be used during the training;

12 “(C) flight clothing and other special clothing required for the training; and

13 “(D) billeting, food, and health services.

14 “(2) The Secretary of the Air Force may authorize such expenditures from the
15 appropriations of the Air Force as the Secretary considers necessary for the efficient and
16 effective maintenance of the Program in accordance with this section.

17 “(c) ALLOWANCES.—The Secretary of the Air Force may pay to a person receiving
18 training under this section a living allowance at a rate to be prescribed by the Secretary, taking
19 into account the amount of living allowances authorized for a member of the armed forces under
20 similar circumstances.”.

21 (2) CONFORMING REPEAL.—Chapter 905 of such title is repealed.

1 (i) TRANSFER OF SECTION 9415.—Section 9415 of title 10, United States Code, is
2 transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 346, as
3 added by subsection (h), and redesignated as section 347.

4 (j) CODIFICATION OF SECTION 1268 OF FY 2015 NDAA.—

5 (1) CODIFICATION IN CHAPTER 16.—Chapter 16 of title 10, United States Code, as
6 added by subsection (a)(3), is amended by inserting after section 347, as transferred and
7 redesignated by subsection (i), a new section 348 consisting of—

8 (A) a heading as follows:

9 “§348. Inter-European Air Forces Academy”; and

10 (B) a text consisting of the text of section 1268 of the Carl Levin and
11 Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year
12 2015 (Public Law 113-291; 10 U.S.C. 9411 note).

13 (2) CONFORMING REPEAL.—Section 1268 of the Carl Levin and Howard P.
14 “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law
15 113-291; 10 U.S.C. 9411 note) is repealed.

16 (k) TRANSFER OF SECTIONS 2249A AND 2249E.—

17 (1) TRANSFER AND REDESIGNATION.—Sections 2249a and 2249e of title 10,
18 United States Code, are transferred to chapter 16 of such title, as added by subsection
19 (a)(3), inserted after the table of sections at the beginning of subchapter VI, and
20 redesignated as sections 351 and 352, respectively,

21 (2) CONFORMING AMENDMENT.—Section 352 of title 10, United States Code, as
22 transferred and redesignated by paragraph (1), is amended by striking subsection (f).

1 (3) CROSS-REFERENCE AMENDMENTS.—Section 1204(b) of the Carl Levin and
2 Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015
3 (Public Law 113-291; 128 Stat. 3533; 10 U.S.C. 2249e note) is amended—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A), by striking “section 2249e of title 10,
6 United States Code (as added by subsection (a))” and inserting “section
7 352 of title 10, United States Code”; and

8 (B) in subparagraphs (D) and (E), by striking “section 2249e of
9 title 10, United States Code (as so added)” and inserting “section 352 of
10 such title”; and

11 (B) in paragraph (3), by striking “subsection (f) of section 2249e of title
12 10, United States Code (as so added)” and inserting “section 301(1) of such title”.

13 (l) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

14 (1) The tables of chapters at the beginning of subtitle A, and at the beginning of
15 part I of subtitle A, are amended—

16 (A) by revising the chapter references relating to chapters 13, 15, and 17
17 (and the section references therein) to conform to the redesignations made by
18 paragraphs (1) and (2) of subsection (a); and

19 (B) by inserting after the item relating to chapter 14, as revised pursuant to
20 subparagraph (A), the following new item:

21 “16. Security Cooperation.....301”.

1 (2) The section references in the tables of sections at the beginning of chapters 12,
2 13, and 14, as redesignated by paragraph (1) of subsection (a), are revised to conform to
3 the redesignations made by paragraph (2) of such subsection.

4 (3) The table of sections at the beginning of chapter 7 is amended by striking the
5 item relating to section 184.

6 (4) The table of sections at the beginning of chapter 53 is amended by striking the
7 item relating to section 1051b.

8 (5) The table of sections at the beginning of chapter 108 is amended by striking
9 the item relating to section 2166.

10 (6) The table of sections at the beginning of subchapter I of chapter 134 is
11 amended by striking the items relating to sections 2249a, 2249d, and 2249e.

12 (7) The table of sections at the beginning of subchapter II of chapter 138 is
13 amended by striking the item relating to section 2350m.

14 (8) The tables of chapters at the beginning of subtitle D, and at the beginning of
15 part III of subtitle D, are amended by striking the item relating to chapter 905.

16 (9) The table of sections at the beginning of chapter 907 is amended by striking
17 the item relating to section 9415.

18 **SEC. 1202. MILITARY-TO-MILITARY EXCHANGES.**

19 (a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—
20 Chapter 16 of title 10, United States Code, as added by section 1201(a)(3), is amended by
21 inserting after the table of sections at the beginning of subchapter II a new section 311
22 consisting of—

23 (1) a heading as follows:

1 **“§311. Exchange of defense personnel between United States and friendly foreign**
2 **countries: authority”**; and

3 (2) a text consisting of the text of section 1082 of the National Defense
4 Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 168 note).

5 (b) REVISIONS TO INCORPORATE PERMANENT NONRECIPROCAL EXCHANGE
6 AUTHORITY.—Section 311 of title 10, United States Code, as added by subsection (a), is
7 amended as follows:

8 (1) Subsection (a) is amended—

9 (A) by adding at the end of paragraph (1) the following new sentence:
10 “Exchanges of personnel under such an agreement are subject to paragraph (3).”;

11 (B) in paragraph (2)—

12 (i) in the matter preceding subparagraph (A), by striking “an ally of the
13 United States or another friendly foreign country for the exchange” and
14 inserting “a friendly foreign country, or with an international or regional
15 security organization, for the reciprocal or non-reciprocal exchange”;

16 (ii) in subparagraph (A), by striking “military” and inserting “members
17 of the armed forces”; and

18 (iii) in subparagraph (B), by inserting before the period at the end the
19 following: “or personnel of a non-defense security ministry of that foreign
20 government or personnel of that international or regional security
21 organization, as the case may be”; and

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

1 “(3) SECRETARY OF STATE CONCURRENCE.—An exchange of personnel under an
2 international defense personnel exchange agreement may only be made with the
3 concurrence of the Secretary to State to the extent the exchange is with—

4 “(A) a non-defense security ministry of a foreign government; or

5 “(B) an international or regional security organization.”.

6 (2) Subsection (b)(2) is amended by inserting before the period at the end the
7 following: “, subject to the concurrence of the Secretary of State”.

8 (3) Subsection (c) is amended—

9 (A) by striking “Each government shall be required under” and
10 inserting “In the case of”; and

11 (B) by inserting after “exchange agreement” the following: “that
12 provides for reciprocal exchanges, each government shall be required”.

13 (4) Subsection (f) is amended by inserting “defense or security ministry of
14 that” after “military personnel of the”.

15 (c) CLARIFYING AMENDMENT RELATING TO STATUS OF DEPARTMENT OF DEFENSE
16 CIVILIANS.—Subsection (d) of such section is amended by adding at the end the following
17 new paragraph:

18 “(3) A civilian employee of the Department of Defense shall be considered, for all
19 purposes, to remain an employee of the Department during the exchange assignment.”.

20 (d) CONFORMING REPEALS.—The following provisions of law are repealed:

21 (1) Section 1082 of the National Defense Authorization Act for Fiscal Year
22 1997 (Public Law 104-201; 10 U.S.C. 168 note).

1 (2) Section 1207 of the National Defense Authorization Act for Fiscal Year
2 2010 (Public Law 111-84; 10 U.S.C. 168 note).

3 **SEC. 1203. CONSOLIDATION AND REVISION OF AUTHORITIES FOR PAYMENT**
4 **OF PERSONNEL EXPENSES NECESSARY FOR THEATER SECURITY**
5 **COOPERATION.**

6 (a) CONSOLIDATION AND REVISION OF AUTHORITIES.—Chapter 16 of title 10, United
7 States Code, as added by section 1201(a)(3), is amended by inserting after section 311, as
8 added by section 1202(a), the following new section:

9 **“§312. Payment of personnel expenses necessary for theater security cooperation**

10 “(a) AUTHORITY.—The Secretary of Defense may pay expenses specified in
11 subsection (b) that the Secretary considers necessary for theater security cooperation.

12 “(b) TYPES OF EXPENSES.—The expenses that may be paid under the authority
13 provided in subsection (a) are the following:

14 “(1) PERSONNEL EXPENSES.—

15 (A) Subject to subparagraph (B), the Secretary may pay—

16 “(i) travel, subsistence, and similar personal expenses of, and
17 special compensation for, defense personnel of friendly foreign
18 governments that the Secretary considers necessary for theater security
19 cooperation; and

20 “(ii) travel, subsistence, and similar personal expenses of, and
21 special compensation for, other personnel of friendly foreign
22 governments and non-governmental personnel that the Secretary
23 considers necessary for theater security cooperation.

1 “(B) Expenses may be paid under subparagraph (A) only with the
2 concurrence of the Secretary of State, other than in the case of payment of
3 expenses of defense personnel of a friendly foreign government, for which
4 such concurrence is not required.

5 “(2) ADMINISTRATIVE SERVICES AND SUPPORT FOR LIAISON OFFICERS.—The
6 Secretary may provide administrative services and support for the performance of
7 duties by a liaison officer of another nation while the liaison officer is assigned
8 temporarily to the headquarters of a combatant command, component command, or
9 subordinate operational command of the United States or to the Joint Staff.

10 “(3) TRAVEL, SUBSISTENCE, AND MEDICAL CARE FOR LIAISON OFFICERS.—The
11 Secretary may pay the expenses of a liaison officer in connection with the
12 assignment of that officer as described in paragraph (2) if the assignment is requested
13 by the commander of the combatant command or by the Chairman of the Joint Chiefs
14 of Staff, as appropriate, as follows:

15 “(A) Travel and subsistence expenses.

16 “(B) Personal expenses directly necessary to carry out the duties of
17 that officer in connection with that assignment.

18 “(C) Expenses for medical care at a civilian medical facility if—

19 “(i) adequate medical care is not available to the liaison officer
20 at a local military medical treatment facility;

21 “(ii) the Secretary determines that payment of such medical
22 expenses is necessary and in the best interests of the United States; and

1 “(iii) medical care is not otherwise available to the liaison
2 officer pursuant to any treaty or other international agreement.

3 “(D) Mission-related travel expenses if such travel meets each of the
4 following conditions:

5 “(i) The travel is in support of the national security interests of
6 the United States.

7 “(ii) The commander of the relevant combatant command or the
8 Chairman of the Joint Chiefs of Staff, as applicable, directs round-trip
9 travel from the assigned location to one or more travel locations.

10 “(4) CONFERENCES, SEMINARS, AND SIMILAR MEETINGS.—

11 “(A) The authority provided by paragraph (1) includes authority to pay
12 travel and subsistence expenses for such personnel in connection with the
13 attendance of such personnel at any conference, seminar, or similar meeting
14 as the Secretary considers necessary for theater security cooperation.

15 “(B) In addition to the personnel expenses provided by paragraph (1),
16 the Secretary of Defense may pay such other expenses in connection with any
17 such conference, seminar, or similar meeting as the Secretary considers in the
18 national security interests of the United States.

19 “(c) LIMITATIONS.—

20 “(1) COUNTRIES OTHER THAN DEVELOPING COUNTRIES.—The authority
21 provided in subsection (a) may be used only for the payment of expenses of, and
22 special compensation for, personnel from developing countries, except that the
23 Secretary of Defense may authorize the payment of such expenses and special

1 compensation for personnel from a country other than a developing country if the
2 Secretary determines that such payment is in the national security interest of the
3 United States.

4 “(2) SECRETARY OF STATE CONCURRENCE FOR ASSIGNMENT OF NON-DEFENSE
5 FOREIGN LIAISON OFFICERS.—In the case of a non-defense foreign liaison officer, the
6 authority of the Secretary of Defense under subsection (a) to pay any expenses
7 specified in paragraph (2) or (3) of subsection (b) may be exercised only if the
8 assignment of that liaison officer as a liaison officer with the Department of Defense
9 was accepted by the Secretary of Defense with the concurrence of the Secretary of
10 State.

11 “(d) REIMBURSEMENT.—The Secretary may provide the services and support
12 specified in subsection (b)(2) with or without reimbursement from (or on behalf of) the
13 recipients. The terms of reimbursement (if any) shall be specified in the appropriate
14 agreements used to assign the liaison officer to a combatant command or to the Joint Staff.

15 “(e) LIMITATIONS.—(1) Travel and subsistence expenses authorized to be paid under
16 subsection (a) may not, in the case of any individual, exceed the amount that would be paid
17 under chapter 7 or 8 of title 37 to a member of the armed forces (of a comparable grade) for
18 authorized travel of a similar nature.

19 “(2) The amount paid for expenses specified in subsection (b)(3) for any liaison
20 officer in any fiscal year may not exceed \$200,000 (in fiscal year 2014 constant dollars).

21 “(f) AVAILABILITY OF FUNDS ACROSS FISCAL YEARS.—Funds available to carry out
22 this section shall be available for programs and activities under this section that begin in a
23 fiscal year and end in the following fiscal year.

1 “(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the
2 administration of this section.

3 “(h) DEFINITION.—In this section, the term ‘administrative services and support’
4 includes base or installation support services, office space, utilities, copying services, fire
5 and police protection, training programs conducted to familiarize, orient, or certify liaison
6 personnel regarding unique aspects of the assignments of the liaison personnel, and
7 computer support.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) REPEALS.—Sections 1050, 1050a, 1051, and 1051a of title 10, United
10 States Code, are repealed.

11 (2) CROSS-REFERENCE.—Subsection (f)(5) of section 341 of title 10, United
12 States Code, as transferred and redesignated by section 1201(d), is amended—

13 (A) by striking “the Latin American cooperation authority set forth in
14 section 1050” and inserting “section 312”; and

15 (B) by striking “William J. Perry Center for Hemispheric Defense
16 Studies” and inserting “Department of Defense Regional Centers for Security
17 Studies”.

18 (3) CLERICAL AMENDMENTS.—The table of sections at the beginning of
19 chapter 53 of such title is amended by striking the items relating to sections 1050,
20 1050a, 1051, and 1051a.

21 (c) SAVINGS PROVISION.—The authority under section 1050 of title 10, United States
22 Code, as in effect on the day before the date of the enactment of this Act, shall continue to

1 apply with respect to the Inter-American Defense College, under regulations prescribed by
2 the Secretary of Defense.

3 **SEC. 1204. CONSOLIDATION AND REVISION OF AUTHORITIES RELATING TO**
4 **TRAINING OF THE ARMED FORCES WITH MILITARY AND OTHER**
5 **SECURITY FORCES OF FRIENDLY FOREIGN COUNTRIES.**

6 (a) CONSOLIDATION AND REVISION OF AUTHORITIES.—Chapter 16 of title 10, United
7 States Code, as added by section 1201(a)(3), is amended by inserting after the table of sections at
8 the beginning of subchapter III the following new section:

9 **”§321. Training with friendly foreign countries; payment of certain expenses**

10 “(a) TRAINING AUTHORIZED.—

11 “(1) TRAINING WITH FOREIGN FORCES.—The armed forces under the jurisdiction
12 of the Secretary of Defense may train with the military forces or other security forces of a
13 friendly foreign country if the Secretary of Defense determines that it is in the national
14 security interests of the United States to do so. Any such training with forces of a foreign
15 country may be conducted only with the concurrence of the Secretary of State.

16 “(2) TRAINING TO SUPPORT MISSION ESSENTIAL TASKS.—Any training conducted
17 pursuant to paragraph (1) shall, to the maximum extent practicable, support the mission
18 essential tasks for which the unit of the armed forces participating in such training is
19 responsible.

20 “(3) ELEMENTS OF TRAINING.—Any training conducted pursuant to paragraph (1)
21 shall, to the maximum extent practicable, include elements that promote—

22 “(A) observance of and respect for human rights and fundamental
23 freedoms; and

1 “(B) respect for legitimate civilian authority within the foreign country
2 concerned.

3 “(b) AUTHORITY TO PAY CERTAIN EXPENSES.—The Secretary of Defense may pay the
4 following expenses:

5 “(1) The incremental expenses incurred by a friendly foreign country as the direct
6 result of—

7 “(A) the training of the military forces or other security forces of such
8 country with the armed forces under the jurisdiction of the Secretary of Defense
9 under subsection (a)(1); or

10 “(B) the participation of such military or other security forces in an
11 exercise with the armed forces under the jurisdiction of the Secretary of Defense.

12 “(2) Small-scale construction that is directly related to the effective
13 accomplishment of training described in paragraph (1)(A) or an exercise described in
14 paragraph (1)(B).

15 “(c) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Amounts
16 available for the authority to pay expenses in subsection (b) for a fiscal year may be used to pay
17 expenses under that subsection for training and exercises that begin in such fiscal year but end in
18 the next fiscal year.

19 “(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the
20 administration of this section.

21 “(e) DEFINITIONS.—In this section:

22 “(1) The term ‘incremental expenses’, with respect to a friendly foreign country,
23 means the reasonable and proper costs of the goods and services that are consumed by

1 that country as a direct result of that country’s participation in training with the United
2 States under subsection (a)(1) or in a military exercise with the United States, including
3 rations, fuel, training ammunition, and transportation. Such term does not include pay,
4 allowances, and other similar personnel costs of such country’s military or other security
5 forces.

6 “(2) The term ‘other security forces’ includes national security forces that conduct
7 border security, counterterrorism operations, and maritime security, but does not include
8 local civilian police.”.

9 (b) CONFORMING REPEALS.—The following provisions of law are repealed:

10 (1) Section 2010 of title 10, United States Code.

11 (2) Section 1203 of the National Defense Authorization Act for Fiscal Year 2014
12 (Public Law 113-66; 10 U.S.C. 2011 note).

13 (c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of
14 title 10, United States Code, is amended by striking the item relating to section 2010.

15 **SEC. 1205. TRANSFER OF AND REVISION TO AUTHORITY TO PROVIDE**

16 **OPERATIONAL SUPPORT TO FORCES OF FRIENDLY FOREIGN**
17 **COUNTRIES.**

18 (a) IN GENERAL.—Section 127d of title 10, United States Code, is transferred to chapter
19 16 of such title, as added by section 1201(a)(3), inserted after the table of sections at the
20 beginning of subchapter IV, redesignated as section 331, and amended to read as follows:

21 **“§331. Friendly foreign countries: authority to provide support for conduct of operations**

22 “(a) AUTHORITY.—The Secretary of Defense may provide support to friendly foreign
23 countries in connection with the conduct of operations.

1 “(b) TYPES OF SUPPORT AUTHORIZED.—The types of support that may be provided under
2 the authority in subsection (a) are the following:

3 “(1) Logistic support, supplies, and services to security forces of a friendly
4 foreign country participating in—

5 “(A) an operation with the armed forces under the jurisdiction of the
6 Secretary of Defense; or

7 “(B) a military or stability operation that benefits the national security
8 interests of the United States.

9 “(2) Logistic support, supplies, and services—

10 “(A) to military forces of a friendly foreign country solely for the purpose
11 of enhancing the interoperability of the logistical support systems of military
12 forces participating in a combined operation with the United States in order to
13 facilitate such operation; or

14 “(B) to a nonmilitary logistics, security, or similar agency of a friendly
15 foreign government if such provision would directly benefit the armed forces
16 under the jurisdiction of the Secretary of Defense.

17 “(3) Procurement of equipment for the purpose of the loan of such equipment to
18 the military forces of a friendly foreign country participating in a United States-supported
19 coalition or combined operation and the loan of such equipment to those forces to
20 enhance capabilities or to increase interoperability with the armed forces under the
21 jurisdiction of the Secretary of Defense and other coalition partners.

22 “(4) Small-scale construction to support military forces of a friendly foreign
23 country participating in a United States-supported coalition or combined operation when

1 the construction is directly linked to the ability of such forces to participate in such
2 operation effectively.

3 “(c) CERTIFICATION REQUIRED.—

4 “(1) OPERATIONS IN WHICH THE UNITED STATES IS NOT PARTICIPATING.—The
5 Secretary of Defense may provide support under subsection (a) to a friendly foreign
6 country with respect to an operation in which the United States is not participating only—

7 “(A) if the Secretary of Defense and the Secretary of State jointly certify
8 to Congress that the operation is in the national security interests of the United
9 States; and

10 “(B) after the expiration of the 15-day period beginning on the date of
11 such certification.

12 “(2) ACCOMPANYING REPORT.—Any certification under paragraph (1) shall be
13 accompanied by a report that includes the following:

14 “(A) A description of the operation, including the geographic area of the
15 operation.

16 “(B) A list of participating countries.

17 “(C) A description of the national security interests of the United States
18 supported by the operation.

19 “(d) SECRETARY OF STATE CONCURRENCE. —The provision of support under subsection
20 (a) may be made only with the concurrence of the Secretary of State.

21 “(e) SUPPORT OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use
22 the authority in subsection (a) to provide any type of support described in subsection (b) that is
23 otherwise prohibited by any provision of law.

1 “(f) LIMITATIONS ON VALUE.—

2 “(1) The aggregate value of all logistic support, supplies, services, and small-scale
3 construction provided under subsections (b)(1) and (b)(4) in any fiscal year may not
4 exceed \$550,000,000.

5 “(2) The aggregate value of all logistic support, supplies, and services provided
6 under subsection (b)(2) in any fiscal year may not exceed \$5,000,000.

7 “(g) DEFINITION.—In this section, the term ‘logistic support, supplies, and services’ has
8 the meaning given that term in section 2350(1) of this title.”.

9 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such
10 title is amended by striking the item relating to section 127d.

11 **SEC. 1206. CONSOLIDATION OF AUTHORITIES FOR SERVICE ACADEMY**

12 **INTERNATIONAL ENGAGEMENT.**

13 (a) CONSOLIDATION OF AUTHORITIES.—Chapter 16 of title 10, United States Code, as
14 added by section 1201(a)(3), is amended by inserting after section 344, as transferred and
15 redesignated by section 1201(g), the following new section:

16 **“§345. International engagement authorities for Service Academies**

17 “(a) SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT
18 SERVICE ACADEMIES.—

19 “(1) ATTENDANCE AUTHORIZED.—

20 “(A) IN GENERAL.—The Secretary of each military department may permit
21 persons from foreign countries to receive instruction at the Service Academy
22 under the jurisdiction of the Secretary. Such persons shall be in addition to—

1 “(i) in the case of the United States Military Academy, the
2 authorized strength of the Corps of the Cadets of the Academy under 4342
3 of this title;

4 “(ii) in the case of the United States Naval Academy, the
5 authorized strength of the Brigade of Midshipmen of the Academy under
6 section 6954 of this title; and

7 “(iii) in the case of the United States Air Force Academy, the
8 authorized strength of the Cadet Wing of the Academy under 9342 of this
9 title.

10 “(B) LIMITATION ON NUMBER.—The number of persons permitted to
11 receive instruction at each Service Academy under this subsection may not be
12 more than 60 at any one time.

13 “(2) DETERMINATION OF FOREIGN COUNTRIES FROM WHICH PERSONS MAY BE
14 SELECTED.—The Secretary of a military department, upon approval by the Secretary of
15 Defense, shall determine—

16 “(A) the countries from which persons may be selected for appointment
17 under this subsection to the Service Academy under the jurisdiction of that
18 Secretary; and

19 “(B) the number of persons that may be selected from each country.

20 “(3) QUALIFICATIONS AND SELECTION.—The Secretary of each military
21 department—

22 “(A) may establish entrance qualifications and methods of competition for
23 selection among individual applicants under this subsection; and

1 “(B) shall select those persons who will be permitted to receive instruction
2 at the Service Academy under the jurisdiction of the Secretary under this
3 subsection.

4 “(4) SELECTION PRIORITY TO PERSONS WITH NATIONAL SERVICE OBLIGATION UPON
5 GRADUATION.—In selecting persons to receive instruction under this subsection from
6 among applicants from the countries approved under paragraph (2), the Secretary of the
7 military department concerned shall give a priority to persons who have a national
8 service obligation to their countries upon graduation from the Academy.

9 “(5) PAY, ALLOWANCES, AND EMOLUMENTS OF PERSONS ADMITTED.— A person
10 receiving instruction under this subsection is entitled to the pay, allowances, and
11 emoluments of a cadet or midshipman appointed from the United States, and from the
12 same appropriations.

13 “(6) REIMBURSEMENT OF COSTS BY FOREIGN COUNTRIES FROM WHICH PERSONS ARE
14 ADMITTED.—

15 “(A) REIMBURSEMENT REQUIRED.—Each foreign country from which a
16 cadet or midshipmen is permitted to receive instruction at one of the Service
17 Academies under this subsection shall reimburse the United States for the cost of
18 providing such instruction, including the cost of pay, allowances, and emoluments
19 provided under paragraph (5). The Secretaries of the military departments shall
20 prescribe the rates for reimbursement under this paragraph, except that the
21 reimbursement rates may not be less than the cost to the United States of
22 providing such instruction, including pay, allowances, and emoluments, to a cadet
23 or midshipmen appointed from the United States.

1 “(B) WAIVER AUTHORITY.—The Secretary of Defense may waive, in
2 whole or in part, the requirement for reimbursement of the cost of instruction for a
3 cadet or midshipmen under subparagraph (A). In the case of a partial waiver, the
4 Secretary of Defense shall establish the amount waived.

5 (7) APPLICABILITY OF ACADEMY REGULATIONS, ETC.—

6 “(A) IN GENERAL.—Except as the Secretary concerned determines, a
7 person receiving instruction under this subsection at the Service Academy under
8 the jurisdiction of that Secretary is subject to the same regulations governing
9 admission, attendance, discipline, resignation, discharge, dismissal, and
10 graduation as a cadet or midshipmen at that Academy appointed from the United
11 States.

12 “(B) CLASSIFIED INFORMATION.—The Secretary concerned may prescribe
13 regulations with respect to access to classified information by a person receiving
14 instruction under this subsection at the Service Academy under the jurisdiction of
15 that Secretary that differ from the regulations that apply to a cadet or midshipmen
16 at that Academy appointed from the United States.

17 “(8) INELIGIBILITY FOR APPOINTMENT IN UNITED STATES ARMED FORCES.—A
18 person receiving instruction at a Service Academy under this subsection is not entitled to
19 an appointment in an armed force of the United States by reason of graduation from the
20 Academy.

21 “(9) INAPPLICABILITY OF REQUIREMENT FOR TAKING OF ADMISSION OATH.—A
22 person receiving instruction under this subsection is not subject to section 4346(d),
23 6958(d), or 9346(d) of this title, as the case may be.

1 “(b) EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.—

2 “(1) EXCHANGE PROGRAMS AUTHORIZED.—The Secretary of a military department
3 may permit a student enrolled at a military academy of a foreign country to receive
4 instruction at the Service Academy under the jurisdiction of that Secretary in exchange
5 for a cadet or midshipmen receiving instruction at that foreign military academy pursuant
6 to an exchange agreement entered into between the Secretary and appropriate officials of
7 the foreign country. A student receiving instruction at a Service Academy under the
8 exchange program shall be in addition to persons receiving instruction at the Academy
9 under subsection (a).

10 “(2) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange
11 agreement under this subsection between the Secretary and a foreign country shall
12 provide for the exchange of students on a one-for-one basis each fiscal year. Not more
13 than 100 cadets or midshipmen from each Service Academy and a comparable number of
14 students from foreign military academies participating in the exchange program may be
15 exchanged during any fiscal year. The duration of an exchange may not exceed the
16 equivalent of one academic semester at a Service Academy.

17 “(3) [COSTS AND EXPENSES.—

18 “(A) A student from a military academy of a foreign country is not entitled
19 to the pay, allowances, and emoluments of a cadet or midshipmen by reason of
20 attendance at a Service Academy under the exchange program, and the
21 Department of Defense may not incur any cost of international travel required for
22 transportation of such a student to and from the sponsoring foreign country.

1 “(B) The Secretary concerned may provide a student from a foreign
2 country under the exchange program, during the period of the exchange, with
3 subsistence, transportation within the continental United States, clothing, health
4 care, and other services to the same extent that the foreign country provides
5 comparable support and services to the exchanged cadet or midshipmen in that
6 foreign country.

7 “(C) A Service Academy shall bear all costs of the exchange program
8 from funds appropriated for that Academy and such additional funds as may be
9 available to that Academy from a source other than appropriated funds to support
10 cultural immersion, regional awareness, or foreign language training activities in
11 connection with the exchange program.

12 “(D) Expenditures in support of the exchange program from funds
13 appropriated for each Academy may not exceed \$1,000,000 during any fiscal
14 year.

15 “(4) APPLICATION OF OTHER LAWS.—Paragraphs (7), (8), and (9) of subsection
16 (a) shall apply with respect to a student enrolled at a military academy of a foreign
17 country while attending a Service Academy under the exchange program.

18 “(5) REGULATIONS.—The Secretary concerned shall prescribe regulations to
19 implement this subsection. Such regulations may include qualification criteria and
20 methods of selection for students of foreign military academies to participate in the
21 exchange program.

22 “(c) FOREIGN AND CULTURAL EXCHANGE ACTIVITIES.—

1 “(1) ATTENDANCE AUTHORIZED.—The Secretary of a military department may
2 authorize the Service Academy under the jurisdiction of that Secretary to permit students,
3 officers, and other representatives of a foreign country to attend that Academy for periods
4 of not more than four weeks if the Secretary determines that the attendance of such
5 persons contributes significantly to the development of foreign language, cross cultural
6 interactions and understanding, and cultural immersion of cadets or midshipmen, as the
7 case may be.

8 (2) EFFECT OF ATTENDANCE.—Persons attending a Service Academy under
9 paragraph (1) are not considered to be students enrolled at that Academy and are in
10 addition to persons receiving instruction at that Academy under subsection (a) or (b).

11 (3) FINANCIAL MATTERS.—

12 “(A) COSTS AND EXPENSES.—The Secretary of a military department may
13 pay the travel, subsistence, and similar personal expenses of persons incurred to
14 attend the Service Academy under the jurisdiction of that Secretary under
15 paragraph (1).

16 “(B) SOURCE OF FUNDS.—Each Service Academy shall bear the costs of
17 the attendance of persons at that Academy under paragraph (1)—

18 “(i) from funds appropriated for that Academy; and

19 “(ii) from such additional funds as may be available to the
20 Academy from a source, other than appropriated funds, to support cultural
21 immersion, regional awareness, or foreign language training activities in
22 connection with their attendance.

1 “(C) LIMITATION ON EXPENDITURES.—Expenditures from appropriated
2 funds in support of activities under this subsection for any Service Academy may
3 not exceed \$40,000 during any fiscal year.

4 “(d) DEFINITION.—In this section, the term ‘Service Academy’ means the following: the
5 United States Military Academy, the United States Naval Academy, and the United States Air
6 Force Academy.”.

7 (b) CONFORMING REPEALS.—

8 (1) REPEALS.—Sections 4344, 4345, 4345a, 6957, 6957a, 6957b, 9344, 9345, and
9 9345a of title 10, United States Code, are repealed.

10 (2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of
11 chapter 403 of such title is amended by striking the items relating to sections 4344, 4345,
12 and 4345a.

13 (B) The table of sections at the beginning of chapter 603 of such title is amended
14 by striking the items relating to sections 6957, 6957a, and 6957b.

15 (C) The table of sections at the beginning of chapter 903 of such title is amended
16 by striking the items relating to sections 9344, 9345, and 9345a.

17 **SEC. 1207. TRANSFER AND REVISION OF AUTHORITY TO BUILD THE**
18 **CAPACITY OF FOREIGN SECURITY FORCES.**

19 (a) TRANSFER AND REDESIGNATION.—Section 2282 of title 10, United States Code, is
20 transferred to chapter 16 of title 10, United States Code, as added by section 1201(a)(3), inserted
21 after section 331, as transferred and redesignated by section 1205, and redesignated as section
22 332.

1 (b) REVISIONS.—Section 332 of title 10, United States Code, as transferred and
2 redesignated by subsection (a), is amended—

3 (1) in subsection (a), by adding at the end the following new paragraph:

4 “(4) To sustain the capacities built—

5 “(A) under paragraphs (1) through (3); or

6 “(B) under section 1206 of the National Defense Authorization Act for
7 Fiscal Year 2006 (Public Law 109-163), as that section was in effect before being
8 repealed by section 1205(c) of the National Defense Authorization Act for Fiscal
9 Year 2015 (Public Law 113-291; 128 Stat. 3536).”;

10 (2) in subsection (b)(1), by inserting “sustainment,” after “defense services,”;

11 (3) in subsection (c)—

12 (A) by striking paragraph (1);

13 (B) by redesignating paragraph (2) as paragraph (1) and inserting before
14 the period at the end of that paragraph the following: “, except that reporting,
15 notification and spend plan requirements shall not be considered prohibitions for
16 purposes of this section or comparable provisions of law”;

17 (C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3),
18 and (4), respectively;

19 (D) in subparagraph (A) of paragraph (3), as so redesignated, by striking
20 “but end in the next fiscal year” and inserting “but end no later than the third
21 fiscal year thereafter”; and

22 (E) in subparagraph (A) of paragraph (4), as so redesignated, by striking
23 “\$750,000” and inserting “the amount specified in section 301(2) of this title”;

1 (4) by striking “military” after “small-scale” each place it appears (including in
2 the heading of paragraph (4) of subsection (c)); and

3 (5) by striking subsection (g).

4 (c) SECTION HEADING.—The heading of such section is amended to read as follows:

5 **“§ 332. Foreign security forces: authority to build capacity”.**

6 (d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 136 of
7 such title is amended by striking the item relating to section 2282.

8 **SEC. 1208. CONSOLIDATION AND STANDARDIZATION OF REPORTING**

9 **REQUIREMENTS RELATING TO SECURITY COOPERATION**

10 **AUTHORITIES.**

11 (a) CODIFICATION.— Chapter 16 of title 10, United States Code, as added by section
12 1201(a)(3), is amended by inserting after section 301 a new section 302 consisting of—

13 (1) a heading as follows:

14 **“§302. Annual report”;** and

15 (2) a text consisting of the text of subsections (a) through (e) of section 1211 of
16 the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for
17 Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3544).

18 (b) REVISIONS TO PROVIDE FOR PERMANENT, ANNUAL REPORT.—Subsection (a) of
19 section 302 of title 10, United States Code, as added by subsection (a), is amended—

20 (1) by striking “BIENNIAL” and all that follows through “the Secretary” and
21 inserting “ANNUAL REPORT REQUIRED.—Not later than February 1 each year, the
22 Secretary”; and

23 (2) by striking “the two fiscal years” and inserting “the fiscal year”.

1 (c) ELEMENTS OF REPORT.—Subsection (b) of such section is amended by adding at the
2 end the following new paragraph:

3 “(4) For each foreign country in which the training, equipment, or assistance or
4 reimbursement was provided, a description of the extent of participation, if any, by the
5 military forces and security forces or other government organizations of such foreign
6 country, other than in a case in which national security or other considerations make
7 inclusion of such information impractical.”.

8 (d) REVISION TO COVERED AUTHORITIES.—Subsection (c) of such section is amended—

9 (1) by striking paragraph (1) and inserting the following:

10 “(1) The following sections of this chapter: 321, 331, 332, 333, 341, 344, 346, and
11 347.”;

12 (2) by striking paragraphs (3) through (7);

13 (3) by redesignating paragraph (8) as paragraph (3) and in that paragraph by
14 striking “Section” and inserting “Sections 401 and”;

15 (4) by inserting after paragraph (3), as redesignated by paragraph (4), the
16 following new paragraph:

17 “(4) Section 1206 of the Carl Levin and Howard P. “Buck” McKeon National
18 Defense Authorization Act for Fiscal Year 2015 (Public Law 113-29; 10 U.S.C. 2282
19 note), relating to authority to conduct human rights training of security forces and
20 associated security ministries of foreign countries.”;

21 (5) by redesignating paragraphs (9) and (10) as paragraphs (5) and (6),
22 respectively;

23 (6) by striking paragraph (11); and

1 (7) by redesignating paragraphs (12) through (17) as paragraphs (7) through (12),
2 respectively.

3 (e) REPEAL OF CODIFIED STATUTE.—Section 1211 of the Carl Levin and Howard P.
4 “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291;
5 128 Stat. 3544), is amended by striking subsections (a) through (e).

6 (f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are
7 repealed:

8 (1) Section 1534(g) of the Carl Levin and Howard P. “Buck” McKeon National
9 Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3618),
10 requiring semiannual reports on the Counterterrorism Partnerships Fund.

11 (2) Section 1233(f) of the National Defense Authorization Act for Fiscal Year
12 2008 (Public Law 110-181; 122 Stat. 394), requiring a quarterly report on the use of
13 authority to reimburse certain coalition nations for support provided to United States
14 military operations.

15 (3) Section 1234(e) of the National Defense Authorization Act for Fiscal Year
16 2008 (Public Law 110-181; 122 Stat. 394), requiring a quarterly report on the use of
17 authorization for logistical support for coalition forces supporting certain United States
18 military operations.

19 (4) Section 401(d) of title 10, United States Code, requiring an annual report on
20 humanitarian and civic assistance activities under that section.

21 (5) Section 1205(e)(2) of the National Defense Authorization Act for Fiscal Year
22 2014 (32 U.S.C. 107 note), requiring an annual report on the use of authority for the
23 National Guard State Partnership program.

1 **SEC. 1209. REPEAL OF SUPERSEDED, OBSOLETE, DUPLICATIVE STATUTES**
2 **RELATING TO SECURITY COOPERATION AUTHORITIES.**

3 (a) REPEALS.—The following provisions of title 10, United States Code, are repealed:

4 (1) Section 168, relating to military-to-military contacts and comparable
5 activities.

6 (2) Section 1051c, relating to assignment of members of foreign military forces to
7 improve education and training in information security through multilateral, bilateral, or
8 regional cooperation programs.

9 (3) Section 2562, relating to a limitation on use of excess construction or fire
10 equipment from Department of Defense stocks in foreign assistance or military sales
11 programs.

12 (4) Sections 4681 and 9681, relating to sale of surplus war material to States and
13 foreign governments.

14 (b) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

15 (1) The table of sections at the beginning of chapter 6 is amended by striking the
16 item relating to section 168.

17 (2) The table of sections at the beginning of chapter 53 is amended by striking the
18 item relating to section 1051c.

19 (3) The table of sections at the beginning of chapter 152 is amended by striking
20 the item relating to section 2562.

21 (4) The tables of sections at the beginning of chapters 443 and 943 are amended
22 by striking the items relating to section 4681 and 9681, respectively.

23 **Subtitle B—Other Matters**

1 **SEC. 1211. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE**
2 **VETTED SYRIAN OPPOSITION.**

3 (a) **IN GENERAL.**—Subsection (a) of section 1209 of the Carl Levin and Howard P.
4 “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291;
5 128 Stat. 3541) is amended by striking “December 31, 2016” and inserting “September 30,
6 2018”.

7 (b) **REPROGRAMMING REQUIREMENT.**—Subsection (f) of such section is amended to read
8 as follows:

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

13 **SEC. 1212. EXTENSION AND MODIFICATION OF COMMANDERS’ EMERGENCY**
14 **RESPONSE PROGRAM IN AFGHANISTAN.**

15 (a) **EXTENSION.**—Section 1201 of the National Defense Authorization Act for Fiscal Year
16 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211 of the
17 National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. yyy), is
18 further amended by striking “fiscal year 2016” in subsections (a), (b), and (f) and inserting
19 “fiscal year 2017”.

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

22 **SEC. 1213. ENHANCEMENT OF INTERAGENCY SUPPORT DURING**
23 **CONTINGENCY OPERATIONS AND TRANSITION PERIODS.**

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

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

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

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

15 (3) Exchange entitlements accrued as a result of acquisitions and transfers of
16 covered support, supplies, and services under this section shall be satisfied within 12
17 months after the date of the delivery of the covered support, supplies, or services.

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

20 (c) EFFECT OF OBLIGATION AND AVAILABILITY OF FUNDS.—An order placed by an
21 agency pursuant to an agreement under this section is deemed to be an obligation in the same
22 manner that a similar order or contract placed with a private contractor is an obligation.

1 Appropriations remain available to pay an obligation to the servicing agency in the same manner
2 as appropriations remain available to pay an obligation to a private contractor.

3 (d) DEFINITIONS.—In this section:

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

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

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

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

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

17 **SEC. 1214. EXTENSION OF AND REVISED FUNDING SOURCES FOR TRAINING**
18 **EASTERN EUROPEAN NATIONAL MILITARY FORCES IN THE**
19 **COURSE OF MULTILATERAL EXERCISES.**

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

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

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

6 **SEC. 1215. EXTENSION OF AFGHAN SPECIAL IMMIGRANT PROGRAM.**

7 Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (title VI of division
8 F of Public Law 111–8; 8 U.S.C. 1101 note) is amended—

9 (1) in the matter preceding clause (i), by striking “7,000” and inserting
10 “11,000”;

11 (2) in clause (i), by striking “December 31, 2016” and inserting “December
12 31, 2017”; and

13 (3) in clause (ii), by striking “December 31, 2016” and inserting “December
14 31, 2017”.

15 **SEC. 1216. AUTHORITY TO DESTROY CERTAIN SPECIFIED WORLD WAR II-ERA**
16 **UNITED STATES-ORIGIN CHEMICAL MUNITIONS LOCATED ON**
17 **SAN JOSE ISLAND, REPUBLIC OF PANAMA.**

18 (a) AUTHORITY.—

19 (1) IN GENERAL.—Subject to subsection (b), the Secretary of Defense may destroy
20 the chemical munitions described in subsection (c).

21 (2) EX GRATIA ACTION.—The action authorized by this section is “ex gratia” on
22 the part of the United States, as the term “ex gratia” is used in section 321 of the Strom

1 Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-
2 261; 10 U.S.C. 2701 note).

3 (3) CONSULTATION BETWEEN SECRETARY OF DEFENSE AND SECRETARY OF
4 STATE.— The Secretary of Defense and the Secretary of State shall consult and develop
5 any arrangements with the Republic of Panama with respect to this section.

6 (b) CONDITIONS.—The Secretary of Defense may exercise the authority under subsection
7 (a) only if the Republic of Panama has—

8 (1) revised the declaration of the Republic of Panama under the Convention on
9 the Prohibition of the Development, Production, Stockpiling and Use of Chemical
10 Weapons and on Their Destruction to indicate that the chemical munitions described in
11 subsection (c) are “old chemical weapons” rather than “abandoned chemical weapons”;
12 and

13 (2) affirmed, in writing, that it understands (A) that the United States intends only
14 to destroy the munitions described in subsections (c) and (d), and (B) that the United
15 States is not legally obligated and does not intend to destroy any other munitions,
16 munitions constituents, and associated debris that may be located on San Jose Island as a
17 result of research, development, and testing activities conducted on San Jose Island
18 during the period of 1943 through 1947.

19 (c) CHEMICAL MUNITIONS.—The chemical munitions described in this subsection are the
20 eight United States-origin chemical munitions located on San Jose Island, Republic of Panama,
21 that were identified in the 2002 Final Inspection Report of the Technical Secretariat of the
22 Organization for the Prohibition of Chemical Weapons.

1 (d) LIMITED INCIDENTAL AUTHORITY TO DESTROY OTHER MUNITIONS.—In exercising the
2 authority under subsection (a), the Secretary of Defense may destroy other munitions located on
3 San Jose Island, Republic of Panama, but only to the extent essential and required to reach and
4 destroy the chemical munitions described in subsection (c).

5 (e) SOURCE OF FUNDS.—Of the amounts authorized to be appropriated by this Act, the
6 Secretary of Defense may use up to \$30,000,000 from amounts made available for Chemical
7 Agents and Munitions Destruction, Defense to carry out the authority in subsection (a).

8 **SEC. 1217. EXPANDED AUTHORITY FOR TRANSFER OF EXCESS NAVAL**
9 **VESSELS TO FOREIGN NATIONS.**

10 Section 7307(a) of title 10, United States Code, is amended by striking “3,000 tons” and
11 inserting “4,500 tons”.

12 **SEC. 1218. EXTENSION OF AUTHORITY TO CONDUCT ACTIVITIES TO ENHANCE**
13 **THE CAPABILITY OF FOREIGN COUNTRIES TO RESPOND TO**
14 **INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION.**

15 Section 1204(h) of the National Defense Authorization Act for Fiscal Year 2014 (Public
16 Law 113-66; 127 Stat. 897; 10 U.S.C. 401 note) is amended by striking “September 30, 2019”
17 and inserting “September 30, 2021”.

18 **SEC. 1219. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES**
19 **PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY**
20 **TO AFGHANISTAN.**

21 Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public
22 Law 111-84; 123 Stat. 2399), as most recently amended by section 1214 of the National Defense
23 Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. yyyy), is further amended

1 by striking “December 31, 2016” and inserting “December 31, 2018”.

2 **SEC. 1220. INCREASE TO THE SIZE OF THE SPECIAL DEFENSE ACQUISITION**
3 **FUND.**

4 Section 114(c)(1) of title 10, United States Code, is amended by striking
5 “\$1,070,000,000” and inserting “\$3,000,000,000”.

6 **SEC. 1221. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND**
7 **ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN**
8 **IRAQ.**

9 (a) EXTENSION OF AUTHORITY.—Subsection (f)(1) of section 1215 of the National
10 Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 113 note) is
11 amended by striking “fiscal year 2016” and inserting “fiscal year 2017”.

12 (b) AMOUNT AVAILABLE.—Such section is further amended—

13 (1) in subsection (c), by striking “fiscal year 2016” and inserting “fiscal year
14 2017”; and

15 (2) in subsection (d), by striking “fiscal year 2016” and inserting “fiscal year
16 2017”.

17 **SEC. 1222. EXTENSION OF AUTHORITY FOR SUPPORT OF SPECIAL**
18 **OPERATIONS TO COMBAT TERRORISM.**

19 Subsection (h) of section 1208 of the Ronald W. Reagan National Defense
20 Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as most
21 recently amended by section 1274 of the National Defense Authorization Act for Fiscal
22 Year 2016 (Public Law 114-92; 129 Stat. XXXX), is further amended by *striking* “2017”
23 and inserting “2019”.

1 **SEC. 1223. EXTENSION OF AFGHANISTAN SECURITY FORCES FUND.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
3 appropriated for fiscal year 2017 for the Afghanistan Security Forces Fund, as established
4 by section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public
5 Law 111-181; 122 Stat. 428) in the amount of \$3,448,715,000.

6 (b) CONTINUATION OF EXISTING LIMITATION ON THE USE OF AMOUNTS IN FUND.—
7 Funds available to the Department of Defense for the Afghanistan Security Forces Fund for
8 fiscal year 2017 shall be subject to the conditions contained in subsections (b) through (g) of
9 such section, as amended by section 1531(b) of the Ike Skelton National Defense
10 Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

11 (c) EQUIPMENT DISPOSITION.—

12 (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the
13 Secretary of Defense may accept equipment that is procured using amounts in the
14 Afghanistan Security Forces Fund authorized under this Act and is intended for
15 transfer to the security forces of Afghanistan, but is not accepted by such security
16 forces.

17 (2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any
18 equipment under the authority provided by paragraph (1), the Commander of United
19 States forces in Afghanistan shall make a determination that the equipment was
20 procured for the purpose of meeting requirements of the security forces of
21 Afghanistan, as agreed to by both the Government of Afghanistan and the United
22 States, but is no longer required by such security forces or was damaged before
23 transfer to such security forces.

1 (3) ELEMENTS OF DETERMINATION.—In making a determination under
2 paragraph (2) regarding equipment, the Commander of United States forces in
3 Afghanistan shall consider alternatives to Secretary of Defense acceptance of the
4 equipment. An explanation of each determination, including the basis for the
5 determination and the alternatives considered, shall be included in the relevant
6 quarterly report required under paragraph (5).

7 (4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted
8 under the authority provided by paragraph (1) may be treated as stocks of the
9 Department of Defense upon notification to the congressional defense committees of
10 such treatment.

11 (5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—Not later than 90 days
12 after the date of the enactment of this Act and every 90-day period thereafter during
13 which the authority provided by paragraph (1) is exercised, the Secretary of Defense
14 shall submit to the congressional defense committees a report describing the
15 equipment accepted under this subsection, section 1531(d) of the National Defense
16 Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10
17 U.S.C. 2302 note), and section 1532(b) of the Carl Levin and Howard P. “Buck”
18 McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–
19 291; 128 Stat. 3612) during the period covered by the report. Each report shall
20 include a list of all equipment that was accepted during the period covered by the
21 report and treated as stocks of the Department and copies of the determinations made
22 under paragraph (2), as required by paragraph (3).

1 **SEC. 1224. MAINTENANCE OF PROHIBITION ON PROCUREMENT BY**
2 **DEPARTMENT OF DEFENSE OF COMMUNIST CHINESE-ORIGIN**
3 **ITEMS THAT MEET THE DEFINITION OF GOODS AND SERVICES**
4 **CONTROLLED AS MUNITIONS ITEMS WHEN MOVED TO THE “600**
5 **SERIES” OF THE COMMERCE CONTROL LIST.**

6 (a) IN GENERAL.—Section 1211 of the National Defense Authorization Act for Fiscal
7 Year 2006 (Public Law 109-163; 10 U.S.C. 2302 note) is amended—

8 (1) in subsection (b), by inserting “or in the 600 series of the control list of the
9 Export Administration Regulations” after “in Arms Regulations,”; and

10 (2) in subsection (e), by adding at the end the following new paragraph:

11 “(3) The term ‘600 series of the control list of the Export Administration
12 Regulations’ means the 600 series of the Commerce Control List contained in
13 Supplement No. 1 to part 774 of subtitle B of title 15 of the Code of Federal
14 Regulations.”.

15 (b) TECHNICAL CORRECTIONS TO ITAR REFERENCES.—Subsections (b) and (e)(2) of such
16 section are amended by striking “Trafficking” and inserting “Traffic”.

17 **SEC. 1225. EXTENSION OF AUTHORITY FOR GLOBAL SECURITY**

18 **CONTINGENCY FUND.**

19 (a) EXTENSION.—

20 (1) AVAILABILITY OF FUNDS.—Subsection (i)(1) of section 1207 of the National
21 Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 22 U.S.C. 2151
22 note) is amended by striking “September 30, 2017” and inserting “September 30, 2021”.

23 (2) EXPIRATION.—Subsection (p) of such section is amended—

1 (A) by striking “September 30, 2017” and inserting “September 30, 2021”;

2 and

3 (B) by striking “2012 through 2017” and inserting “ending on or before

4 that date”.

5 (b) ONE-MONTH CHANGE IN DATE FOR SUBMISSION OF ANNUAL REPORT.—Subsection (n)

6 of such section is amended by striking “October 30 each year” and inserting “November 30 each

7 year”.

8 **SEC. 1226. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES OF**

9 **AFRICA IN SUPPORT OF COVERED ACTIVITIES IN UNITED STATES**

10 **AFRICA COMMAND AREA OF RESPONSIBILITY.**

11 (a) AUTHORITY.—In the case of a product or service to be acquired in support of covered

12 activities in a covered African country for which the Secretary of Defense makes a determination

13 described in subsection (b), the Secretary may conduct a procurement in which—

14 (1) competition is limited to products or services from the host nation;

15 (2) a preference is provided for products or services from the host nation; or

16 (3) a preference is provided for products or services from a covered African

17 country, other than the host nation.

18 (b) DETERMINATIONS.—

19 (1) A determination described in this subsection is a determination by the

20 Secretary of any of the following:

21 (A) That the product or service concerned is to be used only in support of

22 covered activities.

1 (B) That it is in the national security interests of the United States to limit
2 competition or provide a preference as described in subsection (a) because such
3 limitation or preference is necessary—

4 (i) to reduce overall United States transportation costs and risks in
5 shipping products in support of operations, exercises, theater security
6 cooperation activities, and other missions in the United States Africa
7 Command area of responsibility;

8 (ii) to reduce delivery times in support of covered activities; or

9 (iii) to promote regional security, stability, and economic
10 prosperity in Africa.

11 (C) That the product or service is of equivalent quality of a product or
12 service that would have otherwise been acquired.

13 (2) A determination under paragraph (1) shall not be effective for purposes of a
14 limitation or preference under subsection (a) unless the Secretary also determines that—

15 (A) the limitation or preference will not adversely affect—

16 (i) United States military operations or stability operations in the
17 United States Africa Command area of responsibility; or

18 (ii) the United States industrial base; and

19 (B) in the case of air transportation, an air carrier holding a certificate
20 under section 41102 of title 49, United State Code, is not reasonably available to
21 provide the required air transportation.

22 (c) DEFINITIONS.—In this section:

1 (1) COVERED ACTIVITIES.—The term “covered activities” means Department of
2 Defense activities in the United States Africa Command area of responsibility.

3 (2) COVERED AFRICAN COUNTRY.—The term “covered African country” means a
4 country in Africa that has signed a long-term agreement with the United States related to
5 the basing or operational needs of the United States Armed Forces.

6 (3) HOST NATION.—The term “host nation” means a nation which allows the
7 armed forces and supplies of the United States to be located on, to operate in, or to be
8 transported through its territory.

9 (4) PRODUCTS AND SERVICES OF A COVERED AFRICAN COUNTRY.—For purposes of
10 this section:

11 (A) A product is from a covered African country if it is wholly grown,
12 mined, manufactured or produced in the covered African country.

13 (B) A service is from a covered African country if it is performed by a
14 person or entity that is properly licensed or registered by authorities of a covered
15 African country and—

16 (i) is operating primarily in the covered African country; or

17 (ii) is making a significant contribution to the economy of the
18 covered African country through payment of taxes or use of products,
19 materials, or labor of the covered African country.

20 (d) CONFORMING AMENDMENT.—Section 1263 of the National Defense Authorization
21 Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3581) is repealed.

22 (e) SUNSET.—The authority under this section shall terminate after September 30, 2019.

1 **SEC. 1227. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND**
2 **PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY**
3 **FORCES OF AFGHANISTAN.**

4 (a) EXPIRATION.—Subsection (h) of section 1222 of the National Defense
5 Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1992), as most
6 recently amended by section 1215 of the National Defense Authorization Act for Fiscal
7 Year 2016 (Public Law 114-92; 129 Stat. 1045), is further amended by striking “December
8 31, 2016” and inserting “December 31, 2017”.

9 (b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section is amended by
10 striking “During fiscal years 2013, 2014, 2015, and 2016” each place it appears and
11 inserting “Through December 31, 2017”.

12 **SEC. 1228. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER**
13 **THE ISLAMIC STATE IN IRAQ AND THE LEVANT.**

14 (a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1236 of the Carl Levin and
15 Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public
16 Law 113-291; 128 Stat. 3558), as amended by section 1223 of the National Defense
17 Authorization Act for Fiscal Year 2016 (Public Law 114-92;129 Stat. 1049), is amended by
18 striking “December 31, 2016” and inserting “September 30, 2018”.

19 (b) FUNDING.—Subsection (g) of such section is amended—

20 (1) by striking “in the National Defense Authorization Act for Fiscal Year 2016
21 for” and inserting “for Department of Defense”;

22 (2) by striking “in title XV for fiscal year 2016” and inserting “fiscal year 2017”;

23 (3) by striking “\$715,000,000” and inserting “\$630,000,000”; and

1 (4) by striking “September 30, 2016” and inserting “September 30, 2018”.

2 **SEC. 1229. EXTENSION AND MODIFICATION OF AUTHORITY FOR**
3 **REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR**
4 **SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.**

5 (a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization
6 Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as most recently amended by
7 section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-
8 92; 129 Stat. 1043), is amended by striking “fiscal year 2016” and inserting “fiscal year 2017”.

9 (b) APPLICABILITY TO MILITARY OPERATIONS IN AFGHANISTAN GENERALLY.—Such
10 section is further amended—

11 (1) in subsection (a)(1), by striking “in Iraq or in Operation Enduring Freedom in
12 Afghanistan” and inserting “in Afghanistan and to counter the Islamic State in Iraq and
13 the Levant”; and

14 (2) in subsection (b), by striking “in Iraq or in Operations Enduring Freedom in
15 Afghanistan” and inserting “in Afghanistan and to counter the Islamic State in Iraq and
16 the Levant”.

17 (c) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d)(1) of such section is
18 amended—

19 (1) in the second sentence, by striking “during fiscal year 2016 may not exceed
20 \$1,160,000,000” and inserting “during fiscal year 2017 may not exceed \$1,100,000,000”;
21 and

22 (2) in the third sentence, by striking “fiscal year 2016 may not exceed
23 \$900,000,000” and inserting “fiscal year 2017 may not exceed \$800,000,000”.

1 (d) TREATMENT OF 2016 UNOBLIGATED BALANCES — —Of the \$100,000,000 made
2 available pursuant to section 1212(f) of the National Defense Authorization Act for Fiscal Year
3 2016 (Public Law 114-92; 129 Stat. 1044), amounts that are unobligated as of September 30,
4 2016, shall continue to be available in fiscal year 2017 for such purposes, in addition to the total
5 amount of reimbursements and support authorized for Pakistan during fiscal year 2017 pursuant
6 to section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as so
7 amended).

8 **TITLE XIII—[RESERVED]**

9 **TITLE XIV—OTHER AUTHORIZATIONS**

10 **Subtitle A—Military Programs**

11 **SEC. 1401. WORKING CAPITAL FUNDS.**

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

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

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

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

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
20 appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise
21 provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of
22 \$551,023,000, of which—

23 (1) \$147,282,000 is for Operation and Maintenance;

1 (2) \$388,609,000 is for Research, Development, Test, and Evaluation; and

2 (3) \$15,132,000 is for Procurement.

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

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

7 and

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

10 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**
11 **WIDE.**

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

15 **SEC. 1405. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO**
16 **ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL**
17 **DEFENSE STOCKPILE.**

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

22 (1) 27 short tons of beryllium.

23 (2) 111,149 short tons of chromium, ferroalloy.

1 (3) 2,973 short tons of chromium metal.

2 (4) 8,380 troy ounces of platinum.

3 (5) 275,741 pounds of contained tungsten metal powder.

4 (6) 12,433,796 pounds of contained tungsten ores and concentrates.

5 (b) ACQUISITION AUTHORITY.—

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

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

11 (B) Tantalum.

12 (C) Germanium.

13 (D) Tungsten rhenium metal.

14 (E) Boron carbide powder.

15 (F) Europium.

16 (G) Silicon carbide fiber.

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

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

22 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

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

4 (1) \$318,882,000 is for Operation and Maintenance; and

5 (2) \$3,153,000 is for Research, Development, Test and Evaluation.

6 **SEC. 1407. DEFENSE HEALTH PROGRAM.**

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 Defense Health Program, in the
9 amount of 33,467,516,000, of which—

10 (1) \$32,231,390,000 is for Operation and Maintenance;

11 (2) \$822,907,000 is for Research, Development, Test, and Evaluation; and

12 (3) \$413,219,000 is for Procurement.

13 **Subtitle B—Other Matters**

14 **SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF**
15 **DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL**
16 **FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A.**
17 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

18 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated
19 for section 506 and available for the Defense Health Program for operation and maintenance,
20 \$122,375,000 may be transferred by the Secretary of Defense to the Joint Department of
21 Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by
22 subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010
23 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any

1 funds so transferred shall be treated as amounts authorized and appropriated specifically for the
2 purpose of such a transfer.

3 (b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section
4 1704, facility operations for which funds transferred under subsection (a) may be used are
5 operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North
6 Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting
7 facilities designated as a combined Federal medical facility under an operational agreement
8 covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal
9 Year 2009 (Public Law 110-417; 122 Stat. 4500).

10 **SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES**
11 **RETIREMENT HOME.**

12 There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces
13 Retirement Home Trust Fund the sum of \$64,300,000 for the operation of the Armed Forces
14 Retirement Home.

15 **SEC. 1413. REVISIONS TO THE STRATEGIC AND CRITICAL MATERIALS STOCK**
16 **PILING ACT.**

17 (a) MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE.—Section 4 of the
18 Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended—

19 (1) in subsection (b)—

20 (A) by inserting “strategic and critical” before “material”; and

21 (B) by striking “required for the stockpile shall” and inserting “suitable
22 for transfer to or disposal through the stockpile may”; and

23 (2) in subsection (c)—

- 1 (A) by striking “(1)” and all that follows through “(2)”;
- 2 (B) by inserting “strategic and critical” before “materials”; and
- 3 (C) by striking “this subsection” and inserting “subsection (b)” .

4 (b) QUALIFICATION OF DOMESTIC SOURCES.—Section 15 of such Act (50 U.S.C. 98h-6)
5 is amended—

6 (1) in subsection (a)—

7 (A) by striking “and” at the end of paragraph (1);

8 (B) by striking the period at the end of paragraph (2) and inserting “; and”;

9 and

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

11 “(3) by qualifying existing domestic facilities and domestically produced strategic
12 and critical materials to meet the requirements of defense and essential civilian industries
13 in times of national emergencies when existing domestic sources of supply are either
14 insufficient or vulnerable to single points of failure.”;

15 (2) in subsection (b), by inserting “paragraph (1) or (2) of” in the first sentence
16 after “made under”; and

17 (3) in subsection (c)—

18 (A) by inserting “paragraph (1) or (2) of” in paragraph (1) after

19 “transactions under”; and

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

21 “(3) The President may enter into obligations to qualify domestic facilities and
22 domestically produced strategic and critical materials when it would be cost effective relative to

1 stockpiling material. Such obligations may be entered into on a reimbursable basis and the
2 proceeds covered into the National Defense Stockpile Transaction Fund under section 9.”

3 **TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS**
4 **FOR OVERSEAS CONTINGENCY OPERATIONS**

5 **SEC. 1501. PURPOSE.**

6 The purpose of this title is to authorize appropriations for the Department of Defense for
7 fiscal year 2017 to provide additional funds for overseas contingency operations being carried
8 out by the Armed Forces.

9 **SEC. 1502. ARMY PROCUREMENT.**

10 Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for
11 the Army in amounts as follows:

- 12 (1) For aircraft procurement, \$313,171,000.
- 13 (2) For missile procurement, \$632,817,000.
- 14 (3) For weapons and tracked combat vehicles, \$153,544,000.
- 15 (3) For ammunition procurement, \$301,523,000.
- 16 (4) For other procurement, \$1,373,010,000.

17 **SEC. 1503. JOINT IMPROVISED-THREAT DEFEAT FUND.**

18 Funds are hereby authorized to be appropriated for fiscal year 2017 for the Joint
19 Improvised-Threat Defeat Fund in the amount of \$408,272,000.

20 **SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.**

21 Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for
22 the Navy and Marine Corps in amounts as follows:

- 23 (1) For aircraft procurement, Navy, \$393,030,000.

1 (2) For weapons procurement, Navy, \$8,600,000.

2 (3) For ammunition procurement, Navy and Marine Corps, \$66,229,000.

3 (4) For other procurement, Navy, \$124,206,000.

4 (5) For procurement, Marine Corps, \$118,939,000.

5 **SEC. 1505. AIR FORCE PROCUREMENT.**

6 Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for
7 the Air Force in amounts as follows:

8 (1) For aircraft procurement, \$859,399,000.

9 (2) For missile procurement, \$339,545,000.

10 (3) For ammunition procurement, \$487,408,000.

11 (4) For other procurement, \$3,696,281,000.

12 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

13 Funds are hereby authorized to be appropriated for fiscal year 2017 for the procurement
14 account for Defense-wide activities in the amount of \$238,434,000.

15 **SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

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

18 (1) For the Army, \$100,522,000.

19 (2) For the Navy, \$78,323,000.

20 (3) For the Air Force, \$32,905,000.

21 (4) For Defense-wide activities, \$162,419,000.

22 **SEC. 1508. OPERATION AND MAINTENANCE.**

1 Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the
2 Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in
3 amounts as follows:

- 4 (1) For the Army, \$15,310,587,000.
- 5 (2) For the Navy, \$6,827,391,000.
- 6 (3) For the Marine Corps, \$1,244,359,000.
- 7 (4) For the Air Force, \$9,498,830,000.
- 8 (5) For Defense-wide activities, \$5,982,173,000.
- 9 (6) For the Army Reserve, \$38,679,000.
- 10 (7) For the Navy Reserve, \$26,265,000.
- 11 (8) For the Marine Corps Reserve, \$3,304,000.
- 12 (9) For the Air Force Reserve, \$57,586,000.
- 13 (10) For the Army National Guard, \$127,035,000.
- 14 (11) For the Air National Guard, \$20,000,000.
- 15 (12) For the Counterterrorism Partnerships Fund, \$1,000,000,000.
- 16 (13) For the Afghanistan coopea Fund, \$3,448,715,000.
- 17 (14) For the Iraq Train and Equip Fund, \$630,000,000.
- 18 (15) For the Syria Train and Equip Fund, \$250,000,000.

19 **SEC. 1509. MILITARY PERSONNEL.**

20 Funds are hereby authorized to be appropriated for fiscal year 2017 to the Department of
21 Defense for military personnel accounts in the total amount of \$3,562,258,000.

22 **SEC. 1510. WORKING CAPITAL FUNDS.**

1 Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the
2 Armed Forces and other activities and agencies of the Department of Defense for providing
3 capital for Defense Working Capital Funds in the amount of \$140,633,000.

4 **SEC. 1511. DEFENSE HEALTH PROGRAM.**

5 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
6 year 2017 for expenses, not otherwise provided for, for the Defense Health Program in the
7 amount of \$331,764,000 for operation and maintenance.

8 **SEC. 1512. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**
9 **WIDE.**

10 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
11 year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug
12 Activities, Defense-wide in the amount of \$215,333,000.

13 **SEC. 1513. DEFENSE INSPECTOR GENERAL.**

14 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
15 year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the
16 Department of Defense in the amount of \$22,062,000.

17 **TITLE XVI—SERVICEMEMBERS CIVIL RELIEF ACT**

18 **SEC. 1601. SHORT TITLE; STATUTORY REFERENCES.**

19 (a) SHORT Title.—This title may be cited as the “Servicemembers Civil Relief Act
20 Amendments of 2016”.

21 (b) STATUTORY REFERENCES.—Any reference in this title to the “SCRA” shall be treated
22 as a reference to the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

23 **SEC. 1602. CLARIFICATION OF AFFIDAVIT REQUIREMENT.**

1 Paragraph (1) of section 201(b) of the SCRA (50 U.S.C. 3931(b)) is amended to read as
2 follows:

3 “(1) PLAINTIFF TO FILE AFFIDAVIT.—

4 “(A) In any action or proceeding covered by this section, the plaintiff,
5 before seeking a default judgment, shall file with the court an affidavit—

6 “(i) stating whether or not the defendant is in military service and
7 showing necessary facts to support the affidavit; or

8 “(ii) if the plaintiff is unable to determine whether or not the
9 defendant is in military service, stating that the plaintiff is unable to
10 determine whether or not the defendant is in military service.

11 “(B) Before filing an affidavit under subparagraph (A), the plaintiff shall
12 conduct a diligent and reasonable investigation to determine whether or not the
13 defendant is in military service, including a search of available Department of
14 Defense records and any other information available to the plaintiff. The affidavit
15 shall set forth all steps taken to determine the defendant’s military status and shall
16 have attached the records on which the plaintiff relied in preparing the affidavit.
17 Attached records shall include at least a copy of the certificate produced by the
18 Department of Defense Manpower Data Center.”.

19 **SEC. 1603. EXTENSION OF PROTECTIONS FOR SERVICEMEMBERS AGAINST**
20 **DEFAULT JUDGMENTS.**

21 (a) APPOINTMENT AND OBLIGATIONS OF ATTORNEY.—Paragraph (2) of subsection (b) of
22 section 201 of the SCRA (50 U.S.C. 3931) is amended to read as follows:

1 “(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY
2 SERVICE.—

3 “(A) If in an action covered by this section it appears that the defendant is
4 in military service, the court may not enter a judgment until after the court
5 appoints an attorney to represent the defendant. The court may not appoint an
6 attorney to represent a defendant who is selected by or affiliated with the plaintiff,
7 an attorney representing the plaintiff, or an employee of an entity affiliated with
8 an attorney representing the plaintiff.

9 “(B) The court appointed attorney shall act only in the best interests of the
10 defendant. The court appointed attorney, when appropriate to represent the best
11 interests of the defendant, shall request a stay of proceedings under this Act.

12 “(C) The court appointed attorney shall use due diligence to locate and
13 contact the defendant. The plaintiff must provide to the court appointed attorney
14 all contact information it has for the defendant. A court appointed attorney unable
15 to make contact with the defendant shall report to the court on all of the attorney’s
16 efforts to make contact.

17 “(D) Upon making contact with the defendant, the court appointed
18 attorney shall advise the defendant of the nature of the lawsuit and the defendant’s
19 rights provided by the Act, including rights to obtain a stay and to request the
20 court to adjust an obligation. Regardless of whether contact is made, the court
21 appointed attorney shall assert such rights on behalf of defendant, provided that
22 there is an adequate basis in law and fact, unless the defendant provides informed
23 consent to not assert such rights.

1 “(E) The court shall require the court appointed attorney to perform duties
2 faithfully and, upon failure to do so, shall discharge the attorney and appoint
3 another.

4 “(F) If an attorney appointed under this section to represent a defendant in
5 military service cannot locate the defendant, actions by the attorney in the case
6 shall not waive any defense of the servicemember or otherwise bind the
7 servicemember.

8 “(G) Nothing in this paragraph shall be construed to prohibit a court from
9 assessing court-appointed attorney fees and costs against the plaintiff.”.

10 (b) SEARCHES OF DEPARTMENT OF DEFENSE MANPOWER DATA CENTER DATABASE.—

11 Such subsection is further amended by adding at the end the following new paragraphs:

12 “(5) REQUIRED SEARCH OF DEPARTMENT OF DEFENSE DATABASE.—If a
13 plaintiff is in possession of information necessary to obtain a status report with
14 respect to a defendant generated by the Department of Defense Manpower Data
15 Center or a successor to such Center, the plaintiff shall obtain and provide to the
16 court a copy of such status report.

17 “(6) DUTIES OF COURT-APPOINTED ATTORNEY.—An attorney appointed to
18 represent a defendant under paragraph (2) shall provide to the court—

19 “(A) if the attorney is in possession of information necessary to obtain
20 a status report with respect to the defendant from the Department of Defense
21 Manpower Data Center or a successor to such Center, such status report;

22 “(B) a statement indicating the date such attorney reviewed the court
23 record and pleadings to ascertain contact information for the defendant;

1 “(C) a statement indicating dates, times, and method of communication
2 to or with the defendant; and

3 “(D) a statement that—

4 “(i) such attorney was unable to contact the defendant;

5 “(ii) the defendant was contacted and requests a stay or requests a
6 continuance to obtain counsel; or

7 “(iii) the defendant was contacted and requests for the case to
8 proceed.

9 “(7) EFFECT OF DEPARTMENT OF DEFENSE DISCONTINUING AVAILABILITY OF
10 INFORMATION.—If the Department of Defense discontinues the availability of active
11 duty status information through the Department of Defense Manpower Data Center
12 or a successor or other related entity, paragraphs (5) and (6)(A) shall cease to apply
13 until such time as the Department resumes making such information available.”.

14 (c) AUTHORITY FOR COURT TO VACATE OR SET ASIDE JUDGMENT FOR INADEQUATE
15 REPRESENTATION.—Paragraph (1) of subsection (g) of such section is amended to read as
16 follows:

17 “(1) AUTHORITY FOR COURT TO VACATE OR SET ASIDE JUDGMENT.—If a default
18 judgment is entered in an action covered by this section against a servicemember during
19 the servicemember's period of military service (or within 60 days after termination of or
20 release from such military service), the court entering the judgment shall, upon
21 application by or on behalf of the servicemember, reopen the judgment for the purpose of
22 allowing the servicemember to defend the action if it appears that—

23 “(A) the servicemember—

1 “(i) was materially affected by reason of that military service in
2 making a defense to the action; and

3 “(ii) has a meritorious or legal defense to the action or some part of
4 it; or

5 “(B) an attorney appointed to represent the servicemember failed to
6 adequately represent the best interests of the defendant.”.

7 **SEC. 1604. RESIDENCY OF DEPENDENTS OF MILITARY PERSONNEL FOR**
8 **VOTING PURPOSES.**

9 (a) EXTENSION OF SPOUSE COVERAGE TO ALL DEPENDENTS.—Section 705 of the SCRA
10 (50 U.S.C. 4025) is amended—

11 (1) in subsection (b)—

12 (A) by striking “SPOUSES” in the subsection heading and inserting
13 “DEPENDENTS”; and

14 (B) by striking “spouse” and inserting “military sponsor”; and

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

16 “(c) MILITARY SPONSOR DEFINED.—For purposes of this section, the term ‘military
17 sponsor’, with respect to any person, means a servicemember with respect to whom the person is
18 a dependent.”.

19 (b) TECHNICAL AMENDMENTS FOR STATUTORY CONSISTENCY.—Such section is further
20 amended by striking “or naval” in subsections (a) and (b).

21 (c) CLERICAL AMENDMENTS.—

22 (1) SECTION HEADING.—The heading of such section is amended to read as
23 follows:

1 **“SEC. 705. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL AND**
2 **DEPENDENTS OF MILITARY PERSONNEL FOR VOTING PURPOSES.”.**

3 (2) TABLE OF CONTENTS.—The item relating to that section in the table of contents
4 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.”.

5 **SEC. 1605. INCREASE IN CIVIL PENALTIES.**

6 Subsection (b)(3) of section 801 of the SCRA (50 U.S.C. 4041) is amended—

7 (1) in subparagraph (A), by striking “\$55,000” and inserting “\$110,000”; and

8 (2) in subparagraph (B), by striking “\$110,000” and inserting “\$220,000”.

9 **SEC. 1606. ENFORCEMENT BY THE ATTORNEY GENERAL.**

10 Section 801 of the SCRA (50 U.S.C. 4041) is further amended by adding at the end the
11 following new subsections:

12 “(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—Whenever the
13 Attorney General has reason to believe that any person may be in possession, custody, or control
14 of any documentary material relevant to an investigation under this Act, the Attorney General
15 may, before commencing a civil action under subsection (a), issue in writing and cause to be
16 served upon such person, a civil investigative demand requiring—

17 “(1) the production of such documentary material for inspection and copying;

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

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

21 “(e) RELATION TO FALSE CLAIMS ACT.—The statutory provisions governing the authority
22 to issue, use, and enforce civil investigative demands under section 3733 of title 31, United
23 States Code (popularly known as the ‘False Claims Act’), shall govern the authority to issue, use,

1 and enforce civil investigative demands under this section, except that for purposes of this
2 section —

3 “(1) references in that section to false claims law investigators or investigations
4 shall be read as references to investigators or investigations;

5 “(2) references in that section to interrogatories shall be read as references to
6 written questions, and answers to such need not be under oath;

7 “(3) the statutory definitions relating to ‘false claims law’ shall not apply; and

8 “(4) provisions relating to qui tam relators shall not apply.

9 “(f) APPLICATION.—This section applies to any violation of this Act occurring on, before,
10 or after October 13, 2010.”.

11 **SEC. 1607. APPLICATION OF PRIVATE RIGHT OF ACTION.**

12 Section 802 of the SCRA (50 U.S.C. 4042) is amended by adding at the end the
13 following new subsection:

14 “(c) APPLICATION.—This section applies to any violation of this Act occurring on, before,
15 or after October 13, 2010.”.

16 **SEC. 1608. DEFINITION OF MILITARY ORDERS AND CONTINENTAL UNITED**
17 **STATES.**

18 (a) DEFINITIONS FOR ENTIRE ACT.—Section 101 of the SCRA (50 U.S.C. 3911) is
19 amended by adding at the end the following new paragraphs:

20 “(10) MILITARY ORDERS.—The term ‘military orders’, with respect to a
21 servicemember, means official military orders, or any notification, certification, or
22 verification from the Secretary or the servicemember’s commanding officer, with respect
23 to the servicemember’s current or future military duty status.

1 “(11) CONUS.—The term ‘continental United States’ means the 48 contiguous
2 States and the District of Columbia.”.

3 (b) CONFORMING AMENDMENT.—Section 305 of the SCRA (50 U.S.C. 3955) is amended
4 by striking subsection (i).

5 **SEC. 1609. ORAL NOTICE SUFFICIENT TO INVOKE INTEREST RATE CAP.**

6 Section 207(b) of the SCRA (50 U.S.C. 3937(b)) is amended to read as follows:

7 “(b) IMPLEMENTATION OF LIMITATION.—

8 “(1) NOTICE TO CREDITOR.—In order for an obligation or liability of a
9 servicemember to be subject to the interest rate limitation in subsection (a), the
10 servicemember shall provide to the creditor notice of military service and any further
11 extension of military service. Any such notice may be oral or written. Any such notice
12 shall be provided not later than 180 days after the date of the servicemember's
13 termination or release from military service. The creditor shall retain a record of the
14 servicemember’s notification.

15 “(2) CREDITOR ACTION UPON RECEIPT OF NOTICE.—Upon receipt of notice of
16 military service under paragraph (1), the creditor shall treat the debt in accordance with
17 subsection (a), except that the creditor may, before treating the debt in accordance with
18 subsection (a), first conduct a search of Department of Defense records available through
19 the Department of Defense Manpower Data Center in order to confirm such military
20 service. If the creditor is unable to confirm military service by such search, the creditor
21 shall notify the servicemember and may require the servicemember to provide a copy of
22 the servicemember’s military orders before treating the debt in accordance with

1 subsection (a). If military service is confirmed by such search or otherwise, the creditor
2 shall treat the debt in accordance with subsection (a).

3 “(3) LIMITATION EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY.—When a
4 creditor treats a debt of a servicemember in accordance with subsection (a), the treating
5 of the debt in accordance with subsection (a) shall be effective as of the date on which the
6 servicemember is called to military service.”.

7 **SEC. 1610. NON-DISCRIMINATION PROVISION.**

8 (a) PROHIBITION ON DISCRIMINATION AGAINST SERVICEMEMBERS.—Section 108 of the
9 SCRA (50 U.S.C. 3919) is amended—

10 (1) by striking “Application by a servicemember for, or receipt by a
11 servicemember of, a stay, postponement, or suspension” and inserting “(a) APPLICATION
12 OR RECEIPT.—Application by a servicemember for rights or protections”; and

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

14 “(b) ELIGIBILITY.—

15 “(1) IN GENERAL.—In addition to the rights and protections under subsection (a),
16 an individual who is eligible, or may become eligible by virtue of current membership in
17 the reserves or a commitment to perform future military service, for rights or protections
18 under any provision of this Act may not be denied services, including access to housing,
19 or refused credit or be subject to any other action described under paragraphs (1) through
20 (6) of subsection (a) by reason of such eligibility.

21 “(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a
22 lender or service provider from considering all relevant factors, other than the potential
23 eligibility of an individual for rights or protections under a provision of this Act, in

1 making a determination as to whether it is appropriate to provide services or extend
2 credit.”.

3 (b) CLERICAL AMENDMENTS.—

4 (1) SECTION HEADING.—The heading of such section is amended to read as
5 follows:

6 **“SEC. 108. PROHIBITION ON DISCRIMINATION AGAINST SERVICEMEMBERS.”.**

7 (2) TABLE OF CONTENTS.—The item relating to that section in the table of contents
8 in section 1(b) of the SCRA is amended to read as follows:

“108. Prohibition on discrimination against servicemembers.”.

9 **SEC. 1611. EXTENSION OF PROTECTION AGAINST REPOSSESSION FOR**
10 **INSTALLMENT SALES CONTRACTS.**

11 Subsection (a)(1) of section 302 of the SCRA (50 U.S.C. 3952) is amended by striking
12 “during that person’s military service” and inserting “during and for one year after that person’s
13 military service”.

14 **SEC. 1612. HARMONIZATION OF SECTIONS.**

15 Section 303 of the SCRA (50 U.S.C. 3953) is amended—

16 (1) in subsection (b), by striking “filed” and inserting “pending”; and

17 (2) in subsection (c)(1), by striking “with a return made and approved by the
18 court”.

19 **SEC. 1613. EXPANSION OF PROTECTION FOR TERMINATION OF RESIDENTIAL**
20 **AND MOTOR VEHICLE LEASES.**

21 (a) TERMINATION OF LEASES.—Subsection (a) of section 305 of the SCRA (50 U.S.C.
22 3955) is amended—

23 (1) in paragraph (1)—

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

2 (B) in subparagraph (B), by striking the period at the end and inserting “;

3 or”; and

4 (C) by adding at the end the following new subparagraph:

5 “(C) in the case of a lease described in subsection (b)(1) and subparagraph

6 (C) of such subsection, the date the lessee is assigned to or otherwise relocates to

7 quarters or a housing facility as described in such subparagraph.”; and

8 (2) in paragraph (2), by striking “a dependent of the lessee” and inserting “a co-

9 lessee”.

10 (b) COVERED LEASES.—Subsection (b)(1) of such section is amended—

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

12 (2) in subparagraph (B)—

13 (A) by inserting “(including separation or retirement orders)” after

14 “permanent change of station”; and

15 (B) by striking the period at the end and inserting “; or”; and

16 (3) by adding at the end the following new subparagraph:

17 “(C) the lease is executed by or on behalf of a person who thereafter and

18 during the term of the lease is assigned to or otherwise relocates to quarters of the

19 United States or a housing facility under the jurisdiction of a uniformed service

20 (as defined in section 101 of title 37, United States Code), including housing

21 provided under the Military Housing Privatization Initiative.”.

22 (c) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

23 (1) in subparagraph (A)—

1 (A) by inserting “in the case of a lease described in subsection (b)(1) and
2 subparagraph (A) or (B) of such subsection,” before “by delivery”; and

3 (B) by striking “and” at the end;

4 (2) by redesignating subparagraph (B) as subparagraph (C); and

5 (3) by inserting after subparagraph (A) the following new subparagraph (B):

6 “(B) in the case of a lease described in subsection (b)(1) and subparagraph (C) of
7 such subsection, by delivery by the lessee of written notice of such termination, and a
8 letter from the servicemember’s commanding officer indicating that the servicemember
9 has been assigned to or is otherwise relocating to quarters of the United States or a
10 housing facility under the jurisdiction of a uniformed service (as defined in section 101 of
11 title 37, United States Code), to the lessor (or the lessor’s grantee), or to the lessor’s agent
12 (or the agent’s grantee); and”.

13 (d) WAIVER IMPERMISSIBLE—Such section is further amended by adding at the end the
14 following new subsection:

15 “(i) WAIVER NOT PERMITTED.—The provisions of this section may not be waived or
16 modified by the agreement of the parties.”.

17 **SEC. 1614. MILITARY FAMILY PROFESSIONAL LICENSE PORTABILITY.**

18 (a) PORTABILITY.—The SCRA (50 U.S.C. 3901 et seq.) is amended by inserting after
19 section 705 (50 U.S.C. 4025) the following new section:

20 **“SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES AND CERTIFICATIONS**
21 **FOR SERVICEMEMBERS AND THEIR SPOUSES.**

22 “Any professional license or commercial license provided to a servicemember or the
23 spouse of a servicemember shall be fully recognized and honored in any jurisdiction of the

1 United States in which that servicemember or spouse resides due to the military orders of the
2 servicemember for the duration of the orders, if the servicemember or the spouse—

3 “(1) provides a copy of the military orders calling the servicemember to duty in
4 that jurisdiction to the licensing entity in that jurisdiction;

5 “(2) remains in good standing with the licensing entity of the original jurisdiction;
6 and

7 “(3) agrees to be subject to the authority of the licensing entity in the new
8 jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any
9 continuing education requirements.”.

10 (b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the SCRA is amended
11 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.”.

12 **SEC. 1615. ENHANCED PROTECTION OF SERVICEMEMBERS UNDER**
13 **SERVICEMEMBERS CIVIL RELIEF ACT RELATING TO CERTAIN**
14 **CONTRACT PROVISIONS.**

15 (a) CERTAIN CONTRACT PROVISIONS RELATING TO ARBITRATION, CHOICE OF FORUM,
16 AND CHOICE OF LAW EFFECTIVE ONLY WITH WRITTEN AGREEMENT AFTER DISPUTE ARISES.—

17 (1) IN GENERAL.—Title I of the SCRA (50 U.S.C. 3911 et seq.) is amended by
18 adding at the end the following new section:

19 **“SEC. 110. CERTAIN CONTRACT PROVISIONS RELATING TO ARBITRATION,**
20 **CHOICE OF FORUM, AND CHOICE OF LAW EFFECTIVE ONLY**
21 **UPON CONSENT AFTER DISPUTE ARISES.**

22 “(a) WRITTEN CONSENT REQUIRED FOR ARBITRATION.—In the case of a contract with a
23 servicemember, or a servicemember and the servicemember’s spouse jointly, that provides for

1 the use of arbitration to resolve a dispute subject to a provision of this Act and arising out of or
2 relating to such contract, arbitration may be used to settle the dispute only if, after the dispute
3 arises, all parties to the dispute agree in writing to the use of arbitration to settle the dispute.

4 “(b) WRITTEN CONSENT REQUIRED FOR FORUM SELECTION

5 CLAUSE.—In the case of a contract with a servicemember, or a servicemember and the
6 servicemember’s spouse jointly, that provides that only a certain forum will be used to resolve
7 disputes or that grants either party an option to select a forum to resolve a dispute subject to a
8 provision of this Act and arising out of or relating to such contract, the contractual forum
9 selection clause may only be enforced if, after the dispute arises, all parties to the dispute agree
10 in writing to the selected forum to settle the dispute.

11 “(c) WRITTEN CONSENT REQUIRED FOR CHOICE OF LAW CLAUSE.—In the case of a
12 contract with a servicemember, or a servicemember and the servicemember’s spouse jointly, that
13 provides that only a certain jurisdiction's laws will be used to resolve disputes or that grants
14 either party an option to select a certain jurisdiction's laws to resolve a dispute subject to a
15 provision of this Act and arising out of or relating to such contract, the contractual choice of laws
16 clause may only be enforced if, after such dispute arises, all parties to such dispute consent in
17 writing to the selected choice of laws to settle such dispute.”.

18 (2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the SCRA is
19 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.”.

20 (b) LIMITATION ON WAIVER OF RIGHTS PURSUANT TO WRITTEN AGREEMENTS.—Section
21 107(a) of the SCRA (50 U.S.C. 3918(a)) is amended—

1 (1) by inserting before the period at the end of the second sentence the following:
2 “and, if a dispute regarding the instrument or obligation arises, such waiver may be
3 enforced only if it is made after a the specific dispute has arisen and the dispute is
4 identified in the waiver.”; and

5 (2) by inserting before the period at the end of the third sentence the following:
6 “and, if a dispute regarding the action arises, such waiver may be enforced only if it is
7 made after a the specific dispute has arisen and the dispute is identified in the waiver”.

8 (c) INAPPLICABILITY OF SCRA PROVISIONS RELATING TO CHANGES TO DURATION AND
9 TERM OF STAYS AND TO CODEFENDANTS NOT IN SERVICE.—Section 205(c) of the SCRA (50
10 U.S.C. 3935(c)) is amended by striking “202” and inserting “110, 202,”.

11 **SEC. 1616. DETERMINATION OF RESIDENCE OR DOMICILE FOR TAX PURPOSES**
12 **OF SPOUSES OF MILITARY PERSONNEL.**

13 Section 511(a)(2) of the SCRA (50 U.S.C. 4001(a)(2)) is amended by striking “if the
14 residence or domicile, as the case may be, is the same for the servicemember and the spouse”.

15 **TITLE XVII— UNIFORMED AND OVERSEAS CITIZENS ABSENTEE**
16 **VOTING ACT**

17 **SEC. 1701. SHORT TITLE.**

18 This title may be cited as the “Uniformed and Overseas Citizens Absentee Voting
19 Act Amendments of 2016”.

20 **SEC. 1702. PRE-ELECTION REPORTING REQUIREMENTS ON AVAILABILITY**
21 **AND TRANSMISSION OF ABSENTEE BALLOTS.**

22 (a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas
23 Citizens Absentee Voting Act (52 U.S.C. 20302) is amended—

1 (1) by designating the text of that subsection as paragraph (3) and indenting
2 that paragraph, as so designated, two ems from the left margin; and

3 (2) by inserting before paragraph (3), as so designated, the following new
4 paragraphs:

5 “(1) PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.—Not later than
6 55 days before any election for Federal office held in a State, such State shall submit a
7 report to the Attorney General and the Presidential Designee, and make that report
8 publicly available that same day, certifying that absentee ballots are available for
9 transmission to absentee voters, or that it is aware of no circumstances that will prevent
10 absentee ballots from being available for transmission by 46 days before the election.
11 The report shall be in a form prescribed by the Attorney General and shall require the
12 State to certify specific information about ballot availability from each unit of local
13 government which will administer the election.

14 “(2) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—Not later than
15 43 days before any election for Federal office held in a State, such State shall submit a
16 report to the Attorney General and the Presidential Designee, and make that report
17 publicly available that same day, certifying whether all absentee ballots validly requested
18 by absent uniformed services voters and overseas voters whose requests were received by
19 the 46th day before the election have been transmitted to such voters by such date. The
20 report shall be in a form prescribed by the Attorney General and shall require the State to
21 certify specific information about ballot transmission, including the total numbers of
22 ballot requests received and ballots transmitted, from each unit of local government
23 which will administer the election.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) SUBSECTION HEADING.—The heading for such subsection is amended to read
3 as follows: “REPORTS ON ABSENTEE BALLOTS.—”.

4 (2) PARAGRAPH HEADING.—Paragraph (3) of such subsection, as designated by
5 subsection (a)(1), is amended by inserting “POST-ELECTION REPORT ON NUMBER OF
6 ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—“ before “Not later than 90 days”.

7 **SEC. 1703. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.**

8 (a) IN GENERAL.—Subsection (a)(8) of section 102 of the Uniformed and Overseas
9 Citizens Absentee Voting Act (52 U.S.C. 20302) is amended by striking “voter—” and all that
10 follows in that subsection and inserting “voter by the date and in the manner determined under
11 subsection (g);”.

12 (b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—
13 Subsection (g) of such section is amended to read as follows:

14 “(g) BALLOT TRANSMISSION REQUIREMENTS.—

15 “(1) REQUESTS RECEIVED AT LEAST 46 DAYS BEFORE AN ELECTION FOR FEDERAL
16 OFFICE.—For purposes of subsection (a)(8), in a case in which a valid request for an
17 absentee ballot is received at least 46 days before an election for Federal office, the
18 following rules shall apply:

19 “(A) TIME FOR TRANSMITTAL OF ABSENTEE BALLOT.—The State shall
20 transmit the absentee ballot not later than 46 days before the election.

21 “(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

22 “(i) GENERAL RULE.—If the State fails to transmit any absentee
23 ballot by the 46th day before the election as required by subparagraph (A)

1 and the absent uniformed services voter or overseas voter did not request
2 electronic ballot transmission pursuant to subsection (f), the State shall
3 transmit such ballot by express delivery.

4 “(ii) EXTENDED FAILURE.—If the State fails to transmit any
5 absentee ballot by the 41st day before the election, in addition to
6 transmitting the ballot as provided in clause (i), the State shall—

7 “(I) in the case of absentee ballots requested by absent
8 uniformed services voters with respect to regularly scheduled
9 general elections, notify such voters of the procedures established
10 under section 103A for the collection and delivery of marked
11 absentee ballots; and

12 “(II) in any other case, provide, at the State's expense, for
13 the return of such ballot by express delivery.

14 “(iii) ENFORCEMENT.—A State's compliance with this
15 subparagraph does not bar the Attorney General from seeking additional
16 remedies necessary to effectuate the purposes of this Act.

17 “(2) REQUESTS RECEIVED AFTER 46TH DAY BEFORE AN ELECTION FOR FEDERAL
18 OFFICE.—For purposes of subsection (a)(8), in a case in which a valid request for an
19 absentee ballot is received less than 46 days before an election for Federal office, the
20 State shall transmit the absentee ballot within one business day of receipt of the request.”.

21 **SEC. 1704. CLARIFICATION OF STATE RESPONSIBILITY, CIVIL PENALTIES,**
22 **AND PRIVATE RIGHT OF ACTION.**

1 (a) ENFORCEMENT.—Section 105 of the Uniformed and Overseas Citizens Absentee
2 Voting Act (52 U.S.C. 20307) is amended to read as follows:

3 **“SEC. 105. ENFORCEMENT.**

4 “(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate
5 district court for such declaratory or injunctive relief as may be necessary to carry out this title.
6 In any such action, the only necessary party defendant is the State. It shall not be a defense to
7 such action that local election officials are not also named as defendants.

8 “(b) CIVIL PENALTY.—In a civil action brought under subsection (a), if the court finds
9 that the State violated any provision of this title, it may, to vindicate the public interest, assess a
10 civil penalty against the State—

11 “(1) in an amount not exceeding \$110,000, for a first violation.

12 “(2) in an amount not exceeding \$220,000, for any subsequent violation.

13 “(c) ANNUAL REPORT TO CONGRESS.—Not later than December 31 of each year, the
14 Attorney General shall submit to Congress a report on any civil action brought under subsection
15 (a) during that year.

16 “(d) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by a State’s violation of
17 this Act may bring a civil action in an appropriate district court for such declaratory or injunctive
18 relief as may be necessary to carry out this Act.

19 “(e) ATTORNEY’S FEES.—In a civil action under this section, the court may allow the
20 prevailing party (other than the United States) reasonable attorney’s fees, including litigation
21 expenses, and costs.”.

1 (b) REPEAL OF CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITY.—

2 Section 576 of the Military and Overseas Voter Empowerment Act (52 U.S.C. 20302 note) is
3 repealed.

4 **SEC. 1705. TECHNICAL CLARIFICATIONS TO CONFORM TO 2009 MOVE ACT**

5 **AMENDMENTS RELATED TO THE FEDERAL WRITE-IN ABSENTEE**
6 **BALLOT.**

7 (a) STATE RESPONSIBILITIES.—Section 102(a)(3) of the Uniformed and Overseas Citizens
8 Absentee Voting Act (52 U.S.C. 20302(a)(3)) is amended by striking “general”.

9 (b) WRITE-IN ABSENTEE BALLOTS.—Section 103 of such Act (52 U.S.C. 20303) is
10 amended—

11 (1) by striking “GENERAL” in the title of the section; and

12 (2) by striking “general” in subsection (b)(2)(B).

13 **SEC. 1706. TREATMENT OF BALLOT REQUESTS.**

14 (a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting
15 Act (52 U.S.C. 20306) is amended—

16 (1) by striking “A State may not” and inserting “(a) PROHIBITION OF REFUSAL OF
17 APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not”;

18 (2) by inserting “or overseas voter” after “an absent uniformed services voter”;

19 (3) by striking “members of the” before “uniformed services”;

20 (4) by inserting “voters or overseas voters” before the period; and

21 (5) by adding at the end the following new subsection:

22 “(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

1 “(1) IN GENERAL.—If a State accepts and processes a request for an absentee
2 ballot by an absent uniformed services voter or overseas voter and the voter requests that
3 the application be considered an application for an absentee ballot for each subsequent
4 election for Federal office held in the State through the next regularly scheduled general
5 election for Federal office (including any runoff elections which may occur as a result of
6 the outcome of such general election), and any special elections for Federal office held in
7 the State through the calendar year following such general election, the State shall
8 provide an absentee ballot to the voter for each such subsequent election.

9 “(2) EXCEPTION FOR VOTERS CHANGING REGISTRATION.— Paragraph (1) shall not
10 apply with respect to a voter registered to vote in a State for any election held after the
11 voter notifies the State that the voter no longer wishes to be registered to vote in the State
12 or after the State determines that the voter has registered to vote in another State.”.

13 (b) CONFORMING AMENDMENT.— The heading of such section is amended to read as
14 follows:

15 **“SEC. 104. TREATMENT OF BALLOT REQUESTS.”.**

16 **SEC. 1707. INCLUSION OF NORTHERN MARIANA ISLANDS IN THE DEFINITION**
17 **OF “STATE” FOR PURPOSES OF THE UNIFORMED AND OVERSEAS**
18 **CITIZENS ABSENTEE VOTING ACT.**

19 Paragraphs (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee
20 Voting Act (52 U.S.C. 20310) are each amended by striking “and American Samoa” and
21 inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

1 **SEC. 1708. REQUIREMENT FOR PRESIDENTIAL DESIGNEE TO REVISE THE**
2 **FEDERAL POST CARD APPLICATION TO ALLOW VOTERS TO**
3 **DESIGNATE BALLOT REQUESTS.**

4 (a) REQUIREMENT.—The Presidential designee shall ensure that the official post card
5 form (prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee
6 Voting Act (52 U.S.C. 20301(b)(2))) enables a voter using the form to—

7 (1) request an absentee ballot for each election for Federal office held in a State
8 through the next regularly scheduled general election for Federal office (including any
9 runoff elections which may occur as a result of the outcome of such general election) and
10 any special elections for Federal office held in the State through the calendar year
11 following such general election; or

12 (2) request an absentee ballot for a specific election or elections for Federal office
13 held in a State during the period described in paragraph (1).

14 (b) DEFINITION.—In this section, the term “Presidential designee” means the individual
15 designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act
16 (52 U.S.C. 20301(a)).

17 **SEC. 1709. REQUIREMENT OF PLURALITY VOTE FOR VIRGIN ISLANDS AND**
18 **GUAM FEDERAL ELECTIONS.**

19 Section 2(a) of the Act entitled “An Act to provide that the unincorporated territories of
20 Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of
21 Representatives” approved April 10, 1972 (48 U.S.C. 1712(a)), is amended—

22 (1) by striking “majority” in the second and third sentences and inserting
23 “plurality”; and

1 (2) by striking the fourth sentence.

2 **SEC. 1710. EXTENSION OF REPORTING DEADLINE FOR THE ANNUAL REPORT**
3 **ON THE ASSESSMENT OF THE EFFECTIVENESS OF ACTIVITIES OF**
4 **THE FEDERAL VOTING ASSISTANCE PROGRAM.**

5 (a) ELIMINATION OF REPORTS FOR NON-ELECTION YEARS.—Section 105A(b) of the
6 Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)) is amended—

7 (1) by striking “March 31 of each year” and inserting “September 30 of each odd-
8 numbered year”; and

9 (2) by striking “the following information” and inserting “the following
10 information with respect to the Federal elections held during the preceding calendar
11 year”.

12 (b) CONFORMING AMENDMENTS.—Such section is further amended—

13 (1) by striking “ANNUAL REPORT” in the subsection heading and inserting
14 “BIENNIAL REPORT”; and

15 (2) by striking “In the case of” in paragraph (3) and all that follows through “a
16 description” and inserting “A description”.

17 **SEC. 1711. TREATMENT OF POST CARD FORM REGISTRATIONS.**

18 Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C.
19 20302) is amended by adding at the end the following new subsection:

20 “(j) TREATMENT OF POST CARD REGISTRATIONS.—A State shall not remove any absent
21 uniformed services voter or overseas voter who has registered to vote using the official post card
22 form (prescribed under section 101) from the official list of registered voters, except in

1 accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter
2 Registration Act of 1993 (52 U.S.C. 20507(a)(3)).”.

3 **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construction Authorization Act for Fiscal
6 Year 2017”.

7 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO**
8 **BE SPECIFIED BY LAW.**

9 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in
10 subsection (b), all authorizations contained in titles XXI through XXVII for military
11 construction projects, land acquisition, family housing projects and facilities, and
12 contributions to the North Atlantic Treaty Organization Security Investment Program (and
13 authorizations of appropriations therefor) shall expire on the later of—

14 (1) October 1, 2019; or

15 (2) the date of the enactment of an Act authorizing funds for military
16 construction for fiscal year 2020.

17 (b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military
18 construction projects, land acquisition, family housing projects and facilities, and
19 contributions to the North Atlantic Treaty Organization Security Investment Program (and
20 authorizations of appropriations therefor), for which appropriated funds have been obligated
21 before the later of—

22 (1) October 1, 2019; or

1 (2) the date of the enactment of an Act authorizing funds for fiscal year 2020
 2 for military construction projects, land acquisition, family housing projects and
 3 facilities, or contributions to the North Atlantic Treaty Organization Security
 4 Investment Program.

5 **SEC. 2003. EFFECTIVE DATE.**

6 Titles XXI through XXVII shall take effect on the later of—

- 7 (1) October 1, 2016; or
- 8 (2) the date of the enactment of this Act.

9 **TITLE XXI—ARMY MILITARY CONSTRUCTION**

10 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION**
 11 **PROJECTS.**

12 (a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the
 13 authorization of appropriations in section 2103(a) and available for military construction projects
 14 inside the United States as specified in the funding table in section 3002, the Secretary of the
 15 Army may acquire real property and carry out military construction projects for the installations
 16 or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation	Amount
Alaska	Fort Wainwright	\$47,000,000
California	Concord	\$12,600,000
Colorado	Fort Carson	\$13,100,000
Georgia	Fort Gordon	\$90,000,000
	Fort Stewart	\$14,800,000
Texas	Fort Hood	\$7,600,000
Utah	Camp Williams	\$7,400,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 2 authorization of appropriations in section 2103(a) and available for military construction projects
 3 outside the United States as specified in the funding table in section 3002, the Secretary of the
 4 Army may acquire real property and carry out the military construction project for the
 5 installations or locations outside the United States, and in the amount, set forth in the following
 6 table:

Army: Outside the United States

Country	Installation	Amount
Cuba	Guantanamo Bay	\$33,000,000
Germany	East Camp Grafenwoehr	\$22,000,000
	Garmisch	\$9,600,000
	Wiesbaden Army Airfield	\$19,200,000

7 **SEC. 2102. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
 9 authorization of appropriations in section 2103(a) and available for military family housing
 10 functions as specified in the funding table in section 3002, the Secretary of the Army may
 11 construct or acquire family housing units (including land acquisition and supporting facilities) at
 12 the installations or locations, in the number of units, and in the amounts set forth in the following
 13 table:

Army: Family Housing

State/Country	Installation	Units	Amount
Korea	Camp Humphreys	Family Housing New Construction	\$143,563,000
	Camp Walker	Family Housing New Construction	\$54,554,000

14 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
 15 of appropriations in section 2103(a) and available for military family housing functions as

1 specified in the funding table in section 3002, the Secretary of the Army may carry out
2 architectural and engineering services and construction design activities with respect to the
3 construction or improvement of family housing units in an amount not to exceed \$2,618,000.

4 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
6 appropriated for fiscal years beginning after September 30, 2016, for military construction, land
7 acquisition, and military family housing functions of the Department of the Army as specified in
8 the funding table in section 3002.

9 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost
10 variations authorized by section 2853 of title 10, United States Code, and any other cost variation
11 authorized by law, the total cost of all projects carried out under section 2101 of this Act may not
12 exceed the total amount authorized to be appropriated under subsection (a), as specified in the
13 funding table in section 3002.

14 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
15 **YEAR 2014 PROJECT.**

16 In the case of the authorization contained in the table in section 2101(a) of the Military
17 Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat.
18 986) for Joint Base Lewis-McChord, Washington, for construction of an aircraft maintenance
19 hangar at the installation, the Secretary of the Army may construct an aircraft washing apron.

20 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013**
21 **PROJECTS.**

22 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
23 Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2118), the

1 authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (126
 2 Stat. 2119) and extended by section 2107 of the Military Construction Authorization Act for
 3 Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. XXXX), shall remain in effect
 4 until October 1, 2017, or the date of the enactment of an Act authorizing funds for military
 5 construction for fiscal year 2018, whichever is later.

6 (b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Kansas	Fort Riley	Unmanned Aerial Vehicle Complex	\$12,200,000
Virginia	Fort Belvoir	Secure Admin/Operations Facility	\$172,000,000
Italy	Camp Ederle	Barracks	\$36,000,000
Japan	Sagami	Vehicle Maintenance Shop	\$18,000,000

7 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014**
 8 **PROJECTS.**

9 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 10 Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 985), the
 11 authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (127
 12 Stat. 986) shall remain in effect until October 1, 2017, or the date of the enactment of an Act
 13 authorizing funds for military construction for fiscal year 2018, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Maryland	Fort Detrick	Entry Control Point	\$2,500,000
Kwajalein Atoll	Kwajalein	Pier	\$63,000,000

Japan	Kyotango City	Company Operations Complex	\$33,000,000
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TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION

PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 3002, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	\$48,355,000
California	Coronado	\$104,501,000
	Lemoore	\$26,723,000
	San Diego	\$6,183,000
	Seal Beach	\$21,007,000
	Eglin Air Force Base	\$20,489,000
Florida		
Hawaii	Barking Sands	\$43,384,000
	Kaneohe Bay	\$72,565,000
Maine	Kittery	\$47,892,000
Maryland	Patuxent River	\$40,576,000
Nevada	Fallon	\$13,523,000
North Carolina	Cherry Point Marine Corps Air Station	\$12,515,000
	Camp Lejeune	\$18,482,000
South Carolina	Beaufort	\$83,490,000
	Parris Island	\$29,882,000
Washington	Bangor	\$18,939,000
	Bremerton	\$6,704,000
	Kitsap	\$21,476,000
	Whidbey Island	\$75,976,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 2 authorization of appropriations in section 2204(a) and available for military construction projects
 3 outside the United States as specified in the funding table in section 3002, the Secretary of the
 4 Navy may acquire real property and carry out military construction projects for the installation or
 5 location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Guam	Joint Region Marianas	\$89,185,000
Japan	Kadena Air Base	\$26,489,000
	Sasebo	\$16,420,000
Spain	Rota	\$23,607,000
Worldwide		
Unspecified	Unspecified Worldwide Locations	\$41,380,000

6 **Sec. 2202. Family housing.**

7 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
 8 authorization of appropriations in section 2204(a) and available for military family housing
 9 functions as specified in the funding table in section 3002, the Secretary of the Navy may
 10 construct or acquire family housing units (including land acquisition and supporting facilities) at
 11 the installations or locations, in the number of units, and in the amounts set forth in the following
 12 table:

Navy: Family Housing

Country	Installation	Units	Amount
Mariana Islands	Guam	Replace Andersen Housing PH 1	\$78,815,000

13 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
 14 of appropriations in section 2204(a) and available for military family housing functions as
 15 specified in the funding table in section 3002, the Secretary of the Navy may carry out

1 architectural and engineering services and construction design activities with respect to the
2 construction or improvement of family housing units in an amount not to exceed \$4,149,000.

3 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

4 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
5 pursuant to the authorization of appropriations in section 2204(a) and available for military
6 family housing functions as specified in the funding table in section 3002, the Secretary of the
7 Navy may improve existing military family housing units in an amount not to exceed
8 \$11,047,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
11 appropriated for fiscal years beginning after September 30, 2016, for military construction, land
12 acquisition, and military family housing functions of the Department of the Navy, as specified in
13 the funding table in section 3002.

14 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost
15 variations authorized by section 2853 of title 10, United States Code, and any other cost variation
16 authorized by law, the total cost of all projects carried out under section 2201 of this Act may not
17 exceed the total amount authorized to be appropriated under subsection (a), as specified in the
18 funding table in section 3002.

19 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
20 **YEAR 2014 PROJECT.**

21 In the case of the authorization contained in the table in section 2201 of the Military
22 Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat.
23 989) for Pearl City, Hawaii, for construction of a water transmission line at that location, the

1 Secretary of the Navy may construct a 591-meter (1,940-foot) long 16-inch diameter water
 2 transmission line as part of the network required to provide the main water supply to Joint Base
 3 Pearl Harbor-Hickam, Hawaii.

4 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013**
 5 **PROJECTS.**

6 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 7 Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2118), the
 8 authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (126
 9 Stat. 2122) and extended by section 2206 of the Military Construction Authorization Act for
 10 Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. XXXX), shall remain in effect
 11 until October 1, 2017, or the date of the enactment of an Act authorizing funds for military
 12 construction for fiscal year 2018, whichever is later.

13 (b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Camp Pendleton	Comm. Information Systems Ops Complex	\$78,897,000
Greece	Souda Bay	Intermodal Access Road	\$4,630,000
South Carolina	Beaufort	Recycling/Hazardous Waste Facility	\$3,743,000
Worldwide Unspecified	Various Worldwide Locations	BAMS Operational Facilities	\$34,048,000

14 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014**
 15 **PROJECTS.**

16 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 17 Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 985), the

1 authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (127
 2 Stat. 989), shall remain in effect until October 1, 2017, or the date of the enactment of an Act
 3 authorizing funds for military construction for fiscal year 2018, whichever is later.

4 (b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Kaneohe Bay	Aircraft Maintenance Hangar Upgrades	\$31,820,000
Illinois	Pearl City	Water Transmission Line	\$30,100,000
	Great Lakes	Unaccompanied Housing	\$35,851,000
Maine	Bangor	NCTAMS VLF Commercial Power Connection	\$13,800,000
Nevada	Fallon	Wastewater Treatment Plant	\$11,334,000
Virginia	Quantico	Academic Instruction Facility TECOM Schools	\$25,731,000
	Quantico	Fuller Road Improvements	\$9,013,000

5 **TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

6 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION**
 7 **PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 9 authorization of appropriations in section 2304(a) and available for military construction
 10 projects inside the United States as specified in the funding table in section 3002, the
 11 Secretary of the Air Force may acquire real property and carry out military construction
 12 projects for the installations or locations inside the United States, and in the amounts, set
 13 forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$20,000,000

	Eielson Air Force Base	\$295,600,000
	Joint Base Elmendorf-Richardson	\$29,000,000
Arizona	Luke Air Force Base	\$20,000,000
California	Edwards Air Force Base	\$24,000,000
Colorado	Buckley Air Force Base	\$13,500,000
Delaware	Dover Air Force Base	\$39,000,000
Florida	Eglin Air Force Base	\$88,600,000
	Patrick Air Force Base	\$13,500,000
Georgia	Moody Air Force Base	\$30,900,000
Kansas	McConnell Air Force Base	\$19,800,000
Louisiana	Barksdale Air Force Base	\$21,000,000
Maryland	Joint Base Andrews	\$16,500,000
Massachusetts	Hanscom Air Force Base	\$20,000,000
Montana	Malmstrom Air Force Base	\$14,600,000
Nevada	Nellis Air Force Base	\$10,600,000
New Mexico	Cannon Air Force Base	\$21,000,000
	Holloman Air Force Base	\$10,600,000
	Kirtland Air Force Base	\$7,300,000
Ohio	Wright-Patterson Air Force Base	\$12,600,000
Oklahoma	Altus Air Force Base	\$11,600,000
	Tinker Air Force Base	\$17,000,000
Texas	Joint Base San Antonio	\$67,300,000
Utah	Hill Air Force Base	\$44,500,000
Virginia	Joint Base Langley-Eustis	\$59,200,000
Washington	Fairchild Air Force Base	\$27,000,000
Wyoming	F. E. Warren Air Force Base	\$5,550,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2304(a) and available for military construction
3 projects outside the United States as specified in the funding table in section 3002, the
4 Secretary of the Air Force may acquire real property and carry out military construction
5 projects for the installation or location outside the United States, and in the amount, set
6 forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	\$30,400,000
Germany	Ramstein Air Base	\$43,465,000
	Spangdahlem Air Base	\$13,437,000
Guam	Joint Region Marianas	\$80,658,000
Japan	Kadena Air Base	\$19,815,000

	Yokota Air Base	\$32,020,000
Mariana Islands	Unspecified Location	\$9,000,000
Turkey	Incirlik Air Base	\$13,449,000
United Arab Emirates	Al Dhafra	\$35,400,000
United Kingdom	Croughton RAF	\$69,582,000

1 **SEC. 2302. FAMILY HOUSING.**

2 Using amounts appropriated pursuant to the authorization of appropriations in
3 section 2304(a) and available for military family housing functions as specified in the
4 funding table in section 3002, the Secretary of the Air Force may carry out architectural and
5 engineering services and construction design activities with respect to the construction or
6 improvement of family housing units in an amount not to exceed \$4,368,000.

7 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

8 Subject to section 2825 of title 10, United States Code, and using amounts
9 appropriated pursuant to the authorization of appropriations in section 2304(a) and available
10 for military family housing functions as specified in the funding table in section 3002, the
11 Secretary of the Air Force may improve existing military family housing units in an amount
12 not to exceed \$56,984,000.

13 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
15 appropriated for fiscal years beginning after September 30, 2016, for military construction,
16 land acquisition, and military family housing functions of the Department of the Air Force,
17 as specified in the funding table in section 3002.

18 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the
19 cost variations authorized by section 2853 of title 10, United States Code, and any other cost
20 variation authorized by law, the total cost of all projects carried out under section 2301 of

1 this Act may not exceed the total amount authorized to be appropriated under subsection (a),
2 as specified in the funding table in section 3002.

3 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
4 **YEAR 2016 PROJECT.**

5 In the case of the authorization contained in the table in section 2301(a) of the
6 Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law
7 114-92; 129 Stat. XXXX) for Malmstrom Air Force Base, Montana, for construction of a
8 Tactical Response Force Alert Facility at the installation, the Secretary of the Air Force may
9 construct an emergency power generator system consistent with the Air Force's construction
10 guidelines.

11 **SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013**
12 **PROJECT.**

13 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
14 Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2118),
15 the authorization set forth in the table in subsection (b), as provided in section 2301 of that
16 Act (126 Stat. 2126) and extended by section 2309 of the Military Construction
17 Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat.
18 XXXX), shall remain in effect until October 1, 2017, or the date of the enactment of an Act
19 authorizing funds for military construction for fiscal year 2018, whichever is later.

20 (b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2013 Project Authorization

State/Country	Installation or Location	Project	Amount
Portugal	Lajes Field	Sanitary Sewer Lift/Pump Station	\$2,000,000

1 **SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014**
 2 **PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 4 Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 985),
 5 the authorization set forth in the table in subsection (b), as provided in section 2301 of that
 6 Act (127 Stat. 992), shall remain in effect until October 1, 2017, or the date of the
 7 enactment of an Act authorizing funds for military construction for fiscal year 2018,
 8 whichever is later.

9 (b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2014 Project Authorizations

Country	Installation or Location	Project	Amount
Mariana Islands	Saipan	PAR—Airport Pol/Bulk Storage AST	\$18,500,000
	Saipan	PAR—Hazardous Cargo Pad	\$8,000,000
	Saipan	PAR—Maintenance Facility	\$2,800,000
Worldwide Unspecified (Italy)	Aviano Air Base	Guardian Angel Operations Facility	\$22,047,000

10 **TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

11 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND**

12 **ACQUISITION PROJECTS.**

13 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 14 authorization of appropriations in section 2403(a) and available for military construction
 15 projects inside the United States as specified in the funding table in section 3002, the
 16 Secretary of Defense may acquire real property and carry out military construction projects
 17 for the installations or locations inside the United States, and in the amounts, set forth in the
 18 following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$155,000,000
	Fort Greely	\$9,560,000
	Joint Base Elmendorf-Richardson	\$4,900,000
Arizona	Fort Huachuca	\$4,493,000
California	Coronado	\$175,412,000
	Travis Air Force Base	\$26,500,000
Delaware	Dover Air Force Base	\$44,115,000
Florida	Patrick Air Force Base	\$10,100,000
Georgia	Fort Benning	\$4,820,000
	Fort Gordon	\$25,000,000
Maine	Portsmouth	\$27,100,000
Maryland	Bethesda Naval Hospital	\$510,000,000
	Fort Meade	\$38,000,000
Missouri	St. Louis	\$801,000
North Carolina	Camp Lejeune	\$31,000,000
	Fort Bragg	\$86,593,000
South Carolina	Joint Base Charleston	\$17,000,000
Texas	Red River Army Depot	\$44,700,000
	Sheppard Air Force Base	\$91,910,000
Virginia	Pentagon	\$20,216,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2403(a) and available for military construction
3 projects outside the United States as specified in the funding table in section 3002, the
4 Secretary of Defense may acquire real property and carry out military construction projects
5 for the installations or locations outside the United States, and in the amounts, set forth in
6 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	\$30,000,000
Germany	Kaiserslautern	\$45,221,000
Japan	Iwakuni	\$6,664,000
	Kadena Air Base	\$161,224,000
	Yokota Air Base	\$113,731,000
Kwajalein	Kwajalein Atoll	\$85,500,000
United Kingdom	Royal Air Force Croughton	\$71,424,000

	Royal Air Force Lakenheath	\$13,500,000
Wake Island	Wake Island	\$11,670,000

1 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

2 Using amounts appropriated pursuant to the authorization of appropriations in
3 section 2403(a) and available for energy conservation projects as specified in the funding
4 table in section 3002, the Secretary of Defense may carry out energy conservation projects
5 under chapter 173 of title 10, United States Code, in the amount set forth in the table.

6 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
8 appropriated for fiscal years beginning after September 30, 2016, for military construction,
9 land acquisition, and military family housing functions of the Department of Defense (other
10 than the military departments), as specified in the funding table in section 3002.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the
12 cost variations authorized by section 2853 of title 10, United States Code, and any other cost
13 variation authorized by law, the total cost of all projects carried out under section 2401 of
14 this Act may not exceed the total amount authorized to be appropriated under subsection (a),
15 as specified in the funding table in section 3002.

16 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
17 **YEAR 2014 PROJECT.**

18 In the case of the authorization in the table in in section 2401(b) of the Military
19 Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127
20 Stat. 996), for Royal Air Force Lakenheath, United Kingdom, for construction of a high
21 school, the Secretary of Defense may construct a combined middle/high school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (126 Stat. 2127), as amended by section 2406(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. XXXX), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Japan	Camp Zama	Renovate Zama High School	\$13,273,000
Pennsylvania	New Cumberland	Replace Reservoir	\$4,300,000

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127 Stat. 995), shall remain in effect until October 1, 2017 or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
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1 Funds are hereby authorized to be appropriated for fiscal years beginning after
 2 September 30, 2016, for contributions by the Secretary of Defense under section 2806 of
 3 title 10, United States Code, for the share of the United States of the cost of projects for the
 4 North Atlantic Treaty Organization Security Investment Program authorized by section
 5 2501 as specified in the funding table in section 3002.

Subtitle B—Host Country In-kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

8 Pursuant to agreement with the Republic of Korea for required in-kind
 9 contributions, the Secretary of Defense may accept military construction projects for the
 10 installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea	Army	CP Tango	Repair Collective Protection System (CPS)	\$11,600,000
Korea	Army	USAG Humphreys	Duplex Company Operations, Zoeckler Station	\$10,200,000
Korea	Army	USAG Humphreys	Doppler Very High Frequency Omnidirectional Radio Range (VOR) Infrastructure	\$4,100,000
Korea	Army	USAG Humphreys	Vehicle Maintenance Facility & Company Ops Complex (3 rd CAB)	\$49,500,000
Korea	Army	USAG Humphreys	8 th Army Correctional Facility	\$14,600,000
Korea	Navy	Chinhae	Upgrade Electrical System, Pier 11	\$4,600,000
Korea	Navy	Chinhae	Indoor Training Pool	\$2,800,000
Korea	Navy	Camp Mujuk	Marine Air Ground Task Force Operations Center	\$68,000,000

Korea	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #2	\$14,100,000
Korea	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #3	\$14,100,000
Korea	Air Force	Kunsan Air Base	3 rd Generation Hardened Aircraft Shelters (HAS); Phases 4, 5, 6	\$132,500,000
Korea	Air Force	Kunsan Air Base	Upgrade Electrical Distribution System	\$13,000,000
Korea	Air Force	Osan Air Base	Construct Korea Air Operations Center	\$160,000,000
Korea	Air Force	Osan Air Base	Air Freight Terminal Facility	\$40,000,000
Korea	Air Force	Osan Air Base	Construct F-16 Quick Turn Pad	\$7,500,000
Korea	Defense-Wide	Camp Carroll	Sustainment Facilities Upgrade Phase I – DLA Warehouse	\$74,600,000
Korea	Defense-Wide	USAG Humphreys	Elementary School	\$42,000,000
Korea	Defense-Wide	Icheon Special Warfare Command	Special Operations Command, Korea (SOCKOR) Contingency Operations Center and Barracks	\$9,900,000
Korea	Defense-Wide	K-16 Air Base	Special Operations Forces (SOF) Operations Facility, B-606	\$11,000,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 3002, the Secretary of the Army may acquire real property and carry out

1 military construction projects for the Army National Guard locations inside the United
 2 States, and in the amounts, set forth in the following table:

Army National Guard		
State	Location	Amount
Hawaii	Hilo	\$31,000,000
Iowa	Davenport	\$23,000,000
Kansas	Fort Leavenworth	\$29,000,000
New Hampshire	Hooksett	\$11,000,000
	Rochester	\$8,900,000
Oklahoma	Ardmore	\$22,000,000
Pennsylvania	York	\$9,300,000
Rhode Island	East Greenwich	\$20,000,000
Utah	Camp Williams	\$37,000,000
Wyoming	Laramie	\$21,000,000

3 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND**
 4 **ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the authorization of appropriations in
 6 section 2606 and available for the National Guard and Reserve as specified in the funding
 7 table in section 3002, the Secretary of the Army may acquire real property and carry out
 8 military construction projects for the Army Reserve locations inside the United States, and
 9 in the amounts, set forth in the following table:

Army Reserve		
State	Location	Amount
California	Camp Parks	\$19,000,000
	Fort Hunter Liggett	\$21,500,000
Virginia	Dublin	\$6,000,000
Wisconsin	Fort McCoy	\$11,400,000

10 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE**
 11 **CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the authorization of appropriations in
 13 section 2606 and available for the National Guard and Reserve as specified in the funding

1 table in section 3002, the Secretary of the Navy may acquire real property and carry out
 2 military construction projects for the Navy Reserve and Marine Corps Reserve locations
 3 inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Louisiana	New Orleans	\$11,207,000
New York	Brooklyn	\$1,964,000
	Syracuse	\$13,229,000
Texas	Galveston	\$8,414,000

4 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND**
 5 **ACQUISITION PROJECTS.**

6 Using amounts appropriated pursuant to the authorization of appropriations in
 7 section 2606 and available for the National Guard and Reserve as specified in the funding
 8 table in section 3002, the Secretary of the Air Force may acquire real property and carry out
 9 military construction projects for the Air National Guard locations inside the United States,
 10 and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Connecticut	Bradley IAP	\$6,300,000
Florida	Jacksonville IAP	\$9,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$11,000,000
Iowa	Sioux Gateway Airport	\$12,600,000
Minnesota	Duluth IAP	\$7,600,000
New Hampshire	Pease International Trade Port	\$1,500,000
North Carolina	Charlotte/Douglas IAP	\$50,600,000
South Carolina	McEntire ANGS	\$8,400,000
Texas	Ellington Field	\$4,500,000
Vermont	Burlington IAP	\$4,500,000

11 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND**
 12 **ACQUISITION PROJECTS.**

1 Using amounts appropriated pursuant to the authorization of appropriations in
2 section 2606 and available for the National Guard and Reserve as specified in the funding
3 table in section 3002, the Secretary of the Air Force may acquire real property and carry out
4 military construction projects for the Air Force Reserve locations inside the United States,
5 and in the amounts, set forth in the following table:

Air Force Reserve		
State	Location	Amount
North Carolina	Seymour Johnson Air Force Base	\$97,950,000
Pennsylvania	Pittsburgh IAP	\$85,000,000

6 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND**
7 **RESERVE.**

8 Funds are hereby authorized to be appropriated for fiscal years beginning after
9 September 30, 2016, for the costs of acquisition, architectural and engineering services, and
10 construction of facilities for the Guard and Reserve Forces, and for contributions therefor,
11 under chapter 1803 of title 10, United States Code (including the cost of acquisition of land
12 for those facilities), as specified in the funding table in section 3002.

13 **Subtitle B—Other Matters**

14 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
15 **YEAR 2014 PROJECT.**

16 In the case of the authorization contained in the table in section 2602 of the Military
17 Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127
18 Stat. 1001) for Bullville, New York, for construction of a new Army Reserve Center at that
19 location, the Secretary of the Army may add to or alter the existing Army Reserve Center at
20 Bullville, New York.

1 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
2 **YEAR 2015 PROJECT.**

3 In the case of the authorization contained in the table in section 2603 of the Military
4 Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291;
5 128 Stat. 3689) for Pittsburgh, Pennsylvania, for construction of a Reserve Training Center
6 at that location, the Secretary of the Navy may acquire approximately 8.5 acres (370,260
7 square feet) of adjacent land, obtain necessary interest in land, and construct road
8 improvements and associated supporting facilities to provide required access to the Reserve
9 Training Center.

10 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013**
11 **PROJECT.**

12 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
13 Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2118),
14 the authorizations set forth in the table in subsection (b), as provided in section 2603 of that
15 Act (126 Stat. 2135) and extended by section 2614 of the Military Construction
16 Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat.
17 XXXX), shall remain in effect until October 1, 2017, or the date of the enactment of an Act
18 authorizing funds for military construction for fiscal year 2018, whichever is later.

19 (b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2013 Project Authorization			
State	Installation or Location	Project	Amount
Iowa	Fort Des Moines	Joint Reserve Center	\$19,162,000

20 **SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014**
21 **PROJECTS.**

1 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 2 Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 985),
 3 the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2603,
 4 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1,
 5 2017, or the date of the enactment of an Act authorizing funds for military construction for
 6 fiscal year 2018, whichever is later.

7 (b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2014 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Parks	Army Reserve Center	\$17,500,000
	March Air Force Base	NOSC Moreno Valley Reserve Training Center	\$11,086,000
Florida	Homestead ARB	Entry Control Complex	\$9,800,000
Maryland	Fort Meade	175 th Network Warfare Squadron Facility	\$4,000,000
		Cyber/ISR Facility	\$8,000,000
New York	Martin State Airport Bullville	Army Reserve Center	\$14,500,000

8 **TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

9 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT**

10 **AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF**
 11 **DEFENSE BASE CLOSURE ACCOUNT.**

12 Funds are hereby authorized to be appropriated for fiscal years beginning after
 13 September 30, 2016, for base realignment and closure activities, including real property
 14 acquisition and military construction projects, as authorized by the Defense Base Closure
 15 and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687
 16 note) and funded through the Department of Defense Base Closure Account established by
 17 section 2906 of such Act (as amended by section 2711 of the Military Construction

1 Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat.
2 2140)), as specified in the funding table in section 3002.

3 **TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

4 **SEC. 2801. CHANGE IN AUTHORITIES RELATING TO SCOPE OF WORK**

5 **VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS.**

6 (a) LIMITED AUTHORITY FOR SCOPE OF WORK INCREASE.—Section 2853 of title 10,
7 United States Code, is amended—

8 (1) in subsection (b)(2), by striking “The scope of work” and inserting “Except as
9 provided in subsection (d), the scope of work”;

10 (2) by redesignating subsections (d) and (e) as subsections (e) and (f),
11 respectively; and

12 (3) by inserting after subsection (c) the following new subsection (d):

13 “(d) The limitation in subsection (b)(2) on an increase in the scope of work does not
14 apply if—

15 “(1) the increase in the scope of work is not more than 10 percent of the amount
16 specified for that project, construction, improvement, or acquisition in the justification
17 data provided to Congress as part of the request for authorization of the project,
18 construction, improvement, or acquisition;

19 “(2) the increase is approved by the Secretary concerned;

20 “(3) the Secretary concerned notifies the appropriate committees of Congress in
21 writing of the increase in scope and the reasons therefor; and

22 “(4) a period of 21 days has elapsed after the date on which the notification is
23 received by the committees or, if over sooner, a period of 14 days has elapsed after the

1 date on which a copy of the notification is provided in an electronic medium pursuant to
2 section 480 of this title.”.

3 (b) CROSS-REFERENCE AMENDMENTS.—

4 (1) Subsection (a) of such section is amended by striking “subsection (c) or (d)”
5 and inserting “subsection (c), (d), or (e)”.

6 (2) Subsection (f) of such section, as redesignated by subsection (a)(2), is
7 amended by striking “through (d)” and inserting “through (e)”.

8 (c) ADDITIONAL TECHNICAL AMENDMENTS.—

9 (1) CONFORMITY WITH GENERAL TITLE 10 STYLE.—Subsection (a) of such section
10 is further amended by inserting “of this title” after “section 2805(a)”.

11 (2) DELETION OF SURPLUS WORD.—Subsection (c)(1)(A) of such section is
12 amended by striking “be” after “Congress can”.

13 **SEC. 2802. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS**

14 **APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION**

15 **AUTHORITIES.**

16 Section 2805 of title 10, United States Code, is amended by adding at the end the
17 following new subsection:

18 “(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—Each fiscal year, the
19 Secretary concerned shall adjust the dollar limitations specified in this section applicable to an
20 unspecified minor military construction project to reflect the area construction cost index for
21 military construction projects published by the Department of Defense during the prior fiscal
22 year for the location of the project.”.

1 **SEC. 2803. LIMITED EXCEPTIONS TO RESTRICTION ON DEVELOPMENT OF**
2 **PUBLIC INFRASTRUCTURE IN CONNECTION WITH REALIGNMENT**
3 **OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.**

4 (a) EXCEPTIONS TO RESTRICTION —Notwithstanding section 2821(b) of the Military
5 Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128
6 Stat. 3701; 10 U.S.C. 2687 note), the Secretary of Defense may proceed with a public
7 infrastructure project on Guam described in subsection (b) if—

8 (1) the project was identified in the report prepared by the Secretary of Defense
9 under section 2822(d)(2) of the Military Construction Authorization Act for Fiscal Year
10 2014 (division B of Public Law 113–66; 127 Stat. 1017); and

11 (2) amounts have been appropriated or made available to be expended by the
12 Department of Defense for the project.

13 (b) COVERED PROJECTS.—Subsection (a) applies to the following projects:

14 (1) A project intended to improve water and wastewater systems.

15 (2) A project intended to improve curation of archeological and cultural artifacts.

16 (3) A project intended to improve the control and containment of public health
17 threats.

18 (c) REPEAL OF SUPERSEDED LAW.—Section 2821 of the Military Construction
19 Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. XXXX)
20 is repealed.

21 **SEC. 2804. TRANSFER OF FORT BELVOIR MARK CENTER CAMPUS FROM THE**
22 **SECRETARY OF THE ARMY TO THE SECRETARY OF DEFENSE AND**

1 **APPLICABILITY OF CERTAIN PROVISIONS OF LAW RELATING TO**
2 **THE PENTAGON RESERVATION.**

3 (a) INCLUSION OF MARK CENTER CAMPUS UNDER PENTAGON RESERVATION

4 AUTHORITIES.—

5 (1) DEFINITION OF PENTAGON RESERVATION.—Paragraph (1) of subsection (f) of
6 section 2674 of title 10, United States Code, is amended to read as follows:

7 “(1) The term ‘Pentagon Reservation’ means the Pentagon, the Mark Center
8 Campus, and the Raven Rock Mountain Complex.”.

9 (2) OTHER DEFINITIONS.—Such subsection is further amended by adding at the
10 end the following new paragraphs:

11 “(3) The term ‘Pentagon’ means that area of land (consisting of approximately
12 227 acres) and improvements thereon, including parking areas, located in Arlington
13 County, Virginia, containing the Pentagon Office Building and its supporting facilities.

14 “(4) The term “Mark Center Campus” means that area of land (consisting of
15 approximately 16 acres) and improvements thereon, including parking areas, located in
16 Alexandria, Virginia, and known on the day before the date of the enactment of this
17 paragraph as the Fort Belvoir Mark Center Campus.

18 “(5) The term ‘Raven Rock Mountain Complex’ means that area of land
19 (consisting of approximately 720 acres) and improvements thereon, including parking
20 areas, at the Raven Rock Mountain Complex and its supporting facilities located in
21 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 **SEC. 2808. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE**
19 **OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION**
20 **PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.**

21 Section 2808 of the National Defense Authorization Act for Fiscal Year 2004
22 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section

1 2802 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92;
2 129 Stat. yyy), is further amended—

3 (1) in subsection (c)(1)—

4 (A) by striking “October 1, 2015” and inserting “October 1, 2016”;

5 (B) by striking “December 31, 2016” and inserting “December 31,
6 2017”; and

7 (C) by striking “fiscal year 2017” and inserting “fiscal year 2018”; and

8 (2) in subsection (h)—

9 (i) in paragraph (1), by striking “December 31, 2016” and inserting
10 “December 31, 2017”; and

11 (ii) in paragraph (2), by striking “fiscal year 2017” and inserting
12 “fiscal year 2018”.

13 **SEC. 2809. AUTHORITY OF THE SECRETARY CONCERNED TO ACCEPT LESSEE**
14 **IMPROVEMENTS AT GOVERNMENT-OWNED/CONTRACTOR-**
15 **OPERATED INDUSTRIAL PLANTS OR FACILITIES.**

16 Section 2535 of title 10, United States Code, is amended—

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

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

19 “(c) ACCEPTANCE OF LESSEE IMPROVEMENTS AT GOVERNMENT-OWNED/CONTRACTOR-
20 OPERATED INDUSTRIAL PLANTS.—(1) A lease of a Government-owned/contractor-operated
21 industrial plant or facility may permit the lessee, with the approval of the Secretary concerned, to
22 alter, expand, or otherwise improve the plant or facility as necessary for the development or
23 production of military weapons systems, munitions, components, or supplies. Such lease may

1 provide, notwithstanding section 2802 of this title, that such alteration, expansion or other
2 improvement shall, upon completion, become the property of the Government, regardless of
3 whether such alteration, expansion, or other improvement constitutes all or part of the
4 consideration for the lease pursuant to section 2667(b)(5) of this title or represents a
5 reimbursable cost allocable to any contract, cooperative agreement, grant, or other instrument
6 with respect to activity undertaken at such industrial plant or facility.

7 “(2) When a decision is made to approve a project to which paragraph (1) applies costing
8 more than the threshold specified under section 2805(c) of this title, the Secretary concerned
9 shall notify in writing the congressional defense committees of that decision, of the justification
10 for the project, and of the estimated cost of the project. The project may then be carried out only
11 after the end of the 21-day period beginning on the date the notification is received by the
12 committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of
13 the notification is provided in an electronic medium pursuant to section 480 of this title.”.

14 **SEC. 2810. PERMANENT AUTHORITY FOR ACCEPTANCE AND USE OF**
15 **CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE,**
16 **AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE**
17 **DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.**

18 (a) PERMANENT AUTHORITY.—Section 2804 of the National Defense Authorization Act
19 for Fiscal Year 2016 (Public Law 114-xx) is amended by striking subsection (f).

20 (b) CONFORMING AMENDMENT.—The heading of such section is amended by striking
21 “TEMPORARY”.

22 **SEC. 2811. CLOSURE OF ST. MARYS AIRPORT.**

1 (a) RELEASE OF RESTRICTIONS.—Subject to subsection (b), the United States, acting
2 through the Administrator of the Federal Aviation Administration, shall release the City of
3 St. Marys, Georgia, from all restrictions, conditions, and limitations on the use,
4 encumbrance, conveyance, and closure of the St. Marys Airport, to the extent such
5 restrictions, conditions, and limitations are enforceable by the Administrator.

6 (b) REQUIREMENTS FOR RELEASE OF RESTRICTIONS.—The Administrator shall
7 execute the release under subsection (a) once all of the following occurs:

8 (1) The Secretary of the Navy transfers to the Georgia Department of
9 Transportation the amounts described in subsection (c) and requires an enforceable
10 condition on such transfer that all funds transferred shall be used only for airport
11 development (as defined in section 47102 of title 49, United States Code) of a regional
12 airport in Georgia, consistent with planning efforts conducted by the Administrator and
13 the Georgia Department of Transportation.

14 (2) The City of St. Marys, for consideration as provided for in this section, grants
15 to the United States, under the administrative jurisdiction of the Secretary, a restrictive
16 use easement in the real property used for the St. Marys Airport, as determined
17 acceptable by the Secretary, under such terms and conditions that the Secretary considers
18 necessary to protect the interests of the United States and prohibiting the future use of
19 such property for all aviation-related purposes and any other purposes deemed by the
20 Secretary to be incompatible with the operations, functions, and missions of Naval
21 Submarine Base, Kings Bay, Georgia.

22 (3) The Secretary obtains an appraisal to determine the fair market value of the
23 real property used for the St. Marys Airport in the manner described in subsection (c)(1).

1 (4) The Administrator fulfills the obligations under the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with the release under
3 subsection (a). In carrying out such obligations—

4 (A) the Administrator shall not assume or consider any potential or
5 proposed future redevelopment of the current St. Marys airport property;

6 (B) any potential new regional airport in Georgia shall be deemed to
7 be not connected with the release noted in subsection (a) nor the closure of St.
8 Marys Airport; and

9 (C) any environmental review under the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a potential regional airport in
11 Georgia shall be considered through an environmental review process
12 separate and apart from the environmental review made a condition of release
13 by this section.

14 (5) The Administrator fulfills the obligations under sections 47107(h) and 46319
15 of title 49, United States Code.

16 (6) Any actions required under part 157 of title 14, Code of Federal Regulations,
17 are carried out to the satisfaction of the Administrator.

18 (c) TRANSFER OF AMOUNTS DESCRIBED.—The amounts described in this subsection
19 are the following:

20 (1) An amount equal to the fair market value of the real property of the St.
21 Marys Airport, as determined by the Secretary and concurred in by the
22 Administrator, based on an appraisal report and title documentation that—

1 (A) is prepared or adopted by the Secretary, and concurred in by the
2 Administrator, not more than 180 days prior to the transfer described in
3 subsection (b)(1); and

4 (B) meets all requirements of Federal law and the appraisal and
5 documentation standards applicable to the acquisition and disposal of real
6 property interests of the United States.

7 (2) An amount equal to the unamortized portion of any Federal development
8 grants (including grants available under a State block grant program established
9 pursuant to section 47128 of title 49, United States Code), other than used for the
10 acquisition of land, paid to the City of St. Marys for use as the St. Marys Airport.

11 (3) An amount equal to the airport revenues remaining in the airport account
12 for the St. Marys Airport as of the date of the enactment of this section and as
13 otherwise due to or received by the City of St. Marys after such date of enactment
14 pursuant to sections 47107(b) and 47133 of title 49, United States Code.

15 (d) AUTHORIZATION FOR TRANSFER OF FUNDS.—Using funds available to the
16 Department of the Navy for operation and maintenance, the Secretary may pay the amounts
17 described in subsection (c) to the Georgia Department of Transportation, conditioned as
18 described in subsection (b)(1).

19 (e) ADDITIONAL REQUIREMENTS.—

20 (1) SURVEY.—The exact acreage and legal description of St. Marys Airport
21 shall be determined by a survey satisfactory to the Secretary and concurred in by the
22 Administrator.

1 (2) PLANNING OF REGIONAL AIRPORT.—Any planning effort for the development
2 of a regional airport in southeast Georgia shall be conducted in coordination with the
3 Secretary, and shall ensure that any such regional airport does not interfere with the
4 operations, functions, and missions of Naval Submarine Base, Kings Bay, Georgia. The
5 determination of the Secretary shall be final as to whether the operations of a new
6 regional airport in southeast Georgia would interfere with such military operations.

7 **SEC. 2812. TEMPORARY AUTHORITY TO UNDERTAKE CONVERSION PROJECTS**
8 **AS REPAIR PROJECTS.**

9 Section 2811 of title 10, United States Code, is amended by adding at the end the
10 following new subsection:

11 “(f) TEMPORARY AUTHORITY FOR CONVERSIONS AS REPAIR.—(1) Notwithstanding
12 subsection (e), the Secretary concerned may carry out a repair project that converts a real
13 property facility, system, or component to a new functional purpose without increasing its
14 external dimensions.

15 “(2) The maximum amount that the Secretary concerned may obligate in any fiscal year
16 under this subsection is \$60,000,000.

17 “(3) The authority provided by this subsection expires on September 30, 2021.”.

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,”.

21 **TITLE XXX—MILITARY CONSTRUCTION FUNDING**

22 **SEC. 3001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

1 (a) IN GENERAL.—Whenever a funding table in this title specifies a dollar amount
2 authorized for a project, program, or activity, the obligation and expenditure of the specified
3 dollar amount for the project, program, or activity is hereby authorized, subject to the availability
4 of appropriations.

5 (b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or
6 to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

7 (1) be based on merit-based selection procedures in accordance with the
8 requirements of sections 2304(k) and 2374 of title 10, United States Code, or on
9 competitive procedures; and

10 (2) comply with other applicable provisions of law.

11 (c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified
12 in the funding tables in this title may be transferred or reprogrammed under a transfer or
13 reprogramming authority provided by another provision of this Act or by other law. The transfer
14 or reprogramming of an amount specified in such funding tables shall not count against a ceiling
15 on such transfers or reprogrammings under any other provision of this Act or any other provision
16 of law, unless such transfer or reprogramming would move funds between appropriation
17 accounts.

18 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex
19 that accompanies this Act.

20 (e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication
21 concerning any amount specified in the funding tables in this division shall supersede the
22 requirements of this section.

23 **SEC. 3002. MILITARY CONSTRUCTION TABLE.**

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
	Alaska		
Army	Fort Wainwright	Unmanned Aerial Vehicle Hangar	\$47,000
	California		
Army	Concord	Access Control Point	\$12,600
	Colorado		
Army	Fort Carson	Automated Infantry Platoon Battle Course	\$8,100
Army	Fort Carson	Unmanned Aerial Vehicle Hangar	\$5,000
	Cuba		
Army	Guantanamo Bay	Mass Migration Complex	\$33,000
	Georgia		
Army	Fort Gordon	Cyber Protection Team Ops Facility	\$90,000
Army	Fort Stewart	Automated Qualification/Training Range	\$14,800
	Germany		
Army	Garmisch	Dining Facility	\$9,600
Army	Wiesbaden Army Airfield	Controlled Humidity Warehouse	\$16,500
Army	Wiesbaden Army Airfield	Hazardous Material Storage Building	\$2,700
Army	East Camp Grafenwoehr	Training Support Center	\$22,000
	Hawaii		
Army	Fort Shafter	Command and Control Facility, Incr 2	\$40,000
	Texas		
Army	Fort Hood	Automated Infantry Platoon Battle Course	\$7,600
	Utah		
Army	Camp Williams	Live Fire Exercise Shoothouse	\$7,400
	Virginia		
Army	Fort Belvoir	Secure Admin/Operations Facility, Incr 2	\$64,000
	Worldwide Unspecified Location		
Army	Unspecified Worldwide Locations	Host Nation Support FY17	\$18,000
Army	Unspecified Worldwide Locations	Minor Construction FY17	\$25,000
Army	Unspecified Worldwide Locations	Planning and Design FY17	\$80,159
Total Military Construction, Army			\$503,459
	Arizona		
Navy	Yuma	VMX-22 Maintenance Hangar	\$48,355
	California		
Navy	Coronado	Coastal Campus Entry Control Point	\$13,044
Navy	Coronado	Coastal Campus Utilities Infrastructure	\$81,104
Navy	Coronado	Grace Hopper Data Center Power Upgrades	\$10,353
Navy	Lemoore	F-35C Engine Repair Facility	\$26,723

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
Navy	San Diego	Energy Security Hospital Microgrid	\$6,183
Navy	Seal Beach	Missile Magazines	\$21,007
	Florida		
Navy	Eglin Air Force Base	WMD Field Training Facilities	\$20,489
	Guam		
Navy	Joint Region Marianas	Hardening of Guam POL Infrastructure	\$26,975
Navy	Joint Region Marianas	Power Upgrade - Harmon	\$62,210
	Hawaii		
Navy	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys	\$43,384
Navy	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility	\$72,565
	Japan		
Navy	Kadena Air Base	Aircraft Maintenance Complex	\$26,489
Navy	Sasebo	Shore Power (Juliet Pier)	\$16,420
	Maine		
Navy	Kittery	Unaccompanied Housing	\$17,773
Navy	Kittery	Utility Improvements for Nuclear Platforms	\$30,119
	Maryland		
Navy	Patuxent River	UCLASS RDT&E Hangar	\$40,576
	Nevada		
Navy	Fallon	Air Wing Simulator Facility	\$13,523
	North Carolina		
Navy	Cherry Point Marine Corps Air Station	Central Heating Plant Conversion	\$12,515
Navy	Camp Lejeune	Range Facilities Safety Improvements	\$18,482
	South Carolina		
Navy	Parris Island	Recruit Reconditioning Center & Barracks	\$29,882
Navy	Beaufort	Aircraft Maintenance Hangar	\$83,490
	Spain		
Navy	Rota	Communication Station	\$23,607
	Washington		
Navy	Bangor	Service Pier Electrical Upgrades	\$18,939
Navy	Bremerton	Nuclear Repair Facility	\$6,704
Navy	Kitsap	Submarine Refit Maint Support Facility	\$21,476
Navy	Whidbey Island	EA-18G Maintenance Hangar	\$45,501
Navy	Whidbey Island	Triton Mission Control Facility	\$30,475
	Worldwide Unspecified Location		
Navy	Unspecified Worldwide Locations	Planning and Design	\$88,230
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	\$29,790
Navy	Various Worldwide Locations	Triton Forward Operating Base Hangar	\$41,380

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
Total Military Construction, Navy			\$1,027,763
Alaska			
AF	Clear Air Force Station	Fire Station	\$20,000
AF	Eielson Air Force Base	F-35A ADAL Field Training Detachment Fac	\$22,100
AF	Eielson Air Force Base	F-35A Aircraft Weather Shelter (Sqd 2)	\$82,300
AF	Eielson Air Force Base	F-35A Aircraft Weather Shelters (Sqd 1)	\$79,500
AF	Eielson Air Force Base	F-35A Earth Covered Magazines	\$11,300
AF	Eielson Air Force Base	F-35A Hangar/Propulsion MX/Dispatch	\$44,900
AF	Eielson Air Force Base	F-35A Hangar/Squad Ops/AMU Sq #2	\$42,700
AF	Eielson Air Force Base	F-35A Missile Maintenance Facility	\$12,800
AF	Joint Base Elmendorf-Richardson	Add/Alter AWACS Alert Hangar	\$29,000
Arizona			
AF	Luke Air Force Base	F-35A Squad Ops/Aircraft Maint Unit #5	\$20,000
Australia			
AF	Darwin	APR - Aircraft MX Support Facility	\$1,800
AF	Darwin	APR - Expand Parking Apron	\$28,600
California			
AF	Edwards Air Force Base	Flightline Fire Station	\$24,000
Colorado			
AF	Buckley Air Force Base	Small Arms Range Complex	\$13,500
Delaware			
AF	Dover Air Force Base	Aircraft Maintenance Hangar	\$39,000
Florida			
AF	Eglin Air Force Base	Advanced Munitions Technology Complex	\$75,000
AF	Eglin Air Force Base	Flightline Fire Station	\$13,600
AF	Patrick Air Force Base	Fire/Crash Rescue Station	\$13,500
Georgia			
AF	Moody Air Force Base	Personnel Recovery 4-Bay Hangar/Helo Mx Unit	\$30,900
Germany			
AF	Spangdahlem Air Base	EIC - Site Development and Infrastructure 37 AS Squadron Operations/Aircraft Maint Unit	\$43,465
AF	Ramstein Air Base	Unit	\$13,437
Guam			
AF	Joint Region Marianas	APR - Munitions Storage Igloos, Ph 2	\$35,300
AF	Joint Region Marianas	APR - SATCOM C4I Facility	\$14,200
AF	Joint Region Marianas	Block 40 Maintenance Hangar	\$31,158
Japan			
AF	Kadena Air Base	APR - Replace Munitions Structures	\$19,815

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
AF	Yokota Air Base	C-130J Corrosion Control Hangar	\$23,777
AF	Yokota Air Base	Construct Combat Arms Training & Maint Fac	\$8,243
	Kansas		
AF	McConnell Air Force Base	Air Traffic Control Tower	\$11,200
AF	McConnell Air Force Base	KC-46A ADAL Taxiway Delta	\$5,600
AF	McConnell Air Force Base	KC-46A Alter Flight Simulator Bldgs	\$3,000
	Louisiana		
AF	Barksdale Air Force Base	Consolidated Communication Facility	\$21,000
	Mariana Islands		
AF	Unspecified Location	APR - Land Acquisition	\$9,000
	Maryland		
AF	Joint Base Andrews	21 Points Enclosed Firing Range	\$13,000
AF	Joint Base Andrews	PAR Relocate JADOC Satellite Site	\$3,500
	Massachusetts		
AF	Hanscom Air Force Base	System Management Engineering Facility	\$20,000
	Montana		
AF	Malmstrom Air Force Base	Missile Maintenance Facility	\$14,600
	Nevada		
AF	Nellis Air Force Base	F-35A POL Fill Stand Addition	\$10,600
	New Mexico		
AF	Cannon Air Force Base	North Fitness Center	\$21,000
AF	Holloman Air Force Base	Hazardous Cargo Pad and Taxiway	\$10,600
AF	Kirtland Air Force Base	Combat Rescue Helicopter (CRH) Simulator	\$7,300
	Ohio		
AF	Wright-Patterson Air Force Base	Relocated Entry Control Facility 26A	\$12,600
	Oklahoma		
AF	Altus Air Force Base	KC-46A FTU/FTC Simulator Facility Ph 2	\$11,600
AF	Tinker Air Force Base	KC-46A Depot System Integration Laboratory	\$17,000
	Texas		
AF	Joint Base San Antonio	BMT Recruit Dormitory 6	\$67,300
	Turkey		
AF	Incirlik Air Base	Airfield Fire/Crash Rescue Station	\$13,449
	United Arab Emirates		
AF	Al Dhafra	Large Aircraft Maintenance Hangar	\$35,400
	United Kingdom		
AF	Croughton RAF	JIAC Consolidation - Ph 3	\$53,082
AF	Croughton RAF	Main Gate Complex	\$16,500
	Utah		
AF	Hill Air Force Base	649 MUNS Munitions Storage Magazines	\$6,600

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
AF	Hill Air Force Base	649 MUNS Precision Guided Missile MX Facility	\$8,700
AF	Hill Air Force Base	649 MUNS STAMP/Maint & Inspection Facility	\$12,000
AF	Hill Air Force Base	Composite Aircraft Antenna Calibration Fac	\$7,100
AF	Hill Air Force Base	F-35A Munitions Maintenance Complex	\$10,100
	Virginia		
AF	Joint Base Langley-Eustis	Air Force Targeting Center	\$45,000
AF	Joint Base Langley-Eustis	Fuel System Maintenance Dock	\$14,200
	Washington		
AF	Fairchild Air Force Base	Pipeline Dorm, USAF SERE School (150 RM)	\$27,000
	Worldwide Unspecified Location		
AF	Various Worldwide Locations	Planning & Design	\$143,582
AF	Various Worldwide Locations	Unspecified Minor Military Construction	\$30,000
	Wyoming		
AF	F. E. Warren Air Force Base	Missile Transfer Facility Bldg 4331	\$5,550
Total Military Construction, Air Force			\$1,481,058
	Alaska		
Def-Wide	Clear Air Force Station	Long Range Discrim Radar Sys Complex Ph1	\$155,000
Def-Wide	Fort Greely	Missile Defense Complex Switchgear Facility	\$9,560
Def-Wide	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	\$4,900
	Arizona		
Def-Wide	Fort Huachuca	JITC Building 52110 Renovation	\$4,493
	California		
Def-Wide	Coronado	SOF Human Performance Training Center	\$15,578
Def-Wide	Coronado	SOF Seal Team Ops Facility	\$47,290
Def-Wide	Coronado	SOF Seal Team Ops Facility	\$47,290
Def-Wide	Coronado	SOF Special RECON Team ONE Operations Fac	\$20,949
Def-Wide	Coronado	SOF Training Detachment ONE Ops Facility	\$44,305
Def-Wide	Travis Air Force Base	Replace Hydrant Fuel System	\$26,500
	Delaware		
Def-Wide	Dover Air Force Base	Welch ES/Dover MS Replacement	\$44,115
	Diego Garcia		
Def-Wide	Diego Garcia	Improve Wharf Refueling Capability	\$30,000
	Florida		
Def-Wide	Patrick Air Force Base	Replace Fuel Tanks	\$10,100
	Georgia		
Def-Wide	Fort Gordon	Medical Clinic Replacement	\$25,000
Def-Wide	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar	\$4,820

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
	Germany		
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 6	\$58,063
Def-Wide	Kaiserslautern	Sembach Elementary/Middle School Replacement	\$45,221
	Japan		
Def-Wide	Iwakuni	Construct Truck Offload & Loading Facilities	\$6,664
Def-Wide	Kadena Air Base	Kadena Elementary School Replacement	\$84,918
Def-Wide	Kadena Air Base	Medical Materiel Warehouse	\$20,881
Def-Wide	Kadena Air Base	SOF Maintenance Hangar	\$42,823
Def-Wide	Kadena Air Base	SOF Simulator Facility (MC-130)	\$12,602
Def-Wide	Yokota Air Base	Airfield Apron	\$41,294
Def-Wide	Yokota Air Base	Hangar/AMU	\$39,466
Def-Wide	Yokota Air Base	Operations and Warehouse Facilities	\$26,710
Def-Wide	Yokota Air Base	Simulator Facility	\$6,261
	Kwajalein		
Def-Wide	Kwajalein Atoll	Replace Fuel Storage Tanks	\$85,500
	Maine		
Def-Wide	Portsmouth	Medical/Dental Clinic Replacement	\$27,100
	Maryland		
Def-Wide	Fort Meade	Access Control Facility	\$21,000
Def-Wide	Fort Meade	NSAW Campus Feeders Phase 3	\$17,000
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Incr 2	\$195,000
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration Incr 1	\$50,000
	Missouri		
Def-Wide	St Louis	Land Acquisition-Next NGA West (N2W) Campus	\$801
	North Carolina		
Def-Wide	Fort Bragg	SOF Combat Medic Training Facility	\$10,905
Def-Wide	Fort Bragg	SOF Parachute Rigging Facility	\$21,420
Def-Wide	Fort Bragg	SOF Special Tactics Facility (PH3)	\$30,670
Def-Wide	Fort Bragg	SOF Tactical Equipment Maintenance Facility	\$23,598
Def-Wide	Camp Lejeune	Dental Clinic Replacement	\$31,000
	South Carolina		
Def-Wide	Joint Base Charleston	Construct Hydrant Fuel System	\$17,000
	Texas		
Def-Wide	Sheppard Air Force Base	Medical/Dental Clinic Replacement	\$91,910
Def-Wide	Red River Army Depot	Construct Warehouse & Open Storage	\$44,700
	United Kingdom		
Def-Wide	Royal Air Force Croughton	Croughton Elem/Middle/High School Replacement	\$71,424
Def-Wide	Royal Air Force Lakenheath	Construct Hydrant Fuel System	\$13,500
	Virginia		

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
Def-Wide	Pentagon	Pentagon Metro Entrance Facility	\$12,111
Def-Wide	Pentagon	Upgrade IT Facilities Infrastructure-RRMC	\$8,105
	Wake Island		
Def-Wide	Wake Island	Test Support Facility	\$11,670
	Worldwide Unspecified Location		
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	\$10,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	\$150,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DEFW	\$13,450
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DLA	\$27,660
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DODEA	\$23,585
Def-Wide	Unspecified Worldwide Locations	Planning and Design, ECIP Design	\$10,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NGA	\$71,647
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NSA	\$24,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, SOCOM	\$27,653
Def-Wide	Unspecified Worldwide Locations	Planning and Design, WHS	\$3,427
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DEFW	\$3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DHA	\$8,500
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DODEA	\$3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, Exercise Related	\$8,631
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, MDA	\$2,414
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, NSA	\$3,913
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, SOCOM	\$5,994
Total Military Construction, Defense-Wide			\$2,056,091
	Worldwide Unspecified Location		
Def-Wide	NATO Security Investment Program	NATO Security Investment Program	\$177,932
Total NATO Security Investment Program			\$177,932
	Hawaii		
Army			
NG	Hilo	Combined Support Maintenance Shop	\$31,000
	Iowa		
Army			
NG	Davenport	National Guard Readiness Center	\$23,000
	Kansas		
Army			
NG	Fort Leavenworth	National Guard Readiness Center	\$29,000
	New Hampshire		
Army			
NG	Hooksett	National Guard Vehicle Maintenance Shop	\$11,000
Army	Rochester	National Guard Vehicle Maintenance Shop	\$8,900

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
NG			
	Oklahoma		
Army NG	Ardmore	National Guard Readiness Center	\$22,000
	Pennsylvania		
Army NG	York	National Guard Readiness Center	\$9,300
	Rhode Island		
Army NG	East Greenwich	National Guard/Reserve Center Building (JFHQ)	\$20,000
	Utah		
Army NG	Camp Williams	National Guard Readiness Center	\$37,000
	Worldwide Unspecified Location		
Army NG	Unspecified Worldwide Locations	Planning and Design	\$8,729
		Unspecified Minor Construction	\$12,001
	Wyoming		
Army NG	Laramie	National Guard Readiness Center	\$21,000
Total Military Construction, Army National Guard			\$232,930
	California		
Army Res	Camp Parks	Transient Training Barracks	\$19,000
	Fort Hunter Liggett	Emergency Services Center	\$21,500
	Virginia		
Army Res	Dublin	Organizational Maintenance Shop/AMSA	\$6,000
	Wisconsin		
Army Res	Fort McCoy	AT/MOB Dining Facility	\$11,400
	Worldwide Unspecified Location		
Army Res	Unspecified Worldwide Locations	Planning and Design	\$7,500
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	\$2,830
Total Military Construction, Army Reserve			\$68,230
	Louisiana		
N/MC Res	New Orleans	Joint Reserve Intelligence Center	\$11,207
	New York		
N/MC Res	Brooklyn	Electric Feeder Duct bank	\$1,964

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
N/MC Res	Syracuse	Marine Corps Reserve Center	\$13,229
	Texas		
N/MC Res	Galveston	Reserve Center Annex	\$8,414
	Worldwide Unspecified Location		
N/MC Res	Unspecified Worldwide Locations	MCNR Planning & Design	\$3,783
Total Military Construction, Navy and Marine Corps Reserve			\$38,597
	Connecticut		
Air NG	Bradley IAP	Construct Small Air Terminal	\$6,300
	Florida		
Air NG	Jacksonville IAP	Replace Fire Crash/Rescue Station	\$9,000
	Hawaii		
Air NG	Joint Base Pearl Harbor-Hickam	F-22 Composite Repair Facility	\$11,000
	Iowa		
Air NG	Sioux Gateway Airport	Construct Consolidated Support Functions	\$12,600
	Minnesota		
Air NG	Duluth IAP	Load Crew Training/Weapon Shops	\$7,600
	New Hampshire		
Air NG	Pease International Trade Port	KC-46A Install Fuselage Trainer Bldg 251	\$1,500
	North Carolina		
Air NG	Charlotte/Douglas IAP	C-17 Corrosion Control/Fuel Cell Hangar	\$29,600
Air NG	Charlotte/Douglas IAP	C-17 Type III Hydrant Refueling System	\$21,000
	South Carolina		
Air NG	McEntire ANG	Replace Operations and Training Facility	\$8,400
	Texas		
Air NG	Ellington Field	Consolidate Crew Readiness Facility	\$4,500
	Vermont		
Air NG	Burlington IAP	F-35 Beddown 4- Bay Flight Simulator	\$4,500
	Worldwide Unspecified Location		
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction	\$17,495
Air NG	Various Worldwide Locations	Planning and Design	\$10,462
Total Military Construction, Air National Guard			\$143,957
	North Carolina		
AF Res	Seymour Johnson Air Force Base	KC-46A ADAL Bldg for AGE/Fuselage Training	\$5,700
AF Res	Seymour Johnson Air Force Base	KC-46A ADAL Squadron Operations Facilities	\$2,250

SEC. 3002. MILITARY CONSTRUCTION
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Account	State/Country and Installation	Project Title	FY 2017 Budget Request
AF Res	Seymour Johnson Air Force Base Pennsylvania	KC-46A Two Bay Corrosion/Fuel Cell Hangar	\$90,000
AF Res	Pittsburgh IAP	C-17 ADAL Fuel Hydrant System	\$22,800
AF Res	Pittsburgh IAP	C-17 Const/Overlay Taxiway and Apron	\$8,200
AF Res	Pittsburgh IAP	C-17 Construct Two Bay Corrosion/Fuel Hangar	\$54,000
	Worldwide Unspecified Location		
AF Res	Unspecified Worldwide Locations	Planning & Design	\$4,500
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	\$1,500
Total Military Construction, Air Force Reserve			\$188,950
	Korea		
FH Con Army	Camp Walker	Family Housing New Construction	\$54,554
FH Con Army	Camp Humphreys	Family Housing New Construction	\$143,563
	Worldwide Unspecified Location		
FH Con Army	Unspecified Worldwide Locations	Planning & Design	\$2,618
Total Family Housing Construction, Army			\$200,735
	Worldwide Unspecified Location		
FH Ops Army	Unspecified Worldwide Locations	Furnishings	\$10,178
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	\$19,146
FH Ops Army	Unspecified Worldwide Locations	Leasing	\$131,761
FH Ops Army	Unspecified Worldwide Locations	Maintenance	\$60,745
FH Ops Army	Unspecified Worldwide Locations	Management	\$40,344
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	\$400
FH Ops Army	Unspecified Worldwide Locations	Services	\$7,993
FH Ops Army	Unspecified Worldwide Locations	Utilities	\$55,428
Family Housing Operation & Maintenance, Army			\$325,995
	Mariana Islands		

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(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Budget Request
FH Con Navy	Guam Worldwide Unspecified Location	Replace Andersen Housing PH I	\$78,815
FH Con Navy	Unspecified Worldwide Locations	Construction Improvements	\$11,047
FH Con Navy	Unspecified Worldwide Locations	Planning & Design	\$4,149
Total Family Housing Construction, Navy & Marine Corps			\$94,011
Worldwide Unspecified Location			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings	\$17,457
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	\$26,320
FH Ops Navy	Unspecified Worldwide Locations	Leasing	\$54,689
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	\$81,254
FH Ops Navy	Unspecified Worldwide Locations	Management	\$51,291
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	\$364
FH Ops Navy	Unspecified Worldwide Locations	Services	\$12,855
FH Ops Navy	Unspecified Worldwide Locations	Utilities	\$56,685
Total Family Housing Operation & Maintenance, Navy & Marine Corps			\$300,915
Worldwide Unspecified Location			
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	\$56,984
FH Con AF	Unspecified Worldwide Locations	Planning & Design	\$4,368
Total Family Housing Construction, Air Force			\$61,352
Worldwide Unspecified Location			
FH Ops AF	Unspecified Worldwide Locations	Furnishings	\$31,690
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization Support	\$41,809
FH Ops AF	Unspecified Worldwide Locations	Leasing	\$20,530

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Account	State/Country and Installation	Project Title	FY 2017 Budget Request
FH Ops AF	Unspecified Worldwide Locations	Maintenance	\$85,469
FH Ops AF	Unspecified Worldwide Locations	Management	\$42,919
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	\$1,745
FH Ops AF	Unspecified Worldwide Locations	Services	\$13,026
FH Ops AF	Unspecified Worldwide Locations	Utilities	\$37,241
Total Family Housing Operation & Maintenance, Air Force			\$274,429
Worldwide Unspecified Location			
FH Ops DW	Unspecified Worldwide Locations	Furnishings	\$919
FH Ops DW	Unspecified Worldwide Locations	Leasing	\$52,028
FH Ops DW	Unspecified Worldwide Locations	Maintenance	\$1,149
FH Ops DW	Unspecified Worldwide Locations	Management	\$388
FH Ops DW	Unspecified Worldwide Locations	Services	\$32
FH Ops DW	Unspecified Worldwide Locations	Utilities	\$4,641
Total Family Housing Operation & Maintenance, Defense-Wide			\$59,157
Worldwide Unspecified Location			
DW FHIP	Unspecified Worldwide Locations	Program Expenses	\$3,258
Total DoD Family Housing Improvement Fund, Defense-Wide			\$3,258
Worldwide Unspecified Location			
BRAC	Base Realignment & Closure, Army	Base Realignment and Closure	\$14,499
BRAC	Base Realignment & Closure, Navy	Base Realignment & Closure	\$110,606
BRAC	Unspecified Worldwide Locations	DON-100: Planning, Design and Management	\$4,604
BRAC	Unspecified Worldwide Locations	DON-101: Various Locations	\$10,461
BRAC	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME	\$557
BRAC	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO	\$100
BRAC	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA	\$4,648

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Account	State/Country and Installation	Project Title	FY 2017 Budget Request
BRAC	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg AP	\$3,397
BRAC	Unspecified Worldwide Locations	DoD BRAC Activities - Air Force	\$56,365
Total Base Realignment and Closure Account			\$205,237