

## S 2943

National Defense Authorization Act for Fiscal Year 2017

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

**Introduced:** May 18, 2016

**Current Status:** Became Public Law No: 114-328.

**Latest Action:** Became Public Law No: 114-328. (Dec 23, 2016)

**Law:** 114-328 (Enacted Dec 23, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/2943>

### Sponsor

**Name:** Sen. McCain, John [R-AZ]

**Party:** Republican • **State:** AZ • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Hearings By (subcommittee)	Mar 8, 2016
Armed Services Committee	Senate	Hearings By (subcommittee)	Apr 5, 2016

### Subjects & Policy Tags

#### Policy Area:

Armed Forces and National Security

## Related Bills

Bill	Relationship	Last Action
114 S 3024	Related bill	<b>Dec 20, 2016:</b> By Senator Vitter from Committee on Small Business and Entrepreneurship filed written report under authority of the order of the Senate of 12/10/2016. Report No. 114-423.
114 S 1550	Related bill	<b>Dec 14, 2016:</b> Became Public Law No: 114-264.
114 HCONRES 179	Procedurally related	<b>Dec 12, 2016:</b> Message on Senate action sent to the House.
114 HRES 937	Procedurally related	<b>Dec 1, 2016:</b> Motion to reconsider laid on the table Agreed to without objection.
114 HR 5064	Related bill	<b>Sep 22, 2016:</b> Received in the Senate.
114 HR 5200	Related bill	<b>Sep 7, 2016:</b> Referred to the Subcommittee on Middle East and North Africa.
114 HR 5623	Related bill	<b>Jul 11, 2016:</b> Referred to the Subcommittee on Military Personnel.
114 HRES 809	Related bill	<b>Jul 7, 2016:</b> Motion to reconsider laid on the table Agreed to without objection.
114 HR 5257	Related bill	<b>Jun 7, 2016:</b> Referred to the Subcommittee on Military Personnel.
114 HR 5266	Related bill	<b>Jun 7, 2016:</b> Referred to the Subcommittee on Military Personnel.
114 HR 4909	Related bill	<b>May 26, 2016:</b> Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 502.
114 S 284	Related bill	<b>May 18, 2016:</b> Ordered to be Reported in the Nature of a Substitute (Amended) by Unanimous Consent.
114 HR 5060	Related bill	<b>May 6, 2016:</b> Referred to the Subcommittee on Military Personnel.
114 S 2870	Related bill	<b>Apr 28, 2016:</b> Read twice and referred to the Committee on Armed Services.
114 S 2861	Related bill	<b>Apr 27, 2016:</b> Read twice and referred to the Committee on Armed Services.
114 S 2853	Related bill	<b>Apr 26, 2016:</b> Read twice and referred to the Committee on Armed Services.
114 HR 4999	Related bill	<b>Apr 20, 2016:</b> Referred to the House Committee on Armed Services.
114 S 2825	Related bill	<b>Apr 20, 2016:</b> Read twice and referred to the Committee on Armed Services.
114 S 2826	Related bill	<b>Apr 20, 2016:</b> Read twice and referred to the Committee on Armed Services.
114 S 2811	Related bill	<b>Apr 18, 2016:</b> Read twice and referred to the Committee on Armed Services.
114 HR 4935	Related bill	<b>Apr 13, 2016:</b> Referred to the House Committee on Armed Services.
114 HR 4424	Related bill	<b>Mar 4, 2016:</b> Referred to the Subcommittee on Military Personnel.
114 HR 4554	Related bill	<b>Mar 4, 2016:</b> Referred to the Subcommittee on Military Personnel.
114 S 2625	Related bill	<b>Mar 3, 2016:</b> Read twice and referred to the Committee on Armed Services.
114 S 2486	Related bill	<b>Feb 3, 2016:</b> Read twice and referred to the Committee on Armed Services.
114 S 2482	Related bill	<b>Feb 2, 2016:</b> Read twice and referred to the Committee on Armed Services.
114 S 571	Related bill	<b>Dec 18, 2015:</b> By Senator Thune from Committee on Commerce, Science, and Transportation filed written report. Report No. 114-198. Additional views filed.
114 S 2403	Related bill	<b>Dec 15, 2015:</b> Read twice and referred to the Committee on Armed Services.
114 HR 3995	Related bill	<b>Nov 23, 2015:</b> Referred to the Subcommittee on Military Personnel.
114 S 2250	Related bill	<b>Nov 5, 2015:</b> Read twice and referred to the Committee on Armed Services.
114 S 1864	Related bill	<b>Oct 8, 2015:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 255.
114 S 2137	Related bill	<b>Oct 6, 2015:</b> Read twice and referred to the Committee on Armed Services.
114 HR 2376	Related bill	<b>May 15, 2015:</b> Referred to the House Committee on Armed Services.
114 HR 1086	Related bill	<b>Feb 26, 2015:</b> Referred to the Subcommittee on Aviation.
114 S 573	Related bill	<b>Feb 25, 2015:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation.

(This measure has not been amended since the Conference Report was filed in the House on November 30, 2016. The summary of that version is repeated here.)

**Highlights:**

This bill authorizes FY2017 appropriations and sets forth policies regarding the military activities of the Department of Defense (DOD), military construction, and the national security programs of the Department of Energy (DOE).

The bill authorizes appropriations, but does not provide budget authority, which is provided by appropriations legislation.

The bill authorizes appropriations to DOD for:

- Procurement;
- Research, Development, Test, and Evaluation;
- Operation and Maintenance;
- Cooperative Threat Reduction;
- Working Capital Funds;
- Chemical Agents and Munitions Destruction;
- Defense-Wide Drug Interdiction and Counter-Drug Activities;
- the Defense Inspector General; and
- the Defense Health Program.

The bill also authorizes appropriations for Overseas Contingency Operations (OCO), which are exempt from discretionary spending limits. OCO appropriations authorized in the bill support base budget requirements as well as OCO activities.

The bill authorizes the FY2017 personnel strengths for active duty and reserve forces and sets forth policies regarding:

- military personnel;
- compensation and other personnel benefits;
- health care;
- acquisition policy and management;
- DOD organization and management;
- civilian personnel matters;
- matters relating to foreign nations;
- cooperative threat reduction; and
- strategic programs, cyber, and intelligence matters.

The bill authorizes appropriations and sets forth policies regarding military construction; base realignment and closure (BRAC) activities; and DOE national security programs, including the National Nuclear Security Administration. The bill prohibits an additional BRAC round.

The bill also amends the Uniform Code of Military Justice (UCMJ) to reorganize the UCMJ and revise the procedures and structure of the military justice system.

**Full Summary:**

## National Defense Authorization Act for Fiscal Year 2017

(Sec. 3) Defines "congressional defense committees" as the House and Senate Armed Services and Appropriations Committees.

(Sec. 4) Requires the budgetary effects of this bill to be determined in accordance with the procedures established in the Statutory Pay-As-You-Go Act of 2010.

### DIVISION A--DEPARTMENT OF DEFENSE AUTHORIZATIONS

#### TITLE I--PROCUREMENT

##### Subtitle A--Authorization of Appropriations

(Sec. 101) Authorizes appropriations to the Department of Defense (DOD) for Procurement at the levels identified in section 4101 of this bill.

##### Subtitle B--Army Programs

(Sec. 111) Authorizes the Army to enter into one or more multiyear contracts for AH-64E Apache helicopters beginning in FY2017.

(Sec. 112) Authorizes the Army to enter into one or more multiyear contracts for UH-60M and HH-60M Black Hawk helicopters beginning in FY2017.

(Sec. 113) Requires the Army to: (1) take actions to improve training for operators of the Distributed Common Ground System-Army (DCGS-A) and their leaders, at division level and below tactical units; and (2) rapidly identify and field an effective, suitable and survivable solution for division and below tactical units by acquiring a commercially available off the shelf, non-developmental capability that meets specified requirements.

(Sec. 114) Requires DOD, in consultation with the Army, to assess and report to Congress on the capabilities of the Army with respect to:

- AH-64 Apache-equipped attack reconnaissance battalions;
- air defense artillery;
- chemical, biological, radiological, and nuclear capabilities and modernization needs;
- field artillery;
- changes in doctrine and war plans consistent with DOD policy on cluster munitions and unintended harm to civilians;
- fuel distribution and water purification;
- watercraft and port-opening;
- transportation capacity and responsiveness;
- military police; and
- tactical mobility and tactical wheeled vehicle capacity.

##### Subtitle C--Navy Programs

(Sec. 121) Requires the Navy to deem ship delivery to occur on the date on which: (1) the Navy determines that the vessel is assembled and complete, and (2) custody of the vessel and all systems contained in the vessel transfers to the

Navy. Requires the Navy to certify to Congress that the delivery dates for specified vessels have been adjusted in accordance with this section.

(Sec. 122) Authorizes the Navy to enter into and incrementally fund a contract for detail design and construction of the LHA (Amphibious Assault Ship) replacement ship designated LHA 8.

(Sec. 123) Requires an annual report on Littoral Combat Ship (LCS) mission packages and a certification of the acquisition inventory objective of LCS mission packages.

Requires DOD to provide a specified certification to Congress prior to a revision or deviation from revision three of the LCS acquisition strategy.

Prohibits DOD from selecting a single prime contractor for the LCS or any successor frigate class ship unless the selection is conducted using competitive procedures, performed for the purpose of constructing a frigate class ship, and occurs only after a frigate design has reached sufficient maturity and design completeness.

(Sec. 124) Prohibits funds from being used to enter into or prepare to enter into sole source contracts for one or more joint high speed vessels or expeditionary fast transports unless the Navy submits a certification and report to Congress.

(Sec. 125) Restricts the use of funds for research and development, design, procurement, or advanced procurement of materials for the Advanced Arresting Gear (AAG) to be installed on U.S.S. Enterprise (CVN-80) until DOD submits a specified acquisition report to Congress.

Limits funds for the AAG to be installed on U.S.S. John F. Kennedy (CVN-79) unless the Milestone Decision Authority (MDA) determines that the AAG should be installed on that ship and notifies Congress of the determination.

Requires DOD to execute reporting requirements for unit cost and critical cost growth, as though DOD had submitted a Selected Acquisition Report with a specified baseline estimate included, but exempts DOD from having to rescind the milestone decision approval for the AAG program during the required reviews.

Specifies that, during the required review of critical cost growth, DOD may not approve a contract, enter into a new contract, exercise an option under a contract, or otherwise extend the scope of a contract for advanced arresting gear for the U.S.S. Enterprise (CVN-80), except to the extent determined necessary by the milestone decision authority, on a non-delegable basis, to ensure that the program can be restructured as intended by DOD without unnecessarily wasting resources.

(Sec. 126) Limits the use of funds for advance procurement or procurement for the U.S.S. John F. Kennedy (CVN-79) or the U.S.S. Enterprise (CVN-80) until the Navy submits a report to Congress.

(Sec. 127) Expresses the sense of Congress on aircraft carrier procurement schedules.

(Sec. 128) Requires the Navy to report to Congress on potential upgrades to the capabilities for the P-8 Poseidon aircraft.

(Sec. 129) Authorizes the Navy to enter into and incrementally fund a contract for design and construction of the replacement dock landing ship designated LX(R) or the amphibious transport dock designated LPD-29.

#### Subtitle D--Air Force Programs

(Sec. 131) Authorizes the Air Force to use FY2017 funds to transfer the primary mission equipment of the EC-130H

Compass Call aircraft fleet to an aircraft platform that the Air Force determines is: (1) more operationally effective and survivable than the existing EC-130H Compass Call aircraft platform, and (2) meets the requirements of the combatant commands.

Limits procurement to the first two aircraft of the planned ten aircraft fleet until the Air Force determines there is a high likelihood the program will meet the requirements of the combatant commands.

(Sec. 132) Amends the National Defense Authorization Act for Fiscal Year 2013 to repeal the requirement for the Air Force to continue to preserve certain C-5 aircraft in a storage condition that would allow a recall of retired aircraft to future service in the Air Force Reserve, Air National Guard, or Active Force structure.

(Sec. 133) Repeals the requirement for the Air Force to maintain F-117A aircraft in a condition that would allow recall of the aircraft to future service.

(Sec. 134) Prohibits the Air Force from using FY2017 funds to retire the A-10 Aircraft and requires the Air Force to maintain a minimum of 171 A-10 aircraft designated as primary mission aircraft inventory.

Prohibits the Air Force from significantly reducing the manning levels for any A-10 aircraft squadron or division until the Director of Operational Test and Evaluation and the Secretary of the Air Force submit to Congress reports on the initial operational test and evaluation of the F-35 aircraft program, as well as the comparison test and evaluation that examines the capabilities of the F-35A and A-10C.

(Sec. 135) Limits the availability of funds for scrapping, destroying, or otherwise disposing of any A-10 aircraft in any storage status in the Aerospace Maintenance and Regeneration Group (AMARG) that have serviceable wings or other components that could be used to prevent total active inventory A-10 aircraft from being permanently removed from flyable status due to unserviceable wings or other components.

Requires the Air Force to: (1) notify Congress in advance of any action to scrap, destroy, or otherwise dispose of any A-10 aircraft in any storage status at AMARG, and (2) to submit with the FY2018 DOD budget and implement a plan to prevent any total active inventory A-10 aircraft from being permanently removed from flyable status for unserviceable wings or any other required component over the course of the future years defense plan.

(Sec. 136) Prohibits the retirement of Joint Surveillance Target Attack Radar System aircraft in FY2018, except for aircraft that the Air Force determines to be non-operational because of mishaps, other damage, or being uneconomical to repair.

(Sec. 137) Strikes the requirement for DOD to report annually to Congress on aircraft inventory.

#### Subtitle E--Defense-Wide, Joint and Multiservice Matters

(Sec. 141) Requires DOD, if the Army and the Marine Corps are each using different variants of 5.56mm rifle ammunition, to: (1) submit to Congress a report explaining the reasons for using different variants of the ammunition; and (2) ensure that, within one year of enactment of this bill, that the Army and the Marine Corps are using the same variant of the ammunition. Includes an exception for a state of emergency that requires the Army and the Marine Corps to use different variants of the ammunition.

(Sec. 142) Requires the Army and the Navy to issue guidance regarding fire suppressant and fuel containment standards for certain vehicles.

(Sec. 143) Limits the funds available for the destruction of cluster munitions until DOD submits a report on its policy and plan for cluster munitions. Includes an exception for the destruction of cluster munitions that: (1) are unserviceable as a result of an inspection, test, field incident, or other significant failure to meet performance or logistics requirements; or (2) are unsafe or could pose a safety risk if not demilitarized or destroyed.

(Sec. 144) Requires DOD to submit to Congress a report on the munitions strategy for the combatant commands for the six-year period beginning on January 1, 2017.

(Sec. 145) Changes from quarterly to annually the requirement for the commander of U.S. Special Operations Command to submit a report on the use of Combat Mission Requirements funds.

(Sec. 146) Requires DOD to submit to Congress a report on potential alternative management structures for the F-35 joint strike fighter program.

(Sec. 147) Requires the Government Accountability Office (GAO) to report on the sustainment support structure for the F-35 Lightning II aircraft program.

(Sec. 148) Requires the Under Secretary of Defense for Acquisition, Technology, and Logistics to brief Congress on the acquisition strategy for the Ground Mobility Vehicle for use with the Global Response Force of the 82nd Airborne Division.

(Sec. 149) Requires DOD to study and report to Congress on the optimal mix of aircraft capabilities for the Armed Forces.

## TITLE II--RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### Subtitle A--Authorization of Appropriations

(Sec. 201) Authorizes appropriations for Research, Development, Test, and Evaluation at the levels identified in section 4201 of this bill.

### Subtitle B--Program Requirements, Restrictions, and Limitations

(Sec. 211) Requires DOD to establish a Laboratory Quality Enhancement Program, under which panels will:

- review and make recommendations with respect to: (1) existing policies and practices affecting the science and technology reinvention laboratories to improve the research output of the laboratories and (2) new initiatives proposed by the science and technology reinvention laboratories;
- support implementation of initiatives affecting the science and technology reinvention laboratories; and
- conduct assessments or data analysis on other issues as the Secretary determines to be appropriate.

(Sec. 212) Modifies the authority for defense laboratories to use funds for research and development of technologies for military missions. Sets the level of funding at between 2% and 4% of the funds available to the defense laboratory and eliminates the termination date for the authority. Authorizes defense laboratories to charge customer activities a fixed percentage fee of up to 4% of costs, in addition to normal costs of performance.

(Sec. 213) Permanently extends the authorization for the defense research and development Rapid Innovation Program, which accelerates the fielding of innovative technologies.

(Sec. 214) Authorizes the Defense Acquisition University and the National Defense University to enter into cooperative

research and development agreements with universities, not-for-profit institutions, and other entities to support their designated missions.

(Sec. 215) Establishes the Manufacturing Education Engineering Education Program for DOD to provide grants to industry, not-for-profit institutions, institutions of higher education, or to consortia of such institutions or industry to support: (1) the enhancement of existing programs in manufacturing engineering education to further a mission of the department, or (2) the establishment of new programs in manufacturing engineering education that meet such requirements.

(Sec. 216) Requires the Navy to notify Congress before initiating certain rapid prototyping, experimentation, or demonstration activities.

(Sec. 217) Increases the micro-purchase threshold for research programs and entities throughout the government from \$3,000 to \$10,000.

(Sec. 218) Directs DOD to: (1) implement a quality assurance and quality control program for any facility producing biological select agents and toxins, and (2) report to Congress on the potential consolidation of facilities that work with biological select agents and toxins.

Requires the GAO to report on DOD's: (1) progress in carrying out the quality assurance and quality control program, and (2) actions to address the findings and recommendations of the Army report titled "Individual and Institutional Accountability for the Shipment of Viable Bacillus Anthracis from Dugway Proving Grounds."

(Sec. 219) Requires the Secretary of Defense to designate a senior DOD official as the official with principal responsibility for the development and demonstration of directed energy weapons and sets forth the responsibilities of the official for the programs.

(Sec. 220) Requires the Army to restructure versions of the distributed common ground system (DCGS) after Increment 1 by: (1) discontinuing development of new software code, excluding the configuration and testing of system interfaces to commercial, open source, and existing government off the shelf (GOTS) software, of any component for which there is commercial, open source, or government off the shelf software that is capable of fulfilling at least 80% of the system requirements; and (2) reviewing the acquisition strategy to ensure commercial software procurement is the preferred method for meeting program requirements.

Prohibits the Army from awarding any contract for the development of new component software capability for the DCGS if the capability is already a commercial item or open source, except for configuration of capabilities that are incidental to and necessary for the proper functioning of the system.

Requires the Under Secretary of Defense for Acquisition, Technology and Logistics to report to Congress on the Increment 2 of the DCGS.

(Sec. 221) Limits the use of funds for the countering weapons of mass destruction situational awareness information system commonly known as "Constellation" until DOD provides an independent review and assessment of the requirements and implementation plan for the system.

(Sec. 222) Limits the availability of funds for the Defense Innovation Unit Experimental (DIUx) until DOD submits a specified report to Congress on the DIUx.



(Sec. 223) Prohibits funds from being used for the Air Force's Joint Surveillance Target Attack Radar System recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed-price contract structure, subject to a waiver for national security.

(Sec. 224) Prohibits DOD from awarding any follow-on modernization development contracts for the F-35 Joint Strike Fighter until DOD submits to Congress a report that contains the basic elements of an acquisition program baseline for Block 4 Modernization. Requires the GAO to review the report.

#### Subtitle C--Reports and Other Matters

(Sec. 231) Requires DOD to develop a strategy to ensure that it has assured access to trusted microelectronics by September 30, 2019.

(Sec. 232) Requires the Defense Information Systems Agency to establish a pilot program to evaluate commercially available information technology tools to better understand the potential impact of the tools on DOD networks and computing environments.

(Sec. 233) Establishes a pilot program to permit research and development laboratories, test and evaluation centers, and the Defense Advanced Research Projects Agency to temporarily waive any regulation, restriction, requirement, guidance, policy, procedure, or departmental instruction that would affect value and efficiencies in research and development activities, the efficiency and effectiveness of operations, and the rapid deployment of warfighter capabilities.

(Sec. 234) Permits DOD to carry out a pilot program on the modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare systems. Authorizes appropriated electromagnetic spectrum warfare and electronic warfare funds to be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

(Sec. 235) Establishes a pilot program on: (1) permitting DOD to provide defense contractors performing under a DOD federally-funded research and development center contract with access to sensitive information necessary to carry out their assigned functions and duties, and (2) appropriately protecting proprietary information from unauthorized disclosure or use by such centers.

(Sec. 236) Authorizes DOD to carry out a pilot program to enhance interaction between the Defense Advanced Research Projects Agency and the service academies to promote technology transition, education, and training in science, technology, engineering, and mathematics fields that are relevant to DOD.

(Sec. 237) Requires the Navy to establish an independent review team to review the Navy's data on, and mitigation efforts related to, the increase in F/A-18 physiological events since January 1, 2009.

(Sec. 238) Requires DOD to submit to Congress and the GAO specified program accountability matrices for the B-21 bomber aircraft program.

(Sec. 239) Requires DOD to seek to enter into a contract with a federally funded research and development center to conduct a study on technologies with the potential to prevent and mitigate helicopter crashes.

(Sec. 240) Requires the Under Secretary of Defense for Acquisition, Technology and Logistics, acting through the Electronic Warfare Executive Committee, to submit to Congress a strategy on DOD's electronic and electromagnetic spectrum warfare capabilities.

(Sec. 241) Expresses the sense of the Congress on the development and fielding of fifth generation airborne capabilities.

## TITLE III--OPERATION AND MAINTENANCE

### Subtitle A--Authorization of Appropriations

(Sec. 301) Authorizes appropriations for Operation and Maintenance activities at the levels identified in section 4301 of this bill.

### Subtitle B--Energy and Environment

(Sec. 311) Modifies the requirements for DOD's annual report related to installations energy management.

(Sec. 312) Permits DOD to waive provisions of the Energy Independence and Security Act of 2007 regarding the lifecycle greenhouse gas emissions associated with alternative fuels procured by DOD if the waiver is in the national security interests of the United States.

(Sec. 313) Permits DOD to carry out a pilot program to investigate the utilization of utility data management services to perform utility bill aggregation, analysis, third-party payment, storage, and distribution. Specifies a funding cap for the program.

(Sec. 314) Authorizes the Army, in carrying out the disposal of munitions in the stockpile of conventional ammunition awaiting demilitarization and disposal (commonly referred to as munitions in the "B5A account") to use cost-competitive technologies that minimize waste generation and air emissions as alternatives to disposal by open burning, open detonation, direct contact combustion, and incineration.

(Sec. 315) Requires the Under Secretary of Defense for Acquisition, Technology, and Logistics to report to Congress on efforts to achieve cost savings at military installations with high levels of energy intensity.

(Sec. 316) Expresses the sense of Congress on DOD funding decisions relating to climate change.

### Subtitle C--Logistics and Sustainment

(Sec. 321) Revises the Army's deployability rating system and the manner in which the Army is required to track prioritization of deployable units. Requires the Army to maintain: (1) a system for identifying the priority of deployment for units of all components of the Army, and (2) a readiness rating system for units of all components of the Army that provides an accurate assessment of the deployability of a unit and the shortfalls of a unit that require the provision of additional resources.

(Sec. 322) Requires the Undersecretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight, to revise the corrosion-related guidance to clearly define specific roles of the corrosion control and prevention executives of the military departments.

(Sec. 323) Authorizes a five-year pilot program to permit government-owned, contractor-operated industrial plants to participate in the Armament Retooling and Manufacturing Support (ARMS) Initiative. (The ARMS Initiative was created to allow the Army to rent portions of its ammunition plants that are not being used in production to commercial companies.)

(Sec. 324) Permits DOD to transfer specified funds to the Navy for the repair, recapitalization, and certification of dry docks at government-owned, government-operated shipyards of the Navy.

(Sec. 325) Requires the Navy to submit to Congress quarterly assessments of Naval ship maintenance and loading activities carried out by private sector entities at specified ports.

(Sec. 326) Require the Secretary of the Army to submit to Congress a strategy to revitalize the organic industrial base of the Army. (The term "organic industrial base" refers to U.S. military facilities, including arsenals, depots, munition plants and centers, and storage sites, that advance a vital national security interest by producing, maintaining, repairing, and storing materiel, munitions, and hardware.)

#### Subtitle D--Reports

(Sec. 331) Modifies requirements for the Quarterly Readiness Report to Congress.

(Sec. 332) Requires the GAO to report to Congress on the travel expenses of members of the reserve components.

(Sec. 333) Requires DOD to submit to Congress a plan to modernize, sustain training, and provide depot maintenance for all components of the HH-60 helicopter fleet until total force combat rescue units have been fully equipped with HH-60W Combat Rescue Helicopters.

#### Subtitle E--Other Matters

(Sec. 341) Expands notice requirements for structures interfering with air commerce, to direct the Department of Transportation (DOT) to: (1) require a person to give adequate public notice of the construction, alteration, establishment, or expansion of a structure or sanitary landfill if the notice will promote the interests of national security as determined by DOD; and (2) include national security interests in conducting certain required aeronautical studies and reports.

Requires DOT to review flight path changes at civilian airports to determine if recent adjustments have had an impact on local communities.

(Sec. 342) Requires all new contracts involving tactical explosive detection dogs to include a provision that would transfer the dogs to the 341st Training Squadron after the end of their useful service life and reclassify them as military animals for the purpose of adoption procedures required under current law.

(Sec. 343) Requires DOD to develop a plan to establish an explosive ordnance disposal program within DOD to ensure close and continuous coordination among the military departments on matters relating to explosive ordnance disposal.

(Sec. 344) Requires DOD to implement a formal process to provide federal agencies outside DOD with information on the availability of surplus, serviceable ammunition from DOD for the purpose of reducing costs relating to the storage and disposal of the ammunition.

(Sec. 345) Directs DOD to remove and replace window coverings with accessible cords from military housing units in which children under the age of nine reside. Requires future contracts for the acquisition or construction of military family housing to prohibit the use of window coverings with accessible cords in the housing,

(Sec. 346) Requires DOD to establish policies under which drivers employed by commercial transportation companies may be authorized to access military installations to serve base personnel.

(Sec. 347) Authorizes DOD to enter into contracts with third-party vendors to provide certain members of the Armed Forces deployed overseas with free access to wireless high-speed Internet and network connections.

(Sec. 348) Limits the availability of funds for the Office of the Under Secretary of Defense for Intelligence until DOD establishes and implements a process for members of the Armed Forces to carry appropriate firearms on military installations.

(Sec. 349) Prohibits funds from being used for the development or fielding of new camouflage uniforms, new utility uniforms, or new families of uniforms until one year after DOD notifies Congress of the proposed development or fielding.

(Sec. 350) Directs the Air Force to submit to Congress a plan for an improved dedicated adversary air training enterprise.

(Sec. 351) Requires the Air Force to commission an independent review and assessment of: (1) the assumptions underlying the Air Force's annual continuation training requirements and (2) the overall effectiveness of the Ready Aircrew Program of the Air Force in managing aircrew training requirements. Requires the GAO to review the assessment.

(Sec. 352) Requires DOD to seek to enter into a contract with a federally funded research and development center to conduct an independent study on the space-available travel system of DOD.

(Sec. 353) Requires DOD to evaluate the need for proven safety technology in vehicles transporting Transportation Protective Services shipments, such as electronic logging devices, roll stability control, forward collision avoidance, lane departure warning systems, and speed limiters.

#### TITLE IV--MILITARY PERSONNEL AUTHORIZATIONS

##### Subtitle A--Active Forces

(Sec. 401) Authorizes specified end strengths for Active Duty personnel of the Armed Forces.

(Sec. 402) Establishes new minimum Active Duty end strengths for the Army, Navy, Marine Corps, and Air Force.

##### Subtitle B--Reserve Forces

(Sec. 411) Authorizes specified end strengths for Selected Reserve personnel.

(Sec. 412) Authorizes specified end strengths for Reserves on Active Duty in support of the Reserves.

(Sec. 413) Authorizes specified end strengths for military technicians (dual status).

(Sec. 414) Establishes the maximum end strengths for the Reserve Components of the Army and Air Force for non-dual status technicians.

(Sec. 415) Authorizes the maximum number of Reserve Component personnel who may be on Active Duty or full-time National Guard duty during FY2017 to provide operational support.

(Sec. 416) Makes technical corrections to the annual authorization of personnel strengths.

##### Subtitle C--Authorization of Appropriations

(Sec. 421) Authorizes appropriations for Military Personnel at the levels identified in section 4401 of this bill.

#### TITLE V--MILITARY PERSONNEL POLICY

## Subtitle A--Officer Personnel Policy

(Sec. 501) Establishes the authorized distribution and strength of general and flag officers for the Army, Navy, Marine Corps, and Air Force after December 31, 2022. Requires a specified reduction in the number of general and flag officers in the military departments. Establishes reporting requirements for implementing the reduction and distribution.

(Sec. 502) Repeals or amends various provisions that specify a general or flag officer grade for certain positions in the Armed Forces.

(Sec. 503) Authorizes adjustments to the number and distribution of Marine Corps general officers, including: the distribution of commissioned officers on active duty in general officer and flag officer grades, general and flag officers on active duty, and deputy commandants.

(Sec. 504) Specifies that the period for promotion eligibility of an officer does not expire during the period when the Senate is unable to obtain information necessary to give its advice and consent to the appointment concerned because the information is under control of a department or agency of the federal government other than DOD.

(Sec. 505) Authorizes service secretaries to allow officers in a grade above O-4 who are serving in military occupational specialties designated by the secretary to remain on Active Duty for up to 40 years of active service.

(Sec. 506) Authorizes the secretaries of the military departments to convene boards to consider officers for involuntary separation below the grade of lieutenant colonel or commander as a single, consolidated year group without distinctions based on retirement eligibility. Aligns separation boards for the officers with the practices for promotion selection boards.

(Sec. 507) Permits the Secretary of Defense or the Secretary of Homeland Security (the department in which the Coast Guard is operating) to drop from the rolls of the Armed Forces a commissioned officer who:

- has been absent without authority for at least three months,
- may be separated by reason of a sentence to confinement adjudged by a court-martial, or
- is sentenced to confinement in a federal or state penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

(Sec. 508) Extends force management authorities related to personnel management, including:

- temporary early retirement authority;
- the authority for service secretaries to manage authorized officer personnel strength by shortening the period of continuation of service by officers on Active Duty, authorizing involuntary early retirement for certain officers on Active Duty, and considering officers for involuntary discharge who are not eligible for retirement;
- the authority to provide voluntary separation pay and benefits; and
- the authority for early retirement for up to 4% of the authorized Active-Duty strength of officers in the grades of O-5 and O-6 without reduction in grade, in each fiscal year.

(Sec. 509) Authorizes the military departments to carry out a pilot program to improve the ability of the Armed Forces to recruit cyber professionals. Authorizes the military departments, under the program, to allow individuals who meet educational, physical, and other requirements to receive original appointments as commissioned officers in a cyber specialty.

(Sec. 510) Modifies the qualifying period for joint duty assignments from three years to not less than two years. Repeals the average tour length requirement and the authority for shorter tour lengths for officers initially assigned to critical occupational specialties.

(Sec. 510A) Revises the definitions used for joint officer management. Repeals the definition of "critical occupational specialty."

#### Subtitle B--Reserve Component Management

(Sec. 511) Authorizes the Secretary of Defense to extend the term of office of the Vice Chief of the National Guard Bureau for up to 90 days.

(Sec. 512) Amends provisions related to the employment rights and protections of military technicians.

(Sec. 513) Specifies that laws providing military leave to individuals appointed to the civil service do not apply to National Guard technicians performing Active Guard and Reserve duty.

(Sec. 514) Amends the National Defense Authorization Act for Fiscal Year 2014 to extend for three years authorities for the transfer of officers between the Active and Inactive National Guard.

(Sec. 515) Amends the National Defense Authorization Act for Fiscal Year 2016 to extend the authority for the Air Force to use Active Guard and Reserve personnel and dual status military technicians to provide training and instruction regarding pilot training.

(Sec. 516) Requires at least one deputy commander of the combatant command of the geographic area of responsibility which includes the United States be a member of a reserve component of the Armed Forces, unless a reserve component officer is serving as commander of that combatant command.

#### Subtitle C--General Service Authorities

(Sec. 521) Authorizes specified uncharged leave for servicemembers who are the primary or secondary caregiver for the birth or adoption of a child. Specifies requirements for DOD regulations implementing this section. Prohibits leave from being authorized unless it is expressly permitted by law.

(Sec. 522) Changes the location in the U.S. Code of provisions that authorize the reimbursement of members of the Armed Force for expenses incurred in connection with leave cancelled due to contingency operations.

(Sec. 523) Permits notaries to execute military testamentary instruments. Extends federal notary powers to civilian paralegals working within military legal assistance offices.

(Sec. 524) Requires the military departments to ensure that members with post-traumatic stress disorder or traumatic brain injury in connection with sexual assault receive a medical examination prior to administrative separation.

(Sec. 525) Reduces from five to three years the maximum tenure for servicemembers placed on the Temporary Disability Retired List due to an injury or illness eligible for disability retirement.

(Sec. 526) Makes technical corrections to provisions regarding voluntary separation pay and benefits.

(Sec. 527) Requires all marketing functions of the Regular Army, Army Reserve, and Army National Guard to be

consolidated within the Army Marketing Research Group.

Requires the Army to carry out a pilot program to consolidate the recruiting efforts of the Army, Army Reserve, and Army National Guard under which a recruiter in one of the components may recruit individuals to enlist in any of the components and receive credit toward enlistment goals for each enlistment regardless of the component in which the individual enlists.

#### Subtitle D--Member Whistleblower Protections and Correction of Military Records

(Sec. 531) Expands the types of adverse personnel actions prohibited under the military whistle-blower protection program to include retaliatory investigations and failures of superiors to respond to retaliatory actions in certain circumstances, as prohibited personnel actions that are reviewable.

Requires inspectors general to notify the secretary concerned if, during the IG's preliminary investigation, the IG determined there were reasonable grounds to believe that a prohibited personnel action occurred, and that the action would result in an immediate hardship to the servicemember. Authorizes the secretary concerned to take action, as appropriate, in such cases.

Requires an IG to provide periodic updates to whistle-blowers on the progress of investigations. Requires the DOD IG to prescribe uniform standards for the conduct of military whistle-blower investigations and for the training of staff conducting investigations.

(Sec. 532) Specifies that a secretary of a military department who receives an IG report substantiating that a prohibited personnel action occurred may consider whether to take corrective action, but may not make a determination that a prohibited personnel action did not occur.

(Sec. 533) Requires the military department concerned or the Department of Homeland Security (DHS) to make available on a public website information regarding claims considered quarterly by: (1) boards for correction of military records, and (2) service discharge review boards.

(Sec. 534) Requires boards for correction of military records (BCMRs) to:

- notify claimants of the specific information or documents needed to make their claim reviewable,
- make reasonable efforts to obtain missing records when they cannot be obtained by a claimant,
- consider any request for reconsideration of a determination of a BCMR when new information is provided by a claimant that was not previously considered, and
- publish final decisions with personally identifiable information redacted.

Requires DOD to develop and report to Congress on a comprehensive training curriculum for members of BCMRs.

(Sec. 535) Specifies requirements for the review by a discharge review board of certain claims by former members asserting post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI) in connection with combat or sexual trauma as a basis for review of discharge.

Requires the board, in considering the claims, to: (1) review medical evidence of the VA or a civilian health care provider that is presented by the former member, and (2) to review the case with liberal consideration to the former member that PTSD or TBI potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

(Sec. 536) Requires the GAO to review the integrity of the DOD whistle-blower program.

#### Subtitle E--Military Justice and Legal Assistance Matters

(Sec. 541) Modifies the terms of two civilian judges of the U.S. Court of Appeals for the Armed Forces and the daily rate of compensation for senior judges performing judicial duties with the court. Authorizes judges of the court to administer oaths in a similar manner as other federal judges. Repeals a provision that precludes more than three judges of the court from being from the same political party.

(Sec. 542) Requires the services secretaries to: (1) establish professional developmental programs to ensure effective prosecution and defense in all courts-martial, (2) establish and use a system of military justice experience designators or skill identifiers, and (3) carry out a pilot program to assess the feasibility and advisability of establishing a deliberate professional development process for judge advocates that leads to military justice practitioners capable of prosecuting and defending complex cases in military courts-martial.

(Sec. 543) Requires the annual report on sexual assault and response efforts to include information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.

(Sec. 544) Extends the requirement for the annual report of the Sexual Assault Prevention and Response Office and requires the release to coincide with the release of the Family Advocacy Program Report.

(Sec. 545) Requires the DOD Sexual Assault Prevention and Response Office to establish and issue to the military departments: (1) metrics to be used to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault, and (2) best practices to be used in the prevention of and response to retaliation in connection with the reports.

(Sec. 546) Requires DOD to ensure that individuals who investigate claims of retaliation receive training on the nature and consequences of retaliation, and, in cases involving reports of sexual assault, the nature and consequences of sexual assault trauma.

(Sec. 547) Requires the results of an investigation by DOD or the Armed Forces of a complaint by a member of the Armed Forces of retaliation to be reported in writing to the member.

(Sec. 548) Modifies the definition of sexual harassment for the purposes of investigations of complaints of harassment by commanding officers.

(Sec. 549) Requires DOD to establish a comprehensive and consistent data collection system for reports related to hazing in the Armed Forces. Requires the Secretary of each military department to improve training to better recognize, prevent, and respond to hazing.

#### Subtitle F--National Commission on Military, National, and Public Service

(Sec. 551) Specifies that the purpose of this subtitle is to establish a National Commission on Military, National, and Public Service to: (1) review the military selective service process (commonly referred to as "the draft"); and (2) consider methods to increase participation in military, national, and public service in order to address national security and other public service needs of the nation. Specifies requirements for the scope of the review.

(Sec. 552) Requires: (1) DOD to report to Congress and the commission on the current and future need for a centralized



registration system under the Military Selective Service Act, and (2) the GAO to review of the procedures used by DOD in evaluating selective service requirements.

(Sec. 553) Establishes the National Commission on Military, National, and Public Service as an independent commission in the executive branch. Specifies requirements and procedures for the appointment of members, composition of the commission, pay rates for members and staff, and other authorities related to the operations of the commission.

(Sec. 554) Specifies requirements for commission hearings and meetings. Requires hearings on recommendations to be open to the public, unless classified information is being considered.

(Sec. 555) Requires the commission to: (1) conduct a review of the military selective service process; (2) consider methods to increase participation in military, national, and public service opportunities to address national security and other public service needs of the nation; and (3) develop recommendations on the matters subject to its review that are consistent with principles submitted by the President.

Requires the President to establish and transmit to the commission and Congress principles for reform of the military selective service process. Requires certain cabinet officials and other officials or experts to transmit to the commission and Congress recommendations for the reform of the military selective service process, and military, national, and public service in connection with that process.

Requires the commission to submit to Congress and the President a report containing the findings, conclusions, and recommendations of the commission, including legislative language and recommendations for administrative action to implement the recommendations of the Commission.

(Sec. 556) Authorizes the commission to appoint, and fix the rate of pay of, an Executive Director and staff. Limits detailees from the Executive Branch and performance reviews for staff of the commission.

(Sec. 557) Requires the commission to be terminated no later than 36 months after the establishment date.

#### Subtitle G--Member Education, Training, Resilience, and Transition

(Sec. 561) Includes within the program to assist members in obtaining professional credentials those credentials that were acquired during military service, but which were not necessarily obtained incident to the performance of their military duties. Replaces the requirement that credentialing programs be accredited by third party accreditation bodies with a requirement that credentialing programs meet specified quality assurance benchmarks.

(Sec. 562) Requires the preseparation counseling provided to members of the Armed Forces being discharged to include information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse.

(Sec. 563) Requires the Department of Labor to include in the Transition Assistance Program information regarding the deduction of disability compensation paid by the Department of Veterans Affairs by reason of voluntary separation pay received by the member.

(Sec. 564) Requires the Transition Assistance Program to provide information on career opportunities for employment available to members with transportation security cards.

(Sec. 565) Extends through FY2018 the DOD Suicide Prevention and Resilience Program.

(Sec. 566) Requires congressional notification in advance of appointments to service academies.

(Sec. 567) Requires the Under Secretary of Defense for Personnel and Readiness to submit to Congress and make available to the public, a report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTEST-AI) and SkillBridge initiatives for members of the Armed Forces who are being separated.

(Sec. 568) Requires DOD and DHS to jointly report on the steps the departments have taken to: (1) maximize the extent to which Armed Forces service, training, and qualifications are creditable towards U.S. merchant mariner licenses and certifications; and (2) to promote awareness among Armed Forces personnel serving in vessel operating positions of the requirements for post-service use of training, education, and practical experience from service in the Armed Forces in satisfying requirements for merchant mariner licenses and certifications.

#### Subtitle H--Defense Dependents' Education and Military Family Readiness Matters

(Sec. 571) Authorizes appropriations to continue assistance to local educational agencies that benefit dependents of members of the Armed Forces and DOD civilian employees, including: (1) assistance to schools with significant numbers of military dependents, and (2) impact aid for children with severe disabilities.

(Sec. 572) Extends the authorities for support related to the transition of military dependent students to local educational agencies. Specifies details that must be included in budget justifications regarding future requests for extensions.

(Sec. 573) Requires the secretaries of the military departments to notify service members with dependents annually, and prior to deployment, of the child custody protections guaranteed under the Servicemembers Civil Relief Act.

(Sec. 574) Requires DOD to submit to Congress annually a report including the child abuse and domestic abuse incident data contained in the Family Advocacy Program central registry for the previous year and an analysis of the effectiveness of the Family Advocacy Program.

(Sec. 575) Requires DOD and DHS to prescribe regulations to ensure that the family advocacy program office at a military installation to which a member of the Armed Forces is assigned is provided an immediate report of credible information obtained by any individual in the chain of command of the servicemember, that a child in the family or home of the servicemember has suffered an incident of child abuse. Amends the Victims of Child Abuse Act of 1990 to require a similar report by any member of the Armed Forces in specified professions who has reason to suspect that a child in the family or home of a servicemember has suffered an incident of child abuse.

(Sec. 576) Repeals the Advisory Council on Dependents' Education.

(Sec. 577) Authorizes DOD to provide support to nonprofit organizations that carry out camp or camp-like programs for children of military families who have experienced the death of a family member or other loved one or who have another family member living with a substance use disorder or post-traumatic stress disorder.

(Sec. 578) Requires the GAO to assess the effectiveness of each Exceptional Family Member Program of the Armed Forces.

(Sec. 579) Specifies requirements for applying the amendments made by the Every Student Succeeds Act with respect to Impact Aid payments for federally connected children in FY2016, FY2017, and each succeeding year. Authorizes a provision that counts all military-connected students living in military housing equally to take effect immediately.

Amends the Elementary and Secondary Education Act of 1965 to: (1) make a technical correction to prevent some local school districts whose boundaries are within the perimeter of military installations from being disqualified from the Impact Aid heavily impacted program, (2) provide additional time to collect data on the effects of the program, and (3) modify eligibility criteria.

#### Subtitle I--Decorations and Awards

(Sec. 581) Posthumously advances Colonel George E. "Bud" Day, U.S. Air Force, to the rank of brigadier general on the retired list of the U.S. Air Force.

(Sec. 582) Waives the statutory time limitation to permit the President to award specified medals to a member or former member of the Armed Forces identified as warranting award of that medal pursuant to the review of valor award nominations for Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Freedom's Sentinel, and Operation Inherent Resolve that was directed by the Secretary of Defense.

(Sec. 583) Waives the statutory time limitation to allow the President to award the Medal of Honor to Gary M. Rose and James C. McCloughan for acts of valor during the Vietnam War.

(Sec. 584) Waives the statutory time limitation to allow the Secretary of the Army to award the Distinguished Service Cross to First Lieutenant Melvin M. Spruiell, for acts of valor while serving in the Army during World War II.

(Sec. 585) Authorizes the Secretary of the Army to award the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor while interned as a prisoner of war by Japan during World War II.

(Sec. 586) Requires the Secretaries of the military departments to review the service records of certain Asian American and Native American Pacific Islander war veterans previously awarded the Distinguished Service Cross, the Navy Cross, and the Air Force Cross during the Korean War or the Vietnam War to determine whether a Medal of Honor should be awarded. Waives the statutory time limitations if the Secretary determines that a Medal of Honor should be awarded.

#### Subtitle J--Miscellaneous Reports and Other Matters

(Sec. 591) Repeals the requirement for the chaplain at the U.S. Air Force Academy to be appointed by the President.

(Sec. 592) Extends the limitation on reducing the number of military and civilian personnel assigned to duty with the service review agencies.

(Sec. 593) Requires the Army and the Marine Corps to report to Congress on the progress of integrating women into military occupational specialties and units recently opened to women.

(Sec. 594) Requires DOD to submit to Congress a report on the feasibility of establishing an electronic means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008.

(Sec. 595) Requires the Navy and the Air Force to report to Congress on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces that are currently discharged by commissioned officers.

(Sec. 596) Requires each military department to review: (1) the current body mass index test procedure used by each Armed Force, and (2) other methods to measure body fat with a more holistic health and wellness approach.

(Sec. 597) Requires DOD to report to Congress on the career progression track for entry level and laterally moved female service members in combat arms units.

## TITLE VI--COMPENSATION AND OTHER PERSONNEL BENEFITS

### Subtitle A--Pay and Allowances

(Sec. 601) Authorizes a pay raise of 2.1% for all members of the uniformed services effective January 1, 2017.

(Sec. 602) Requires DOD to ensure that pay tables of basic pay for members of the uniformed services reflect the operation of the pay cap required under current law.

(Sec. 603) Extends the authority of DOD to temporarily increase the rate of the basic allowance for housing (BAH) in areas impacted by natural disasters or experiencing a sudden influx of personnel.

(Sec. 604) Requires DOD to submit to Congress specified reports on a new single-salary pay structure for members of the Armed Forces, which assumes the repeal of the basic allowance for housing and basic allowance subsistence for members of the Armed Forces in favor of a single-salary pay system.

### Subtitle B--Bonuses and Special and Incentive Pays

(Sec. 611) Extends certain bonus and special pay authorities for Reserve Forces.

(Sec. 612) Extends certain bonus and special pay authorities for health care professionals.

(Sec. 613) Extends certain bonus and special pay authorities for nuclear officers.

(Sec. 614) Extends specified special pay, incentive pay, and bonus authorities.

(Sec. 615) Extends specified bonus and special pay authorities.

(Sec. 616) Authorizes a maximum aviation bonus of \$35,000 for each 12-month period of obligated service, and requires the appropriate Service Secretary to include specified details regarding the bonuses in budget justification documents.

(Sec. 617) Conforms the consolidated bonus amount to the current authorized amount of \$20,000.

(Sec. 618) Makes technical and clerical amendments related to the 2008 consolidation of certain special pay authorities.

### Subtitle C--Travel and Transportation Allowances

(Sec. 621) Authorizes DOD, on a case-by-case basis, to reimburse travel expenses at a higher amount for members of the reserves attending inactive duty training outside of normal commuting distances.

### Subtitle D--Disability Pay, Retired Pay, and Survivor Benefits

#### Part I--Amendments in Connection With Retired Pay Reform

(Sec. 631) Specifies the election period for cadets and midshipmen at the service academies to opt-in to the new military retirement system. Specifies the timing of elections for reservists who are on Inactive Duty during the election period otherwise provided for under the new retirement system.

(Sec. 632) Makes a technical correction for the new military retirement plan related to defining separation from service under the Thrift Savings Plan.

(Sec. 633) Permits DOD to pay continuation pay to full Thrift Savings Plan Members at any point between the time the member completes 8 years of service and before the member reaches 12 years of service, in exchange for an agreement to continue serving for a period of not less than 3 additional years.

(Sec. 634) Makes a technical and conforming amendment to the Combat-Related Special Compensation calculation to bring the authority in line with the new military retirement system.

## Part II--Other Matters

(Sec. 641) Modifies the division of military retired pay in a divorce decree to use the member's pay grade and years of service at the time of the divorce, adjusted by the annual retired pay cost-of-living adjustments between the date of the divorce decree and the date of retirement. (Under current law, the final retirement pay grade and years of service is used.)

(Sec. 642) Provides equal benefits under the Survivor Benefit Plan for members of the Reserve Component who die from an injury or illness incurred or aggravated in the line of duty during Inactive-Duty training and members of the Armed Forces who die in the line of duty while on Active Duty.

(Sec. 643) Authorizes the deduction of Survivor Benefit Plan premiums from monthly combat-related special compensation when retired pay is insufficient to cover the premiums.

(Sec. 644) Expands the areas eligible for the allowance for covering monthly premiums for the Servicemembers' Group Life Insurance to include any designated combat zone or an area directly supporting a designated combat zone.

(Sec. 645) Authorizes payment of certain pay and allowances of a servicemember or retired servicemember to an individual to whom the member has granted authority to manage these funds pursuant to a valid and legally executed durable power of attorney.

(Sec. 646) Extends the Special Survivor Indemnity Allowance at \$310 per month until May 31, 2018.

(Sec. 647) Repeals provisions related to an obsolete authority for combat-related injury rehabilitation pay.

(Sec. 648) Requires DOD to provide for an independent assessment of the Department of Defense Survivor Benefit Plan by a federally-funded research and development center.

## Subtitle E--Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

(Sec. 661) Requires DOD to develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduce reliance on appropriated funding without reducing benefits or the revenue generated by nonappropriated fund entities or instrumentalities of DOD for the morale, welfare, and recreation of members of the Armed Forces.

Requires DOD to ensure that savings generated due to the optimization practices are shared by the defense commissary system and the exchange system through contracts or agreements that appropriately reflect the participation of the systems in the development and implementation of the practices.

Authorizes DOD to establish a variable pricing program, under which prices may be established in response to market conditions and customer demand, subject to specified requirements.

(Sec. 662) Requires DOD to ensure that: (1) commissary stores accept the Military Star Card as payment, and (2) the Army and Air Force Exchange Service assumes any U.S. financial liability relating to the acceptance of the card. (The Military Star Card is a credit card administered under the Exchange Credit Program by the Army and Air Force Exchange Service.)

#### Subtitle F--Other Matters

(Sec. 671) Establishes a 10-year statute of limitations for DOD recovery of amounts owed to the United States by members of the uniformed services due to an overpayment of salaries and benefits or unpaid bills. Requires the Defense Finance and Accounting Service to quantify the lost revenue from this provision.

Directs DOD to review all bonus pays, special pays, student loan repayments, and similar special payments paid to members of the California National Guard between January 1, 2004, and December 31, 2015. Authorizes the Secretary concerned to waive collection of overpayments or to repay previously recouped payments that were unwarranted. Requires the Secretary concerned to notify consumer credit reporting agencies if the review determines that an indebtedness previously reported to the credit reporting agency was invalid.

(Sec. 672) Modifies the flat rate per diem requirements for DOD military and civilian personnel on long-term temporary duty assignments.

### TITLE VII--HEALTH CARE PROVISIONS

#### Subtitle A--Reform of TRICARE and Military Health System

(Sec. 701) Requires DOD to establish TRICARE Select as a self-managed, preferred provider network option to replace TRICARE Standard and Extra. Establishes annual enrollment fees and fixed dollar copayments for Active Duty family members and retirees who join the Armed Services on or after January 1, 2018, and enroll in TRICARE Select or in TRICARE Prime (the managed care option). Authorizes DOD to establish an annual enrollment fee for TRICARE Select for beneficiaries who were in the Active Duty or retired categories prior to January 1, 2018.

Requires DOD to: (1) establish an open enrollment period, with a grace period during the first year of open enrollment, and to allow enrollment for qualifying events for annual participation in either TRICARE Prime or TRICARE Select; and (2) prescribe certain requirements for pre-authorization for referrals under TRICARE Prime.

Requires DOD to carry out a pilot program on the incorporation of value-based health care methodology in the purchased care component of the TRICARE program by reducing copayments or cost shares for targeted populations of covered beneficiaries in the receipt of high-value medications and services and the use of high-value providers under such purchased care component, including by exempting certain services from deductible requirements.

(Sec. 702) Requires the Defense Health Agency (DHA) to be responsible for the administration of each military medical treatment facility, including:

- budgetary matters,
- information technology,
- health care administration and management,

- administrative policy and procedure,
- military medical construction,
- any other matters the Secretary of Defense determines appropriate.

Requires the commander of each military medical facility to be responsible for: (1) ensuring the readiness of the members of the Armed Forces and civilian employees at the facility, and (2) furnishing the health care and medical treatment provided at the facility.

Requires DOD to establish within the DHA a professional staff to carry out this section. Permits DOD to establish an Assistant Director for Health Care Administration within the DHA.

Specifies the roles and responsibilities of the Services' Surgeons General.

(Sec. 703) Establishes requirements for military medical treatment facilities in order to su

## Actions Timeline

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- **Dec 23, 2016:** Signed by President.
- **Dec 23, 2016:** Became Public Law No: 114-328.
- **Dec 14, 2016:** Presented to President.
- **Dec 10, 2016:** Pursuant to the provisions of H. Con. Res. 179, enrollment corrections on S. 2943 have been made.
- **Dec 8, 2016:** Conference report considered in Senate. (consideration: CR S6862-6873)
- **Dec 8, 2016:** Conference report agreed to in Senate: Senate agreed to conference report by Yea-Nay Vote. 92 - 7. Record Vote Number: 159.
- **Dec 8, 2016:** Senate agreed to conference report by Yea-Nay Vote. 92 - 7. Record Vote Number: 159.
- **Dec 8, 2016:** Message on Senate action sent to the House.
- **Dec 7, 2016:** Cloture on the conference report invoked in Senate by Yea-Nay Vote. 92 - 7. Record Vote Number: 158. (consideration: CR S6795; text: CR S6795)
- **Dec 7, 2016:** Conference report considered in Senate. (consideration: CR S6795-6826)
- **Dec 5, 2016:** Conference papers: message on House action held at the desk in Senate.
- **Dec 5, 2016:** Cloture motion on the conference report presented in Senate. (consideration: CR S6684-6685; text: CR S6685)
- **Dec 2, 2016:** Mr. Thornberry brought up conference report H. Rept. 114-840 for consideration under the provisions of H. Res. 937. (consideration: CR H7123-7134)
- **Dec 2, 2016:** DEBATE - The House proceeded with one hour of debate on the conference report to accompany S. 2943.
- **Dec 2, 2016:** The previous question was ordered pursuant to the rule. (consideration: CR H7133)
- **Dec 2, 2016:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 375 - 34 (Roll no. 600).
- **Dec 2, 2016:** On agreeing to the conference report Agreed to by the Yeas and Nays: 375 - 34 (Roll no. 600).
- **Dec 2, 2016:** Motions to reconsider laid on the table Agreed to without objection.
- **Dec 1, 2016:** Rule H. Res. 937 passed House.
- **Nov 30, 2016:** Conference report filed: Conference report H. Rept. 114-840 filed.(text of conference report: CR H6376-6885)
- **Nov 30, 2016:** Conference report H. Rept. 114-840 filed. (text of conference report: CR H6376-6885)
- **Nov 30, 2016:** Conference committee actions: Conferees agreed to file conference report.
- **Nov 30, 2016:** Conferees agreed to file conference report.
- **Nov 30, 2016:** Conference papers: Senate report and manager's statement held at the desk in Senate.
- **Nov 30, 2016:** Rules Committee Resolution H. Res. 937 Reported to House. Rule provides for consideration of the conference report to S. 2943 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. The resolution waives all points of order against the conference report and against its consideration
- **Jul 14, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S5111-5114)
- **Jul 14, 2016:** Motion to disagree to the House amendment to the Senate bill, agree to request for conference, and appoint the following conferees: McCain, Inhofe, Sessions, Wicker, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Lee, Graham, Cruz, Reed, Nelson, McCaskill, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, and Heinrich made in Senate.
- **Jul 14, 2016:** Cloture motion on the motion to disagree to the House amendment to the Senate bill, agree to request for conference, and appoint the following conferees: McCain, Inhofe, Sessions, Wicker, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Lee, Graham, Cruz, Reed, Nelson, McCaskill, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, and Heinrich presented in Senate. (consideration: CR S5111)
- **Jul 14, 2016:** Cloture on the motion to disagree to the House amendment to the Senate bill, agree to request for conference, and appoint the following conferees: McCain, Inhofe, Sessions, Wicker, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Lee, Graham, Cruz, Reed, Nelson, McCaskill, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, and Heinrich invoked in Senate by Yea-Nay Vote. 90 - 7. Record Vote Number: 130. (consideration: CR S5111)
- **Jul 14, 2016:** Senate disagrees to the House amendment to the Senate bill, agrees to request for conference, appoints the following conferees: McCain, Inhofe, Sessions, Wicker, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Lee, Graham, Cruz, Reed, Nelson, McCaskill, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, and Heinrich by Unanimous Consent.



- **Jul 14, 2016:** Motion by Senator Shaheen to instruct Senate conferees (Afghan Special Immigrant Visa program) agreed to in Senate by Yea-Nay Vote. 84 - 12. Record Vote Number: 131. (consideration: CR S5111-5112)
- **Jul 14, 2016:** Motion by Senator Sullivan to instruct Senate conferees (military operations) agreed to in Senate by Yea-Nay Vote. 85 - 12. Record Vote Number: 132. (consideration: CR S5112-5113, S5113)
- **Jul 14, 2016:** Message on Senate action sent to the House.
- **Jul 11, 2016:** Message on House action received in Senate and at desk: House amendment to Senate bill and House requests a conference.
- **Jul 8, 2016:** Pursuant to the provisions of H.Res. 809, Mr. Thornberry moved that the House insist upon its amendment, and request a conference. (consideration: CR H4554)
- **Jul 8, 2016:** Mr. Thornberry moved that the House insist upon its amendment, and request a conference. (consideration: CR H4554)
- **Jul 8, 2016:** DEBATE - The House proceeded with one hour of debate on the motion from Mr. Thornberry.
- **Jul 8, 2016:** The previous question was ordered without objection. (consideration: CR H4554)
- **Jul 8, 2016:** On motion that the House insist upon its amendment, and request a conference Agreed to by voice vote. (consideration: CR H4554)
- **Jul 8, 2016:** Mr. Thornberry moved that the House close portions of the conference. (consideration: CR H4562)
- **Jul 8, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Armed Services for consideration of the Senate bill and the House amendment, and modifications committed to conference: Thornberry, Forbes, Miller (FL), Wilson (SC), LoBiondo, Bishop (UT), Turner, Kline, Rogers (AL), Franks (AZ), Shuster, Conaway, Lamborn, Wittman, Gibson, Hartzler, Heck (NV), Stefanik, Smith (WA), Sanchez, Loretta, Davis (CA), Langevin, Larsen (WA), Cooper, Bordallo, Courtney, Tsongas, Garamendi, Johnson (GA), Speier, and Peters.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Permanent Select Committee on Intelligence for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Nunes, Pompeo, and Schiff.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Education and the Workforce for consideration of secs. 571-74 and 578 of the Senate bill, and secs. 571, 573, 1098E, and 3512 of the House amendment, and modifications committed to conference: Walberg, Guthrie, and Scott (VA).
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Energy and Commerce for consideration of secs. 3112 and 3123 of the Senate bill, and secs. 346, 601, 749, 1045, 1090, 1095, 1673, 3119A, and 3119C of the House amendment, and modifications committed to conference: Latta, Johnson of Ohio, and Pallone.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Foreign Affairs for consideration of secs. 828, 1006, 1007, 1050, 1056, 1089, 1204, 1211, 1221-23, 1231, 1232, 1242, 1243, 1247, 1252, 1253, 1255-58, 1260, 1263, 1264, 1271-73, 1276, 1283, 1301, 1302, 1531-33, and 1662 of the Senate bill, and secs. 926, 1011, 1013, 1083, 1084, 1098K, 1099B, 1099C, 1201, 1203, 1214, 1221-23, 1227, 1229, 1233, 1235, 1236, 1245, 1246, 1250, 1259A-59E, 1259J, 1259L, 1259P, 1259Q, 1259U, 1261, 1262, 130103, 1510, 1531-33, 1645, 1653, and 2804 of the House amendment, and modifications committed to conference: Royce, Zeldin, and Engel.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Homeland Security for consideration of secs. 564 and 1091 of the Senate bill, and secs. 1097, 1869, 1869A, and 3510 of the House amendment, and modifications committed to conference: McCaul, Donovan, and Thompson (MS).
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on the Judiciary for consideration of secs. 829J, 829K, 944, 963, 1006, 1023-25, 1053, 1093, 1283, 3303, and 3304 of the Senate bill, and secs. 598, 1090, 1098H, 1216, 1261, and 3608 of the House amendment, and modifications committed to conference: Goodlatte, Issa, and Conyers.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Natural Resources for consideration of secs. 601, 2825, subtitle D of title XXVIII, and sec. 2852 of the Senate bill, and secs. 312, 601, 1090, 1098H, 2837, 2839, 2839A, subtitle E of title XXVIII, secs. 2852, 2854, 2855, 2864-66, title XXX, secs. 3508, 7005, and title LXXIII of the House amendment, and modifications committed to conference: Cook, Hardy, and Grijalva.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Oversight and Government Reform for consideration of secs. 339, 703, 819, 821, 829H, 829I, 861, 944, 1048, 1054, 1097, 1103-07, 1109-13, 1121, 1124, 1131-33, 1135, and 1136 of the Senate bill, and secs. 574, 603, 807, 821, 1048, 1088, 1095, 1098L, 1101, 1102, 1104-06, 1108-11, 1113, 1259C, and 1631 of the House amendment, and modifications committed to conference: Chaffetz, Russell, and Cummings.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Science, Space, and Technology for consideration of sec. 874 of the Senate bill and secs. 1605, 1673, and title XXXIII of the House amendment, and

modifications committed to conference: Smith (TX), Weber (TX), and Johnson, E. B.

- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Small Business for consideration of secs. 818, 838, 874, and 898 of the Senate bill, and title XVIII of the House amendment, and modifications committed to conference: Chabot, Knight, and Velazquez.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Transportation and Infrastructure for consideration of secs. 541, 562, 601, 961, 3302-07, 3501, and 3502 of the Senate bill, and secs. 343, 601, 731, 835, 1043, 1671, 3119C, 3501, 3504, 3509, 3512, and title XXXVI of the House amendment, and modifications committed to conference: Hunter, Rouzer, and Maloney, Sean.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Veterans' Affairs for consideration of secs. 706, 755, and 1431 of the Senate bill, and secs. 741, 1421, and 1864 of the House amendment, and modifications committed to conference: Roe (TN), Bost, and Takano.
- **Jul 8, 2016:** The Speaker appointed conferees - from the Committee on Ways and Means for consideration of sec. 1271 of the Senate bill, and modifications committed to conference: Brady (TX), Reichert, and Levin.
- **Jul 7, 2016:** Consideration initiated pursuant to H. Res. 809. (consideration: CR H4482-4483)
- **Jul 7, 2016:** Considered pursuant to H. Res. 809.
- **Jul 7, 2016:** The House struck all after the enacting clause and inserted in lieu thereof the provisions of a similar measure H.R. 4909. Agreed to pursuant to H. Res. 809.
- **Jul 7, 2016:** Passed/agreed to in House: On passage Passed without objection.
- **Jul 7, 2016:** On passage Passed without objection.
- **Jun 21, 2016:** Senate ordered measure printed as passed.
- **Jun 16, 2016:** Message on Senate action sent to the House.
- **Jun 16, 2016:** Received in the House.
- **Jun 16, 2016:** Held at the desk.
- **Jun 14, 2016:** Considered by Senate. (consideration: CR S3835-3841)
- **Jun 14, 2016:** Passed/agreed to in Senate: Passed Senate with amendments by Yea-Nay Vote. 85 - 13. Record Vote Number: 98.(text: CR 6/15/2016 S4011-4255)
- **Jun 14, 2016:** Passed Senate with amendments by Yea-Nay Vote. 85 - 13. Record Vote Number: 98. (text: CR 6/15/2016 S4011-4255)
- **Jun 13, 2016:** Considered by Senate. (consideration: CR S3815-3823)
- **Jun 10, 2016:** Considered by Senate. (consideration: CR S3787-3790, S3790, S3791-3792, S3792; text: CR S3788-3790)
- **Jun 10, 2016:** Cloture on the measure invoked in Senate by Yea-Nay Vote. 68 - 23. Record Vote Number: 97. (consideration: CR S3789; text: CR S3789)
- **Jun 9, 2016:** Considered by Senate. (consideration: CR S3668-3677, S3677-3715)
- **Jun 8, 2016:** Considered by Senate. (consideration: CR S3601-3604, S3604-3632, S3635)
- **Jun 8, 2016:** Cloture motion on the measure presented in Senate. (consideration: CR S3635; text: CR S3635)
- **Jun 7, 2016:** Considered by Senate. (consideration: CR S3474-3492, S3492-3511, S3525-3534)
- **Jun 6, 2016:** Motion to proceed to consideration of measure agreed to in Senate by Unanimous Consent.
- **Jun 6, 2016:** Measure laid before Senate by motion. (consideration: CR S3397-3408)
- **May 26, 2016:** Motion to proceed to measure considered in Senate. (consideration: CR S3234-3253)
- **May 25, 2016:** Cloture on the motion to proceed to the measure invoked in Senate by Yea-Nay Vote. 98 - 0. Record Vote Number: 87. (consideration: CR S3135; text: CR S3135)
- **May 25, 2016:** Motion to proceed to measure considered in Senate. (consideration: CR S3135-3162, S3163-3167)
- **May 23, 2016:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S3047-3048; text: CR S3047)
- **May 23, 2016:** Cloture motion on the motion to proceed to the measure presented in Senate. (consideration: CR S3047-3048; text: CR S3047)
- **May 18, 2016:** Introduced in Senate
- **May 18, 2016:** Committee on Armed Services. Original measure reported to Senate by Senator McCain. With written report No. 114-255. Additional and Minority views filed.
- **May 18, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 469.
- **Apr 5, 2016:** Committee on Armed Services Senate Subcommittee on Airland. Hearings held. With printed Hearing: S.Hrg. 114-658, pt. 4.

- Mar 16, 2016:** Committee on Armed Services Senate Subcommittee on Airland. Hearings held. With printed Hearing: S.Hrg. 114-658, pt. 4.
- **Mar 8, 2016:** Committee on Armed Services Senate Subcommittee on Airland. Hearings held. With printed Hearing: S.Hrg. 114-658, pt. 4.
  - **Mar 8, 2016:** Committee on Armed Services Senate Subcommittee on Personnel. Hearings held. With printed Hearing: S.Hrg. 114-658, pt. 6.