

From: (b)(6)
Sent: 4 Apr 2017 07:49:11 -0400
To: (b)(6) (Physician)
Cc: VHA 10P Clearance
Subject: FW: VA Mental Healthcare and Application to National Guard
Attachments: CRPT-114hrpt840 NDAA 2017 House Report page 1118 for deletion of locatio....pdf

(b)(6)

Please review the response below for clearance.

Request:

A little delayed, but below are the deliverables from the March 17th briefing with SVAC staffers regarding mental health care/telehealth.

- 3) Is there any evidence to explain how telehealth will make healthcare in general more efficient?
- 4) Does DOD have the authority to provide telehealth care to Servicemembers? If not, any idea why?

Response:

- 3) Is there any evidence to explain how telehealth will make healthcare in general more efficient?

(b)(5)

(b)(5)

- 4) Does DOD have the authority to provide telehealth care to Servicemembers? If not, any idea why?

(b)(5)

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

(b)(5)

Thanks,

(b)(6) MHA

Staff, Office of the Deputy Under Secretary for Health for Policy and Services (10P)

BB: (b)(6)

From: (b)(6) (Telehealth VHACO)

Sent: Monday, April 03, 2017 6:27 PM

To: VHA 10P Actions; (b)(6) (Physician); (b)(6)

Cc: VHA 10P8 Action; VHA 10P8 Action - Telehealth

Subject: FW: VA Mental Healthcare and Application to National Guard

10P Actions (b)(6)

As requested 10P8/Telehealth Services' responses to questions 3) and 4) :

3) Is there any evidence to explain how telehealth will make healthcare in general more efficient?

(b)(5)

(b)(5)

- 4) Does DOD have the authority to provide telehealth care to Servicemembers? If not, any idea why?

(b)(5)

Page 511

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

(b)(5)

Please let us know if you have any questions or need anything additional.

Thank you,

(b)(6)

Deputy
Telehealth Services - VA Connected Care Office (10P8)
Dept of VA
810 Vermont Ave NW
Washington DC 20420
(b)(6) Desk
(b)(6) Mobile
(b)(6) @va.gov

From: (b)(6) (Telehealth VHACO)
Sent: Wednesday, March 29, 2017 3:12 PM
To: (b)(6) VHA 10P8 Action - Telehealth
Cc: VHA 10P8 Working Actions
Subject: RE: VA Mental Healthcare and Application to National Guard

Nah – our response will just kind of state the obvious, and then go on to further answer (best we can) what we think the real question is regarding DoD's current licensure requirements.

(b)(6)

From: (b)(6)
Sent: Wednesday, March 29, 2017 1:05 PM
To: (b)(6) (Telehealth VHACO); VHA 10P8 Action - Telehealth
Cc: VHA 10P8 Working Actions
Subject: RE: VA Mental Healthcare and Application to National Guard

(b)(6) Do you want me to reach back and get clarification. Or were you simply going to answer the "real" question. Thanks (b)(6)

From: (b)(6) (Telehealth VHACO)
Sent: Wednesday, March 29, 2017 12:51 PM
To: (b)(6) VHA 10P8 Action - Telehealth
Cc: VHA 10P8 Working Actions
Subject: RE: VA Mental Healthcare and Application to National Guard

Will do – I think something may have been lost in translation for question 4

4) Does DOD have the authority to provide telehealth care to Servicemembers? If not, any idea why?

INITIAL RESPONSE:

(b)(5)

(b)(6)

From: (b)(6)

Sent: Wednesday, March 29, 2017 11:05 AM

To: VHA 10P8 Action - Telehealth

Cc: VHA 10P8 Working Actions

Subject: FW: VA Mental Healthcare and Application to National Guard

Telehealth,

Please review and provide responses to questions 3 and 4 by Monday, April 3 COB. If these questions need to be redirected, please let us know by today COB.

Thanks, (b)(6)

- 1) Beneficial travel costs: Will expanding telehealth capabilities allow VA to save money on travel costs? Any data/studies to prove this? (Completed)
- 2) Spoke Cities in Montana (Completed)
- 3) Is there any evidence to explain how telehealth will make healthcare in general more efficient?
- 4) Does DOD have the authority to provide telehealth care to Servicemembers? If not, any idea why?

From: (b)(6)

Sent: Wednesday, March 29, 2017 10:56 AM

To: VHA 10P8 Action

Cc: VHA 10P Actions; (b)(6) (Physician)

Subject: FW: VA Mental Healthcare and Application to National Guard

Apologies-this time with the attachment.

Thanks,

(b)(6) MHA

Staff, Office of the Deputy Under Secretary for Health for Policy and Services (10P)

BB: (b)(6)

From: (b)(6)

Sent: Wednesday, March 29, 2017 10:53 AM

To: (b)(6)

Cc: (b)(6) (NTMHC, VACT); VHA 10P Actions; VHA 10P8 Action; VHA 10NC5 Action; VHA 10B3 Congressional Team
Subject: RE: VA Mental Healthcare and Application to National Guard

Update: I am told the attached article was already sent to the staffers, so no response needed for #1 either.

(b)(6)

From: (b)(6)
Sent: Wednesday, March 29, 2017 10:00 AM
To: (b)(6)
Cc: (b)(6) (NTMHC, VACT); VHA 10P Actions; VHA 10P8 Action; VHA 10NC5 Action; VHA 10B3 Congressional Team
Subject: RE: VA Mental Healthcare and Application to National Guard

Good morning!

A little delayed, but below are the deliverables from the March 17th briefing with SVAC staffers regarding mental health care/telehealth.

- 1) Beneficial travel costs: Will expanding telehealth capabilities allow VA to save money on travel costs? Any data/studies to prove this? (Completed)
- 2) Spoke Cities in Montana (Completed)
- 3) Is there any evidence to explain how telehealth will make healthcare in general more efficient?
- 4) Does DOD have the authority to provide telehealth care to Servicemembers? If not, any idea why?

Many thanks,

(b)(6)

(b)(6)

Legislative Program Specialist
Office of Congressional & Legislative Affairs (10B3)
Veterans Health Administration
Department of Veterans Affairs
Washington, D.C. 20420
Desk: (b)(6)
Blackberry: (b)(6)

From: (b)(6)
Sent: Thursday, March 16, 2017 1:16 PM
To: (b)(6)
Cc: (b)(6) (NTMHC, VACT); VHA 10P Actions; VHA 10P8 Action; VHA 10NC5 Action; VHA 10B3 Congressional Team
Subject: RE: Friday Reschedule

Great, thank you all!

(b)(6)

From: (b)(6) (VACO)
Sent: Thursday, March 16, 2017 1:01 PM
To: (b)(6)
Cc: (b)(6) (NTMHC, VACT); VHA 10P Actions; VHA 10P8 Action; VHA 10NC5 Action; VHA 10B3 Congressional Team
Subject: RE: Friday Reschedule

Same for me.

From: (b)(6)
Sent: Thursday, March 16, 2017 12:23 PM
To: (b)(6)
Cc: (b)(6) (NTMHC, VACT); VHA 10P Actions; VHA 10P8 Action; VHA 10NC5 Action; VHA 10B3 Congressional Team
Subject: RE: Friday Reschedule

(b)(6) and I can make 3:30 tomorrow work.

-----Original Message-----

From: (b)(6)
Sent: Thursday, March 16, 2017 11:57 AM Eastern Standard Time
To: (b)(6)
Cc: (b)(6) (NTMHC, VACT); VHA 10P Actions; VHA 10P8 Action; VHA 10NC5 Action; VHA 10B3 Congressional Team
Subject: RE: Friday Reschedule

All,

Even though in his original email he requested the meeting for Thursday, March 16th, (b)(6) actually meant this Friday.

Any chance we can do this briefing tomorrow, Friday March 17th, at 3:30 at VACO?

Let me know. Sorry for any inconveniences....

(b)(6)

From: (b)(6) (VACO)
Sent: Wednesday, March 15, 2017 4:36 PM
To: (b)(6)
Cc: VHA 10B3 Congressional Team; (b)(6) (NTMHC, VACT); VHA 10P Actions; Zenooz, Ashwini; (b)(6) VHA 10P8 Action; (b)(6) (Physician);

(b)(6)

Subject: RE: Friday Reschedule

Agree – whatever is more convenient for (b)(6) is fine with me.

From: (b)(6)

Sent: Wednesday, March 15, 2017 4:34 PM

To: (b)(6)

Cc: (b)(6) VHA 10B3 Congressional Team; (b)(6) (NTMHC, VACT); VHA 10P Actions; Zenooz, Ashwini; (b)(6); VHA 10P8 Action; (b)(6) (Physician); (b)(6)

Subject: RE: Friday Reschedule

I am fine with whatever (b)(6) prefers. The plan had been to go to the Hill for the meeting as scheduled at 3:30 and we're still prepared to do so. But if (b)(6) is going to be at VACO anyway and wants to meet here instead, I'm certainly fine with that as well.

Also, I don't think we will need a conference line. If we need (b)(6) input, we can direct dial her, as she'd be the only remote participant.

(b)(6)

From: (b)(6)

Sent: Wednesday, March 15, 2017 4:28 PM

To: (b)(6)

Cc: (b)(6) (VACO); VHA 10B3 Congressional Team; (b)(6) (NTMHC, VACT); VHA 10P Actions; Zenooz, Ashwini; (b)(6); VHA 10P8 Action; (b)(6) (Physician); (b)(6)

Subject: RE: Friday Reschedule

I would think if we could do it at VACO that would be more convenient, but I defer to (b)(6) and Dr. (b)(6)

(b)(6)

From: (b)(6)

Sent: Wednesday, March 15, 2017 4:17 PM

To: (b)(6)

Cc: (b)(6) (VACO); (b)(6) VHA 10B3 Congressional Team; (b)(6) (NTMHC, VACT); VHA 10P Actions; Zenooz, Ashwini; (b)(6); VHA 10P8 Action; (b)(6) (Physician); (b)(6)

Subject: FW: Friday Reschedule

Do we want to have the meeting at 3:15 in 810 Vermont Ave?

From: (b)(6) (Veterans Affairs) [mailto:(b)(6)@vetaff.senate.gov]

Sent: Wednesday, March 15, 2017 12:10 PM

To: (b)(6)

Cc: (b)(6) (OIG); (b)(6) (Veterans Affairs)
Subject: [EXTERNAL] RE: Friday Reschedule

We're good to meet at 3:30 pm. If you want to do it at VACO, Jon will be there from 1:45 – 3 pm talking to IT folks, and I can meet him and then do the brief at VA at 3:30 pm.

Alternatively, we can also do 3:30 pm at SH-825A and I can follow up with a conference line later today.

Best,

(b)(6)

From: (b)(6) [mailto:(b)(6)@va.gov]
Sent: Wednesday, March 15, 2017 12:02 PM
To: Gardiner, Eric (Veterans Affairs)
Cc: Coen, Jon (OIG)
Subject: RE: Friday Reschedule

(b)(6)

Double checking to see you are still good to meet at 3:30? Also, can you provide a conference call line so one of our SMEs can call-in?

Best,

(b)(6)

From: (b)(6) (Veterans Affairs) [mailto:(b)(6)@vetaff.senate.gov]
Sent: Monday, March 13, 2017 5:05 PM
To: (b)(6)
Cc: (b)(6) (OIG)
Subject: [EXTERNAL] Friday Reschedule

(b)(6)

Anytime between 12 – 1:30 pm or after 3:30 pm on Thursday (3/16) works for Jon and me to reschedule the meeting.

Thanks,

(b)(6)

(b)(6)
Professional Staff Member
Senate Committee on Veterans' Affairs
825A Hart Senate Office Building
Washington, DC 20510
202-224-2074
www.veterans.senate.gov

114TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
114-840

NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2017

CONFERENCE REPORT

TO ACCOMPANY

S. 2943



NOVEMBER 30, 2016.—Ordered to be printed

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

114TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

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114-840

NATIONAL DEFENSE AUTHORIZATION ACT
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TO ACCOMPANY

S. 2943



NOVEMBER 30, 2016.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
YEAR 2017

NOVEMBER 30, 2016.—Ordered to be printed

Mr. THORNBERRY, from the Committee of Conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 2943]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2943), to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) *DIVISIONS.—This Act is organized into five divisions as follows:*

- (1) *Division A—Department of Defense Authorizations.*
- (2) *Division B—Military Construction Authorizations.*
- (3) *Division C—Department of Energy National Security Authorizations and Other Authorizations.*
- (4) *Division D—Funding Tables.*
- (5) *Division E—Uniform Code of Military Justice Reform.*

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

- Sec. 1. Short title.*
- Sec. 2. Organization of Act into divisions; table of contents.*
- Sec. 3. Congressional defense committees.*
- Sec. 4. Budgetary effects of this Act.*

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- Sec. 112. Multiyear procurement authority for UH-60M and HH-60M Black Hawk helicopters.*
- Sec. 113. Distributed Common Ground System—Army increment 1.*
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- Sec. 121. Determination of vessel delivery dates.*
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- Sec. 123. Littoral Combat Ship.*
- Sec. 124. Limitation on use of sole-source shipbuilding contracts for certain vessels.*
- Sec. 125. Limitation on availability of funds for the Advanced Arresting Gear Program.*
- Sec. 126. Limitation on availability of funds for procurement of U.S.S. Enterprise (CVN-80).*
- Sec. 127. Sense of Congress on aircraft carrier procurement schedules.*
- Sec. 128. Report on P-8 Poseidon aircraft.*
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- Sec. 201. Authorization of appropriations.*

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- Sec. 212. Modification of mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.*
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- Sec. 214. Authorization for National Defense University and Defense Acquisition University to enter into cooperative research and development agreements.*
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- Sec. 5422. Improper hazarding of vessel or aircraft.*
- Sec. 5423. Leaving scene of vehicle accident.*
- Sec. 5424. Drunkenness and other incapacitation offenses.*
- Sec. 5425. Lower blood alcohol content limits for conviction of drunken or reckless operation of vehicle, aircraft, or vessel.*
- Sec. 5426. Endangerment offenses.*
- Sec. 5427. Communicating threats.*
- Sec. 5428. Technical amendment relating to murder.*
- Sec. 5429. Child endangerment.*
- Sec. 5430. Rape and sexual assault offenses.*
- Sec. 5431. Deposit of obscene matter in the mail.*
- Sec. 5432. Fraudulent use of credit cards, debit cards, and other access devices.*
- Sec. 5433. False pretenses to obtain services.*
- Sec. 5434. Robbery.*
- Sec. 5435. Receiving stolen property.*
- Sec. 5436. Offenses concerning Government computers.*
- Sec. 5437. Bribery.*
- Sec. 5438. Graft.*
- Sec. 5439. Kidnapping.*
- Sec. 5440. Arson; burning property with intent to defraud.*
- Sec. 5441. Assault.*
- Sec. 5442. Burglary and unlawful entry.*

- Sec. 5443. Stalking.*
- Sec. 5444. Subornation of perjury.*
- Sec. 5445. Obstructing justice.*
- Sec. 5446. Misprision of serious offense.*
- Sec. 5447. Wrongful refusal to testify.*
- Sec. 5448. Prevention of authorized seizure of property.*
- Sec. 5449. Wrongful interference with adverse administrative proceeding.*
- Sec. 5450. Retaliation.*
- Sec. 5451. Extraterritorial application of certain offenses.*
- Sec. 5452. Table of sections.*

TITLE LXI—MISCELLANEOUS PROVISIONS

- Sec. 5501. Technical amendments relating to courts of inquiry.*
- Sec. 5502. Technical amendment to Article 136.*
- Sec. 5503. Articles of Uniform Code of Military Justice to be explained to officers upon commissioning.*
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TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

- Sec. 5521. Military Justice Review Panel.*
- Sec. 5522. Annual reports.*

TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

- Sec. 5541. Amendments to UCMJ subchapter tables of sections.*
- Sec. 5542. Effective dates.*

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

In this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Authorization of appropriations.*

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for AH-64E Apache helicopters.*
- Sec. 112. Multiyear procurement authority for UH-60M and HH-60M Black Hawk helicopters.*
- Sec. 113. Distributed Common Ground System—Army increment 1.*
- Sec. 114. Assessment of certain capabilities of the Department of the Army.*

Subtitle C—Navy Programs

- Sec. 121. Determination of vessel delivery dates.*
- Sec. 122. Incremental funding for detail design and construction of LHA replacement ship designated LHA 8.*
- Sec. 123. Littoral Combat Ship.*
- Sec. 124. Limitation on use of sole-source shipbuilding contracts for certain vessels.*
- Sec. 125. Limitation on availability of funds for the Advanced Arresting Gear Program.*
- Sec. 126. Limitation on availability of funds for procurement of U.S.S. Enterprise (CVN-80).*
- Sec. 127. Sense of Congress on aircraft carrier procurement schedules.*

- Sec. 128. Report on P-8 Poseidon aircraft.
 Sec. 129. Design and construction of replacement dock landing ship designated LX(R) or amphibious transport dock designated LPD-29.

Subtitle D—Air Force Programs

- Sec. 131. EC-130H Compass Call recapitalization program.
 Sec. 132. Repeal of requirement to preserve certain retired C-5 aircraft.
 Sec. 133. Repeal of requirement to preserve F-117 aircraft in recallable condition.
 Sec. 134. Prohibition on availability of funds for retirement of A-10 aircraft.
 Sec. 135. Limitation on availability of funds for destruction of A-10 aircraft in storage status.
 Sec. 136. Prohibition on availability of funds for retirement of Joint Surveillance Target Attack Radar System aircraft.
 Sec. 137. Elimination of annual report on aircraft inventory.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

- Sec. 141. Standardization of 5.56mm rifle ammunition.
 Sec. 142. Fire suppressant and fuel containment standards for certain vehicles.
 Sec. 143. Limitation on availability of funds for destruction of certain cluster munitions.
 Sec. 144. Report on Department of Defense munitions strategy for the combatant commands.
 Sec. 145. Modifications to reporting on use of combat mission requirements funds.
 Sec. 146. Report on alternative management structures for the F-35 joint strike fighter program.
 Sec. 147. Comptroller General review of F-35 Lightning II aircraft sustainment support.
 Sec. 148. Briefing on acquisition strategy for Ground Mobility Vehicle.
 Sec. 149. Study and report on optimal mix of aircraft capabilities for the Armed Forces.

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

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

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

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

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

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

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obliga-

tion of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 113. DISTRIBUTED COMMON GROUND SYSTEM—ARMY INCREMENT 1.

(a) **TRAINING FOR OPERATORS.**—The Secretary of the Army shall take such actions as may be necessary to improve and tailor training for covered units in the versions of increment 1 that are in use on the date of the enactment of this Act.

(b) **FIELDING OF CAPABILITY.**—

(1) **IN GENERAL.**—The Secretary shall rapidly identify and field a capability for fixed and deployable multi-source ground processing systems for covered units.

(2) **COMMERCIALLY AVAILABLE CAPABILITIES.**—In carrying out paragraph (1), the Secretary shall procure commercially available off-the-shelf technologies that—

(A) meet essential tactical requirements for processing, analyzing, and displaying intelligence information;

(B) can integrate and communicate with covered units at the tactical unit level and at higher unit levels;

(C) are substantially easier for personnel to use than the Distributed Common Ground System—Army; and

(D) require less training than the Distributed Common Ground System—Army.

(c) **LIMITATION ON THE AWARD OF CONTRACT.**—The Secretary may not enter into a contract for the design, development, or procurement of any data architecture, data integration, or “cloud” capability, or any data analysis or data visualization and workflow capability (including warfighting function tools relating to increment 1 of the Distributed Common Ground System—Army) for covered units unless the contract—

(1) is awarded not later than 180 days after the date of the enactment of this Act;

(2) is awarded in accordance with applicable law and regulations providing for the use of competitive procedures or procedures applicable to the procurement of commercial items including parts 12 and 15 of the Federal Acquisition Regulation;

(3) is a fixed-price contract; and

(4) provides that the technology to be procured under the contract will—

(A) begin initial fielding rapidly after the contract award;

(B) achieve initial operating capability not later than nine months after the date on which the contract is awarded; and

(C) achieve full operating capability not later than 18 months after the date on which the contract is awarded.

(d) **WAIVER.**—

(1) **IN GENERAL.**—The Secretary of Defense may waive the limitation in subsection (c) if the Secretary submits to the appropriate congressional committees a written statement declaring that such limitation would adversely affect ongoing operational activities.

(2) **NONDELEGATION.**—The Secretary of Defense may not delegate the waiver authority under paragraph (1).

(e) *DEFINITIONS.*—*In this section:*

(1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—*The term “appropriate congressional committees” means—*

(A) *the congressional defense committees;*

(B) *the Select Committee on Intelligence of the Senate;*

and

(C) *the Permanent Select Committee on Intelligence of the House of Representatives.*

(2) *COVERED UNITS.*—*The term “covered units” means military units that use increment 1 of the Distributed Common Ground System—Army, including tactical units and operators at the division, brigade, and battalion levels, and tactical units below the battalion level.*

SEC. 114. ASSESSMENT OF CERTAIN CAPABILITIES OF THE DEPARTMENT OF THE ARMY.

(a) *ASSESSMENT.*—*The Secretary of Defense, in consultation with the Secretary of the Army and the Chief of Staff of the Army, shall conduct an assessment of the following capabilities with respect to the Department of the Army:*

(1) *The capacity of AH-64 Apache-equipped attack reconnaissance battalions to meet future needs.*

(2) *Air defense artillery capacity and responsiveness, including—*

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

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

(3) *Chemical, biological, radiological, and nuclear capabilities and modernization needs.*

(4) *Field artillery capabilities, including—*

(A) *modernization needs;*

(B) *munitions inventory shortfalls; and*

(C) *changes in doctrine and war plans consistent with the Memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians.*

(5) *Fuel distribution and water purification capacity and responsiveness.*

(6) *Watercraft and port-opening capabilities and responsiveness.*

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

(8) *Military police capacity.*

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

(b) *REPORT.*—*Not later than April 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that includes—*

(1) *the assessment conducted under subsection (a);*

(2) *recommendations for reducing or eliminating shortfalls in responsiveness and capacity with respect to each of the capabilities described in such subsection; and*

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

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

Subtitle C—Navy Programs

SEC. 121. DETERMINATION OF VESSEL DELIVERY DATES.

(a) *DETERMINATION OF VESSEL DELIVERY DATES.*—

(1) *IN GENERAL.*—Chapter 633 of title 10, United States Code, is amended by inserting after section 7300 the following new section:

“§ 7301. Determination of vessel delivery dates

“(a) *IN GENERAL.*—The delivery of a covered vessel shall be deemed to occur on the date on which—

“(1) the Secretary of 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.

“(b) *INCLUSION IN BUDGET AND ACQUISITION REPORTS.*—The delivery dates of covered vessels shall be included—

“(1) in the materials submitted to Congress by the Secretary of Defense in support of the budget of the President for each fiscal year (as submitted to Congress under section 1105(a) of title 31, United States Code); and

“(2) in any relevant Selected Acquisition Report submitted to Congress under section 2432 of this title.

“(c) *COVERED VESSEL DEFINED.*—In this section, the term ‘covered vessel’ means any vessel of the Navy that is under construction on or after the date of the enactment of this section using amounts authorized to be appropriated for the Department of Defense for shipbuilding and conversion, Navy.”

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7300 the following new item:

“7301. Determination of vessel delivery dates.”

(b) *CERTIFICATION.*—

(1) *IN GENERAL.*—Not later than January 1, 2017, the Secretary of the Navy shall certify to the congressional defense committees that the delivery dates of the following vessels have been adjusted in accordance with section 7301 of title 10, United States Code, as added by subsection (a):

(A) The U.S.S. John F. Kennedy (CVN-79).

(B) The U.S.S. Zumwalt (DDG-1000).

(C) The U.S.S. Michael Monsoor (DDG-1001).

(D) The U.S.S. Lyndon B. Johnson (DDG-1002).

(E) Any other vessel of the Navy that is under construction on the date of the enactment of this Act.

(2) *CONTENTS.*—The certification under paragraph (1) shall include—

(A) an identification of each vessel for which the delivery date was adjusted; and

(B) the delivery date of each such vessel, as so adjusted.

SEC. 122. INCREMENTAL FUNDING FOR DETAIL DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA 8.

(a) **AUTHORITY TO USE INCREMENTAL FUNDING.**—The Secretary of the Navy may enter into and incrementally fund a contract for detail design and construction of the LHA Replacement ship designated LHA 8 and, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2017 and 2018.

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

SEC. 123. LITTORAL COMBAT SHIP.

(a) **REPORT ON LITTORAL COMBAT SHIP MISSION PACKAGES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall include in the materials submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for each fiscal year through fiscal year 2022 a report on Littoral Combat Ship mission packages.

(2) **ELEMENTS.**—Each report under paragraph (1) shall include, with respect to each Littoral Combat Ship mission package and increment, the following:

(A) A description of the status of and plans for development, production, and sustainment, including—

(i) projected unit costs compared to originally estimated unit costs for each system that comprises the mission package;

(ii) projected development costs, procurement costs, and 20-year sustainment costs compared to original estimates of such costs for each system that comprises the mission package;

(iii) demonstrated performance compared to required performance for each system that comprises the mission package and for the mission package as a whole;

(iv) problems relating to realized and potential costs, schedule, or performance; and

(v) any development plans, production plans, or sustainment and mitigation plans that may be implemented to address such problems.

(B) A description, including dates, of each developmental test, operational test, integrated test, and follow-on test event that is—

(i) completed in the fiscal year preceding the fiscal year covered by the report; and

(ii) expected to be completed in the fiscal year covered by the report and any of the following five fiscal years.

(C) The date on which initial operational capability is expected to be attained and a description of the performance level criteria that must be demonstrated to declare that such capability has been attained.

(D) A description of—

(i) the systems that attained initial operational capability in the fiscal year preceding the fiscal year covered by the report; and

(ii) the performance level demonstrated by such systems compared to the performance level required of such systems.

*(E) The acquisition inventory objective for each system.**(F) An identification of—*

(i) each location (including the city, State, and country) to which systems were delivered in the fiscal year preceding the fiscal year covered by the report; and

(ii) the quantity of systems delivered to each such location.

(G) An identification of—

(i) each location (including the city, State, and country) to which systems are projected to be delivered in the fiscal year covered by the report and any of the following five fiscal years; and

(ii) the quantity of systems projected to be delivered to each such location.

(b) CERTIFICATION OF LITTORAL COMBAT SHIP MISSION PACKAGE PROGRAM OF RECORD.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall include in the materials submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for fiscal year 2018 the certification described in paragraph (2).

(2) CERTIFICATION.—The certification described in this paragraph is a certification with respect to Littoral Combat Ship mission packages that includes, as of the fiscal year covered by the certification, the program of record quantity for—

(A) surface warfare mission packages;

(B) anti-submarine warfare mission packages; and

(C) mine countermeasures mission packages.

*(c) LIMITATIONS.—**(1) LIMITATION ON DEVIATION FROM ACQUISITION STRATEGY.—*

(A) IN GENERAL.—The Secretary of Defense may not revise or deviate from revision three of the Littoral Combat Ship acquisition strategy, until the date on which the Secretary submits to the congressional defense committees the certification described in subparagraph (B).

(B) CERTIFICATION.—The certification described in this subparagraph is a certification that includes—

(i) the rationale of the Secretary for revising or deviating from revision three of the Littoral Combat Ship acquisition strategy;

(ii) a description of each such revision or deviation; and

(iii) the Littoral Combat Ship acquisition strategy that is in effect following the implementation of such revisions or deviations.

(2) **LIMITATION ON SELECTION OF SINGLE CONTRACTOR.**—The Secretary of Defense may not select only a single prime contractor to construct the Littoral Combat Ship or any successor frigate class ship unless such selection—

(A) is conducted using competitive procedures and for the limited purpose of awarding a contract or contracts for—

- (i) an engineering change proposal for a frigate class ship; or
- (ii) the construction of a frigate class ship; and
- (B) occurs only after a frigate design has—
 - (i) reached sufficient maturity and completed a preliminary design review; or
 - (ii) demonstrated an equivalent level of design completeness.

(d) **DEFINITIONS.**—In this section:

(1) **LITTORAL COMBAT SHIP MISSION PACKAGE.**—The term “Littoral Combat Ship mission package” means a mission module for a Littoral Combat Ship combined with the crew detachment and support aircraft for such ship.

(2) **MISSION MODULE.**—The term “mission module” means the mission systems (including vehicles, communications, sensors, and weapons systems) combined with support equipment (including support containers and standard interfaces) and software (including software relating to the computing environment and multiple vehicle communications system of the mission package).

(3) **REVISION THREE.**—The term “revision three of the Littoral Combat Ship acquisition strategy” means the third revision of the Littoral Combat Ship acquisition strategy approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics on March 29, 2016.

(e) **REPEAL OF QUARTERLY REPORTING REQUIREMENT.**—Section 126 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1657) is amended—

- (1) by striking subsection (b); and
- (2) by striking “(a) **DESIGNATION REQUIRED.**—”.

SEC. 124. LIMITATION ON USE OF SOLE-SOURCE SHIPBUILDING CONTRACTS FOR CERTAIN VESSELS.

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 for joint high speed vessels or expeditionary fast transports may be used to enter into or prepare to enter into a contract on a sole-source basis for the construction of such vessels or transports unless the Secretary of the Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

(b) **CERTIFICATION.**—The certification described in this subsection is a certification by the Secretary of the Navy that—

- (1) awarding a contract for the construction of one or more joint high speed vessels or expeditionary fast transports on a sole-source basis is in the national security interests of the United States;

(2) the construction of the vessels or transports will not result in exceeding the requirement for the ship class, as described in the most recent Navy force structure assessment;

(3) the contract will be a fixed-price contract;

(4) the price of the contract will be fair and reasonable, as determined by the service acquisition executive of the Navy; and

(5) the contract will provide for the United States to have Government purpose rights in the data for the ship design.

(c) **REPORT.**—The report described in this subsection is a report that includes—

(1) an explanation of the rationale for awarding a contract for the construction of joint high speed vessels or expeditionary fast transports on a sole-source basis; and

(2) a description of—

(A) actions that may be carried out to ensure that, if additional ships in the class are procured after the award of the contract referred to in paragraph (1), the contracts for the ships shall be awarded using competitive procedures; and

(B) with respect to each such action, an implementation schedule and any associated cost savings, as compared to a contract awarded on a sole-source basis.

SEC. 125. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ADVANCED ARRESTING GEAR PROGRAM.

(a) **ADVANCED ARRESTING GEAR FOR U.S.S. ENTERPRISE.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the research and development, design, procurement, or advanced procurement of materials for advanced arresting gear for the U.S.S. Enterprise (CVN-80) may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the report described in section 2432 of title 10, United States Code, for the most recently concluded fiscal quarter for the Advanced Arresting Gear Program in accordance with subsection (c)(1).

(b) **ADVANCED ARRESTING GEAR FOR U.S.S. JOHN F. KENNEDY.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the research and development, design, procurement, or advanced procurement of materials for advanced arresting gear for the U.S.S. John F. Kennedy (CVN-79) may be obligated or expended unless—

(1) the decision to install advanced arresting gear on the vessel is determined by the milestone decision authority for the Program; and

(2) the milestone decision authority for the Program submits notification of such determination to the congressional defense committees.

(c) **ADDITIONAL REQUIREMENTS.**—

(1) **TREATMENT OF BASELINE ESTIMATE.**—The Secretary of Defense shall deem the Baseline Estimate for the Advanced Arresting Gear Program for fiscal year 2009 as the original Baseline Estimate for the Program.

(2) **UNIT COST REPORTS AND CRITICAL COST GROWTH.**—

(A) Subject to subparagraph (B), the Secretary shall carry out sections 2433 and 2433a of title 10, United States Code, with respect to the Advanced Arresting Gear Pro-

gram, as if the Department had submitted a Selected Acquisition Report for the Program that included the Baseline Estimate for the Program for fiscal year 2009 as the original Baseline Estimate, except that the Secretary shall not carry out subparagraph (B) or subparagraph (C) of section 2433a(c)(1) of such title with respect to the Program.

(B) In carrying out the review required by section 2433a of such title, the Secretary shall 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 the Secretary without unnecessarily wasting resources.

(d) **DEFINITIONS.**—In this section:

(1) **BASELINE ESTIMATE.**—The term “Baseline Estimate” has the meaning given the term in section 2433(a)(2) of title 10, United States Code.

(2) **MILESTON DECISION AUTHORITY.**—The term “milestone decision authority” has the meaning given the term in section 2366b(g)(3) of title 10, United States Code.

(3) **ORIGINAL BASELINE ESTIMATE.**—The term “original Baseline Estimate” has the meaning given the term in section 2435(d)(1) of title 10, United States Code.

(4) **SELECTED ACQUISITION REPORT.**—The term “Selected Acquisition Report” means a Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code.

SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF U.S.S. ENTERPRISE (CVN-80).

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for advance procurement or procurement for the U.S.S. Enterprise (CVN-80), not more than 25 percent may be obligated or expended until the date on which the Secretary of the Navy and the Chief of Naval Operations jointly submit to the congressional defense committees the report under subsection (b).

(b) **INITIAL REPORT ON CVN-79 AND CVN-80.**—Not later than December 1, 2016, the Secretary of the Navy and the Chief of Naval Operations shall jointly submit to the congressional defense committees a report that includes a description of actions that may be carried out (including de-scoping requirements, if necessary) to achieve a ship end cost of—

(1) not more than \$12,000,000,000 for the CVN-80; and

(2) not more than \$11,000,000,000 for the U.S.S. John F. Kennedy (CVN-79).

(c) **ANNUAL REPORT ON CVN-79 AND CVN-80.**—

(1) **IN GENERAL.**—Together with the budget of the President for each fiscal year through fiscal year 2021 (as submitted to Congress under section 1105(a) of title 31, United States Code) the Secretary of the Navy and the Chief of Naval Operations shall submit a report on the efforts of the Navy to achieve the ship end costs described in subsection (b) for the CVN-79 and CVN-80.

(2) *ELEMENTS.*—The report under paragraph (1) shall include, with respect to the procurement of the CVN-79 and the CVN-80, the following:

(A) A description of the progress made toward achieving the ship end costs described in subsection (b), including realized cost savings.

(B) A description of low value-added or unnecessary elements of program cost that have been reduced or eliminated.

(C) Cost savings estimates for current and planned initiatives.

(D) A schedule that includes—

(i) a plan for spending with phasing of key obligations and outlays;

(ii) decision points describing when savings may be realized; and

(iii) key events that must occur to execute initiatives and achieve savings.

(E) Instances of lower Government estimates used in contract negotiations.

(F) A description of risks that may result from achieving the procurement end costs specified in subsection (b).

(G) A description of incentives or rewards provided or planned to be provided to prime contractors for meeting the procurement end costs specified in subsection (b).

SEC. 127. SENSE OF CONGRESS ON AIRCRAFT CARRIER PROCUREMENT SCHEDULES.

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

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

(2) In a report submitted to Congress on March 17, 2015, the Secretary of the Navy indicated the Department of the Navy has a requirement of 11 aircraft carriers.

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

(1) the plan of the Department of the Navy to schedule the procurement of one aircraft carrier every five years will reduce the overall aircraft carrier inventory to 10 aircraft carriers, a level insufficient to meet peacetime and war plan requirements; and

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

(A) begin to program construction for the next aircraft carrier to be built after the U.S.S. Enterprise (CVN-80) in fiscal year 2022; and

(B) program the required advance procurement activities to accommodate the construction of such carrier.

SEC. 128. REPORT ON P-8 POSEIDON AIRCRAFT.

(a) *REPORT REQUIRED.*—Not later than October 1, 2017, the Secretary of the Navy shall submit to the congressional defense com-

mittees a report on potential upgrades to the capabilities of the P-8 Poseidon aircraft.

(b) **ELEMENTS.**—The report under subsection (a) shall include, with respect to the P-8 Poseidon aircraft, the following:

(1) A review of potential upgrades to the sensors onboard the aircraft, including upgrades to intelligence sensors, surveillance sensors, and reconnaissance sensors such as those being fielded on MQ-4 Global Hawk aircraft platforms.

(2) An assessment of the ability of the Navy to use long-range multispectral imaging systems onboard the aircraft that are similar to such systems being used onboard the MQ-4 Global Hawk aircraft.

SEC. 129. DESIGN AND CONSTRUCTION OF REPLACEMENT DOCK LANDING SHIP DESIGNATED LX(R) OR AMPHIBIOUS TRANSPORT DOCK DESIGNATED LPD-29.

(a) **IN GENERAL.**—The Secretary of the Navy may enter into a contract, beginning with the fiscal year 2017 program year, for the design and construction of the replacement dock landing ship designated LX(R) or the amphibious transport dock designated LPD-29 using amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy.

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

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

Subtitle D—Air Force Programs

SEC. 131. EC-130H COMPASS CALL RECAPITALIZATION PROGRAM.

(a) **AUTHORIZATION.**—Subject to subsection (b), the Secretary of the Air Force may carry out a program to transfer the primary mission equipment of the EC-130H Compass Call aircraft fleet to an aircraft platform that the Secretary determines—

(1) is more operationally effective and survivable than the existing EC-130H Compass Call aircraft platform; and

(2) meets the requirements of the combatant commands.

(b) **LIMITATION.**—

(1) Except as provided in paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for procurement may be obligated or expended on the program under subsection (a) until the date on which the Secretary of the Air Force determines that there is a high likelihood that the program will meet the requirements of the combatant commands.

(2) The limitation in paragraph (1)—

(A) shall not apply to the development and procurement of the first two aircraft under the program; and

(B) shall not limit the authority of the Secretary to enter into a contract that may include an option for the future production of aircraft under the program if—

(i) the exercise of such option is at the discretion of the Secretary; and

(ii) such option is not exercised until the Secretary determines that there is a high likelihood that the program will meet the requirements of the combatant commands.

SEC. 132. REPEAL OF REQUIREMENT TO PRESERVE CERTAIN RETIRED C-5 AIRCRAFT.

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

SEC. 133. REPEAL OF REQUIREMENT TO PRESERVE F-117 AIRCRAFT IN RECALLABLE CONDITION.

Section 136 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2114) is amended by striking subsection (b).

SEC. 134. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF A-10 AIRCRAFT.

(a) **PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any A-10 aircraft.

(b) **ADDITIONAL LIMITATION ON RETIREMENT.**—In addition to the prohibition in subsection (a), the Secretary of the Air Force may not retire, prepare to retire, or place in storage or on backup aircraft inventory status any A-10 aircraft until a period of 90 days has elapsed following the date on which the Secretary submits to the congressional defense committees the report under subsection (e)(2).

(c) **PROHIBITION ON SIGNIFICANT REDUCTIONS IN MANNING LEVELS.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Air Force may be obligated or expended to make significant reductions to manning levels with respect to any A-10 aircraft squadrons or divisions.

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

(e) **REPORTS REQUIRED.**—

(1) The Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that includes—

(A) the results and findings of the initial operational test and evaluation of the F-35 aircraft program; and

(B) a comparison test and evaluation that examines the capabilities of the F-35A and A-10C aircraft in conducting close air support, combat search and rescue, and forward air controller airborne missions.

(2) Not later than 180 days after the date of the submission of the report under paragraph (1), the Secretary of the Air Force shall submit to the congressional defense committees a report that includes—

(A) the views of the Secretary with respect to the results of the initial operational test and evaluation of the F-35 aircraft program as summarized in the report under paragraph (1), including any issues or concerns of the Secretary with respect to such results;

(B) a plan for addressing any deficiencies and carrying out any corrective actions identified in such report; and

(C) short-term and long-term strategies for preserving the capability of the Air Force to conduct close air support, combat search and rescue, and forward air controller airborne missions.

(f) *SPECIAL RULE.*—

(1) Subject to paragraph (2), the Secretary of the Air Force may carry out the transition of the A-10 unit at Fort Wayne Air National Guard Base, Indiana, to an F-16 unit as described by the Secretary in the Force Structure Actions map submitted in support of the budget of the President for fiscal year 2017 (as submitted to Congress under section 1105(a) of title 31, United States Code).

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

SEC. 135. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF A-10 AIRCRAFT IN STORAGE STATUS.

(a) *LIMITATION.*—None of the funds authorized to be appropriated by this Act or otherwise made available for the Air Force for fiscal year 2017 or any fiscal year thereafter may be obligated or expended to scrap, destroy, or otherwise dispose of any potential donor A-10 aircraft until the date on which the Secretary of the Air Force submits to the congressional defense committees the report required under section 134(e)(2).

(b) *NOTIFICATION AND CERTIFICATION.*—Not later than 45 days before taking any action to scrap, destroy, or otherwise dispose of any A-10 aircraft in any storage status in the 309th Aerospace Maintenance and Regeneration Group, the Secretary of the Air Force shall—

(1) notify the congressional defense committees of the intent of the Secretary to take such action; and

(2) certify that the A-10 aircraft subject to such action does not have serviceable wings or other components that could be used to prevent the permanent removal of any active inventory A-10 aircraft from flyable status.

(c) *PLAN TO PREVENT REMOVAL A-10 AIRCRAFT FROM FLYABLE STATUS.*—The Secretary of the Air Force shall—

(1) include with the materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2018 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a plan to prevent the permanent removal of any active inventory A-10 aircraft from flyable status due to unserviceable wings or any other required component during the period covered by the future years defense plan submitted to Congress under section 221 of title 10, United States Code; and

(2) carry out such plan to prevent the permanent removal of any active inventory A-10 aircraft from flyable status.

(d) *POTENTIAL DONOR A-10 AIRCRAFT DEFINED.*—In this section, the term “potential donor A-10 aircraft” means any A-10 aircraft in any storage status in the 309th Aerospace Maintenance and Regeneration Group that has serviceable wings or other components that could be used to prevent any active inventory A-10 aircraft from being permanently removed from flyable status due to unserviceable wings or other components.

SEC. 136. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM AIRCRAFT.

(a) *PROHIBITION.*—Except as provided by subsection (b) and in addition to the prohibition under section 144 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 758), none of the funds authorized to be appropriated or otherwise made available for fiscal year 2018 for the Air Force may be obligated or expended to retire, or prepare to retire, any Joint Surveillance Target Attack Radar System aircraft.

(b) *EXCEPTION.*—The prohibition in subsection (a) shall not apply to individual Joint Surveillance Target Attack Radar System aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

SEC. 137. ELIMINATION OF ANNUAL REPORT ON AIRCRAFT INVENTORY.

Section 231a of title 10, United States Code, is amended—

- (1) by striking subsection (e); and
- (2) by redesignating subsection (f) as subsection (e).

Subtitle E—Defense-wide, Joint, and Multiservice Matters

SEC. 141. STANDARDIZATION OF 5.56MM RIFLE AMMUNITION.

(a) *REPORT.*—If, on the date that is 180 days after the date of the enactment of this Act, the Army and the Marine Corps are using in combat two different types of enhanced 5.56mm rifle ammunition, the Secretary of Defense shall, on such date, submit to the congressional defense committees a report explaining the reasons that the Army and the Marine Corps are using different types of such ammunition.

(b) *STANDARDIZATION REQUIREMENT.*—Except as provided in subsection (c), not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that the Army and the Marine Corps are using in combat one standard type of enhanced 5.56mm rifle ammunition.

(c) *EXCEPTION.*—Subsection (b) shall not apply in a case in which the Secretary of Defense—

- (1) determines that a state of emergency requires the Army and the Marine Corps to use in combat different types of enhanced 5.56mm rifle ammunition; and
- (2) certifies to the congressional defense committees that such a determination has been made.

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

(a) *GUIDANCE REQUIRED.*—

(1) *The Secretary of the Army shall issue guidance regarding fire suppressant and fuel containment standards for covered vehicles of the Army.*

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

(b) *ELEMENTS.—The guidance regarding fire suppressant and fuel containment standards issued pursuant to subsection (a) shall—*

(1) meet the survivability requirements applicable to each class of covered vehicles;

(2) include standards for vehicle armor, vehicle fire suppression systems, and fuel containment technologies in covered vehicles; and

(3) balance cost, survivability, and mobility.

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

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

(2) any other information the Secretaries determine to be appropriate.

(d) *COVERED VEHICLES.—In this section, the term “covered vehicles” means ground vehicles acquired on or after October 1, 2018, under a major defense acquisition program (as such term is defined in section 2430 of title 10, United States Code), including light tactical vehicles, medium tactical vehicles, heavy tactical vehicles, and ground combat vehicles.*

SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN CLUSTER MUNITIONS.

(a) *LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended for the destruction of cluster munitions until the date on which the Secretary of Defense submits the report required by subsection (c).*

(b) *EXCEPTION FOR SAFETY.—The limitation under subsection (a) shall not apply to the destruction of cluster munitions that the Secretary determines—*

(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.

(c) *REPORT REQUIRED.—*

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that includes each of the following elements:

(A) A description of the policy of the Department of Defense regarding the use of cluster munitions, including an explanation of the process through which commanders may seek waivers to use such munitions.

(B) A 10-year projection of the requirements and inventory levels for all cluster munitions that takes into account

future production of cluster munitions, any plans for demilitarization of such munitions, any plans for the recapitalization of such munitions, the age of the munitions, storage and safety considerations, and other factors that will affect the size of the inventory.

(C) A 10-year projection for the cost to achieve the inventory levels projected in subparagraph (B), including the cost for potential demilitarization or disposal of such munitions.

(D) A 10-year projection for the cost to develop and produce new cluster munitions that comply with the Memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians that the Secretary determines are necessary to meet the demands of current operational plans.

(E) An assessment, by the Chairman of the Joint Chiefs of Staff, of the effects of the projected cluster inventory on operational plans.

(F) Any other matters that the Secretary determines should be included in the report.

(2) **FORM OF REPORT.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) **CLUSTER MUNITIONS DEFINED.**—In this section, the term “cluster munitions” includes systems delivered by aircraft, cruise missiles, artillery, mortars, missiles, tanks, rocket launchers, or naval guns that deploy payloads of explosive submunitions that detonate via target acquisition, impact, or altitude, or that self-destruct.

SEC. 144. REPORT ON DEPARTMENT OF DEFENSE MUNITIONS STRATEGY FOR THE COMBATANT COMMANDS.

(a) **REPORT REQUIRED.**—Not later than April 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the munitions strategy for the combatant commands for the six-year period beginning on January 1, 2017.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) For each year covered by the report, an identification of the munitions requirements of the combatant commands, including—

(A) plans, programming, and budgeting for each type of munition; and

(B) the inventory of each type of munition.

(2) An assessment of any gaps and shortfalls with respect to munitions determined to be essential to the ability of the combatant commands to fulfill mission requirements.

(3) An assessment of how current and planned munitions programs may affect operational concepts and capabilities of the combatant commands.

(4) An identification of limitations in relevant industrial bases and a description of necessary munitions investments.

(5) An assessment of how munitions capability and capacity may be affected by changes consistent with the memorandum of the Secretary of Defense dated June 19, 2008, re-

garding the policy of the Department of Defense on cluster munitions and unintended harm to civilians.

(6) Any other matters the Secretary determines appropriate.

SEC. 145. MODIFICATIONS TO REPORTING ON USE OF COMBAT MISSION REQUIREMENTS FUNDS.

Section 123 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4158; 10 U.S.C. 167 note) is amended—

(1) in the section heading, by striking “QUARTERLY” and inserting “ANNUAL”;

(2) in the subsection heading of subsection (a), by striking “QUARTERLY” and inserting “ANNUAL”; and

(3) by striking “quarter” each place it appears and inserting “year”.

SEC. 146. REPORT ON ALTERNATIVE MANAGEMENT STRUCTURES FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.

(a) *IN GENERAL.*—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on potential alternative management structures for the F-35 joint strike fighter program.

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

(1) An analysis of potential alternative management structures for the F-35 joint strike fighter program, including—

(A) continuation of the joint program office for the program;

(B) the establishment of separate program offices for the program in the Department of the Air Force and the Department of the Navy;

(C) the establishment of separate program offices for each variant of the F-35A, F-35B, and F-35C;

(D) division of responsibilities for the program between a joint program office and the military departments; and

(E) such other alternative management structures as the Secretary determines to be appropriate.

(2) An evaluation of the benefits and drawbacks of each alternative management structure analyzed in the report with respect to—

(A) cost;

(B) alignment of responsibility and accountability; and

(C) the adequacy of representation from military departments and program partners.

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

SEC. 147. COMPTROLLER GENERAL REVIEW OF F-35 LIGHTNING II AIRCRAFT SUSTAINMENT SUPPORT.

(a) *REVIEW.*—Not later than September 30, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report on the sustainment support structure for the F-35 Lightning II aircraft program.

(b) *ELEMENTS.*—The review under subsection (a) shall include, with respect to the F-35 Lightning II aircraft program, the following:

(1) *The status of the sustainment support strategy for the program, including goals for personnel training, required infrastructure, and fleet readiness.*

(2) *Approaches, including performance-based logistics, considered in developing the sustainment support strategy for the program.*

(3) *Other information regarding sustainment and logistics support for the program that the Comptroller General determines to be of critical importance to the long-term viability of the program.*

SEC. 148. BRIEFING ON ACQUISITION STRATEGY FOR GROUND MOBILITY VEHICLE.

(a) **BRIEFING REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Secretary of the Army, shall provide a briefing to the congressional defense committees on the acquisition strategy for the Ground Mobility Vehicle for use with the Global Response Force of the 82nd Airborne Division.

(b) **ELEMENTS.**—The briefing under subsection (a) shall include an assessment of the following:

(1) *The feasibility of acquiring the Ground Mobility Vehicle—*

(A) *as a commercially available off-the-shelf item (as such term is defined in section 104 of title 41, United States Code); or*

(B) *as a modified version of such an item.*

(2) *Whether acquiring the Ground Mobility Vehicle in a manner described in paragraph (1) would satisfy the requirements of the program and reduce the life-cycle cost of the program.*

(3) *Whether the acquisition strategy for the Ground Mobility Vehicle meets the focus areas specified in the most recent version of the Better Buying Power initiative of the Secretary of Defense.*

(4) *Whether including an active safety system in the Ground Mobility Vehicle, such as the electronic stability control system used on the joint light tactical vehicle, would reduce the risk of vehicle rollover.*

SEC. 149. STUDY AND REPORT ON OPTIMAL MIX OF AIRCRAFT CAPABILITIES FOR THE ARMED FORCES.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of Defense shall conduct a study to determine—

(A) *an optimal mix of short-range fighter-class strike aircraft and long-range strike aircraft for the use of the Armed Forces during the covered period;*

(B) *an optimal mix of manned aerial platforms and unmanned aerial platforms for the use of the Armed Forces during such period; and*

(C) *an optimal mix of other aircraft and capabilities for the use of the Armed Forces during such period, including—*

(i) long-range, medium-range, and short-range intelligence, surveillance, reconnaissance, or strike aircraft, or combination of such aircraft;

(ii) aircraft with varying observability characteristics;

(iii) land-based and sea-based aircraft;

(iv) advanced legacy fourth-generation aircraft platforms of proven design;

(v) next generation air superiority capabilities; and

(vi) advanced technology innovations.

(2) **CONSIDERATIONS.**—In making the determinations under paragraph (1), the Secretary shall consider defense strategy, critical assumptions, priorities, force size, and cost.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than April 14, 2017, the Secretary shall submit to the appropriate congressional committees a report that includes the following:

(A) The results of the study conducted under subsection

(a).

(B) A discussion of the specific assumptions, observations, conclusions, and recommendations of the study.

(C) A description of the modeling and analysis techniques used for the study.

(D) A plan for fielding complementary aircraft and capabilities identified as an optimal mix in the study under subsection (a).

(E) A plan to meet objectives and fulfill the warfighting capability and capacity requirements of the combatant commands using the aircraft and capabilities described in subsection (a).

(2) **FORM.**—The report under paragraph (1) may be submitted in classified form, but shall include an unclassified executive summary.

(3) **NONDUPLICATION OF EFFORT.**—If any information required under paragraph (1) has been included in another report or notification previously submitted to any of the appropriate congressional committees by law, the Secretary may provide a list of such reports and notifications at the time of submitting the report required under such paragraph instead of including such information in such report.

(4) **DEFINITIONS.**—In this subsection:

(A) The term “appropriate congressional committees” means the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) The term “covered period” means the period beginning on the date of the enactment of this Act and ending on January 1, 2030.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Laboratory quality enhancement program.

- Sec. 212. Modification of mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.*
- Sec. 213. Making permanent authority for defense research and development rapid innovation program.*
- Sec. 214. Authorization for National Defense University and Defense Acquisition University to enter into cooperative research and development agreements.*
- Sec. 215. Manufacturing Engineering Education Grant Program.*
- Sec. 216. Notification requirement for certain rapid prototyping, experimentation, and demonstration activities.*
- Sec. 217. Increased micro-purchase threshold for research programs and entities.*
- Sec. 218. Improved biosafety for handling of select agents and toxins.*
- Sec. 219. Designation of Department of Defense senior official with principal responsibility for directed energy weapons.*
- Sec. 220. Restructuring of the distributed common ground system of the Army.*
- Sec. 221. Limitation on availability of funds for the countering weapons of mass destruction system Constellation.*
- Sec. 222. Limitation on availability of funds for Defense Innovation Unit Experimental.*
- Sec. 223. Limitation on availability of funds for Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program.*
- Sec. 224. Acquisition program baseline and annual reports on follow-on modernization program for F-35 Joint Strike Fighter.*

Subtitle C—Reports and Other Matters

- Sec. 231. Strategy for assured access to trusted microelectronics.*
- Sec. 232. Pilot program on evaluation of commercial information technology.*
- Sec. 233. Pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.*
- Sec. 234. Pilot program on modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.*
- Sec. 235. Pilot program on disclosure of certain sensitive information to federally funded research and development centers.*
- Sec. 236. Pilot program on enhanced interaction between the Defense Advanced Research Projects Agency and the service academies.*
- Sec. 237. Independent review of F/A-18 physiological episodes and corrective actions.*
- Sec. 238. B-21 bomber development program accountability matrices.*
- Sec. 239. Study on helicopter crash prevention and mitigation technology.*
- Sec. 240. Strategy for Improving Electronic and Electromagnetic Spectrum Warfare Capabilities.*
- Sec. 241. Sense of Congress on development and fielding of fifth generation airborne systems.*

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LABORATORY QUALITY ENHANCEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering, shall carry out a program to be known as the “Laboratory Quality Enhancement Program” under which the Secretary shall establish the panels described in subsection (b) and direct such panels—

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

(A) existing policies and practices affecting the science and technology reinvention laboratories to improve the mission effectiveness of such laboratories; and

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

(2) to support implementation of current and future initiatives affecting the science and technology reinvention laboratories; and

(3) to conduct assessments or data analysis on such other issues as the Secretary determines to be appropriate.

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

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

(2) A panel on facilities, equipment, and infrastructure.

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

(4) A panel on governance and oversight processes.

(c) COMPOSITION OF PANELS.—(1) Each panel described in paragraphs (1) through (3) of subsection (b) may be composed of subject matter and technical management experts from—

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

(B) appropriate Defense Agencies;

(C) the Office of the Assistant Secretary of Defense for Research and Engineering; and

(D) such other entities as the Secretary determines to be appropriate.

(2) The panel described in subsection (b)(4) shall be composed of—

(A) the Director of the Army Research Laboratory;

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

(C) the Director of the Naval Research Laboratory;

(D) the Director of the Engineer Research and Development Center of the Army Corps of Engineers; and

(E) such other members as the Secretary determines to be appropriate.

(d) GOVERNANCE OF PANELS.—(1) The chairperson of each panel shall be selected by its members.

(2) Each panel, in coordination with the Assistant Secretary of Defense for Research and Engineering, shall transmit to the Science and Technology Executive Committee of the Department of Defense such information or findings on topics requiring decision or approval as the panel considers appropriate.

(e) DISCHARGE OF CERTAIN AUTHORITIES TO CONDUCT PERSONNEL DEMONSTRATION PROJECTS.—Subparagraph (C) of section 342(b)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as added by section 1114(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-315), is amended by inserting before the period at the end the following: “through the Assistant Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory and who may, in exercising such authorities, request administrative support from science and technology reinvention lab-

oratories to review, research, and adjudicate personnel demonstration project proposals”.

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

SEC. 212. MODIFICATION OF MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) **AMOUNT AUTHORIZED UNDER CURRENT MECHANISM.**—Paragraph (1) of subsection (a) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended in the matter before subparagraph (A) by striking “not more than three percent” and inserting “not less two percent and not more than four percent”.

(b) **ADDITIONAL MECHANISM TO PROVIDE FUNDS.**—Such subsection is further amended by adding at the end the following new paragraph:

“(3) **FEE.**—After consultation with the science and technology executive of the military department concerned, the director of a defense laboratory may charge customer activities a fixed percentage fee, in addition to normal costs of performance, in order to obtain funds to carry out activities authorized by this subsection. The fixed fee may not exceed four percent of costs.”.

(c) **MODIFICATION OF COST LIMIT COMPLIANCE FOR INFRASTRUCTURE PROJECTS.**—Subsection (b)(4) of such section is amended by adding at the end the following new subparagraph:

“(C) Section 2802 of such title, with respect to construction projects that exceed the cost specified in subsection (a)(2) of section 2805 of such title for certain unspecified minor military construction projects for laboratories.”.

(d) **REPEAL OF SUNSET.**—Such section is amended by striking subsection (d).

SEC. 213. MAKING PERMANENT AUTHORITY FOR DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

Section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2359 note) is amended—

(1) in subsection (d), by striking “for each of fiscal years 2011 through 2023 may be used for any such fiscal year” and inserting “for a fiscal year may be used for such fiscal year”; and

(2) by striking subsection (f).

SEC. 214. AUTHORIZATION FOR NATIONAL DEFENSE UNIVERSITY AND DEFENSE ACQUISITION UNIVERSITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

(a) **NATIONAL DEFENSE UNIVERSITY.**—Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) **COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.**—(1) In engaging in research and development projects pur-

suant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the National Defense University.

“(2) The National Defense University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).”.

(b) **DEFENSE ACQUISITION UNIVERSITY.**—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) **COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.**—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the Defense Acquisition University.

“(2) The Defense Acquisition University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).”.

SEC. 215. MANUFACTURING ENGINEERING EDUCATION GRANT PROGRAM.

Section 2196 of title 10, United States Code, is amended to read as follows:

“§ 2196. Manufacturing engineering education program

“(a) **ESTABLISHMENT OF MANUFACTURING ENGINEERING EDUCATION PROGRAM.**—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants or other awards to support—

“(A) the enhancement of existing programs in manufacturing engineering education to further a mission of the department; or

“(B) the establishment of new programs in manufacturing engineering education that meet such requirements.

“(2) Grants and awards under this section may be made to industry, not-for-profit institutions, institutions of higher education, or to consortia of such institutions or industry.

“(3) The Secretary shall establish the program in consultation with the Secretary of Education, the Director of the National Science Foundation, the Director of the Office of Science and Technology Policy, and the secretaries of such other relevant Federal agencies as the Secretary considers appropriate.

“(4) The Secretary shall ensure that the program is coordinated with Department programs associated with advanced manufacturing.

“(5) The program shall be known as the ‘Manufacturing Engineering Education Program’.

“(b) **GEOGRAPHICAL DISTRIBUTION OF GRANTS AND AWARDS.**—In awarding grants and other awards under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of awards.

“(c) COVERED PROGRAMS.—A program of engineering education supported pursuant to this section shall meet the requirements of this section.

“(d) COMPONENTS OF PROGRAM.—The program of education for which such a grant is made shall be a consolidated and integrated multidisciplinary program of education with an emphasis on the following components:

“(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

“(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, internships, cooperative work-study programs, and interactions with industrial facilities, consortia, or such other activities and organizations in the United States and foreign countries as the Secretary considers appropriate;

“(B) faculty development programs;

“(C) recruitment of educators highly qualified in manufacturing engineering to teach or develop manufacturing engineering courses;

“(D) presentation of seminars, workshops, and training for the development of specific manufacturing engineering skills;

“(E) activities involving interaction between students and industry, including programs for visiting scholars, personnel exchange, or industry executives;

“(F) development of new, or updating and modification of existing, manufacturing curriculum, course offerings, and education programs;

“(G) establishment of programs in manufacturing workforce training;

“(H) establishment of joint manufacturing engineering programs with defense laboratories and depots; and

“(I) expansion of manufacturing training and education programs and outreach for members of the armed forces, dependents and children of such members, veterans, and employees of the Department of Defense.

“(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

“(3) Faculty and student engagement with industry that is directly related to, and supportive of, the education of students in manufacturing engineering because of—

“(A) the increased understanding of manufacturing engineering challenges and potential solutions; and

“(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

“(e) PROPOSALS.—The Secretary of Defense shall solicit proposals for grants and other awards to be made pursuant to this section for the support of programs of manufacturing engineering education that are consistent with the purposes of this section.

“(f) MERIT COMPETITION.—Applications for awards shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

“(g) SELECTION CRITERIA.—The Secretary may select a proposal for an award pursuant to this section if the proposal, at a minimum, does each of the following:

“(1) Contains innovative approaches for improving engineering education in manufacturing technology.

“(2) Demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the award is to be made.

“(3) Provides for effective engagement with industry or government organizations that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology.

“(4) Demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities.

“(5) Is likely to attract superior students and promote careers in manufacturing engineering.

“(6) Proposes to involve fully qualified personnel who are experienced in manufacturing engineering education and technology.

“(7) Proposes a program that, within three years after the award is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program.

“(8) Proposes to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.

“(9) Trains students in advanced manufacturing and in relevant emerging technologies and production processes.

“(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ‘institution of higher education’ has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).”

SEC. 216. NOTIFICATION REQUIREMENT FOR CERTAIN RAPID PROTOTYPING, EXPERIMENTATION, AND DEMONSTRATION ACTIVITIES.

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

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

(1) A description of the activity.

(2) Estimated costs and funding sources for the activity, including a description of any cost-sharing or in-kind support arrangements with other participants.

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

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

(c) *COVERED ACTIVITY*.—In this section, the term “covered activity” means a rapid prototyping, experimentation, or demonstration activity carried out under program element 0603382N.

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

SEC. 217. INCREASED MICRO-PURCHASE THRESHOLD FOR RESEARCH PROGRAMS AND ENTITIES.

(a) *INCREASED MICRO-PURCHASE THRESHOLD FOR BASIC RESEARCH PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES*.—

(1) *IN GENERAL*.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

“§2338. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories

“Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is \$10,000 for purposes of basic research programs and for the activities of the Department of Defense science and technology reinvention laboratories.”.

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

“2338. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories.”.

(b) *INCREASED MICRO-PURCHASE THRESHOLD FOR UNIVERSITIES, INDEPENDENT RESEARCH INSTITUTES, AND NONPROFIT RESEARCH ORGANIZATIONS*.—Section 1902 of title 41, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “For purposes” and inserting “(1) Except as provided in section 2338 of title 10 and paragraph (2) of this subsection, for purposes”; and

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

“(2) For purposes of this section, the micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31 by institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or related or affiliated nonprofit entities, or by nonprofit research organizations or independent research institutes is—

“(A) \$10,000; or

“(B) such higher threshold as determined appropriate by the head of the relevant executive agency and consistent with clean audit findings under chapter 75 of title 31, internal institutional risk assessment, or State law.”; and

(2) in subsections (d) and (e), by striking “not greater than \$3,000” and inserting “with a price not greater than the micro-purchase threshold”.

SEC. 218. IMPROVED BIOSAFETY FOR HANDLING OF SELECT AGENTS AND TOXINS.

(a) *QUALITY CONTROL AND QUALITY ASSURANCE PROGRAM*.—The Secretary of Defense, acting through the executive agent for the biological select agent and toxin biosafety program of the Depart-

ment of Defense, shall carry out a program to implement certain quality control and quality assurance measures at each covered facility.

(b) **QUALITY CONTROL AND QUALITY ASSURANCE MEASURES.**—Subject to subsection (c), the quality control and quality assurance measures implemented at each covered facility under subsection (a) shall include the following:

(1) Designation of an external manager to oversee quality assurance and quality control.

(2) Environmental sampling and inspection.

(3) Production procedures that prohibit operations where live biological select agents and toxins are used in the same laboratory where viability testing is conducted.

(4) Production procedures that prohibit work on multiple organisms or multiple strains of one organism within the same biosafety cabinet.

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

(6) Formal, recurring data reviews of production in an effort to identify data trends and nonconformance issues before such issues affect end products.

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

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

(c) **WAIVER.**—In carrying out the program under subsection (a), the Secretary may waive any of the quality control and quality assurance measures required under subsection (b) in the interest of national defense.

(d) **STUDY AND REPORT REQUIRED.**—

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

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

(B) opportunities to partner with industry for the production of biological select agents and toxins and related services in lieu of maintaining such capabilities within the Department of the Army; and

(C) whether operations under the biological select agent and toxin production program should be transferred to another government or commercial laboratory that may be better suited to execute production for non-Department of Defense customers.

(2) **REPORT.**—Not later than February 1, 2017, the Secretary shall submit to the congressional defense committees a report on the results of the study under paragraph (1).

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

(1) A review of—

(A) the actions taken by the Department of Defense to address the findings and recommendations of the report of

the Department of the Army titled “Individual and Institutional Accountability for the Shipment of Viable *Bacillus Anthracis* from Dugway Proving Grounds”, dated December 15, 2015, including any actions taken to address the culture of complacency in the biological select agent and toxin production program identified in such report; and

(B) the progress of the Secretary in carrying out the program under subsection (a).

(2) An analysis of the study and report under subsection (d).

(f) **DEFINITIONS.**—In this section:

(1) The term “biological select agent and toxin” means any agent or toxin identified under—

(A) section 331.3 of title 7, Code of Federal Regulations;

(B) section 121.3 or section 121.4 of title 9, Code of Federal Regulations; or

(C) section 73.3 or section 73.4 of title 42, Code of Federal Regulations.

(2) The term “covered facility” means any facility of the Department of Defense that produces biological select agents and toxins.

SEC. 219. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR DIRECTED ENERGY WEAPONS.

(a) **DESIGNATION OF SENIOR OFFICIAL.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official already serving within the Department of Defense as the official with principal responsibility for the development and demonstration of directed energy weapons for the Department.

(2) **DEVELOPMENT OF STRATEGIC PLAN.**—

(A) **IN GENERAL.**—The senior official designated under paragraph (1) shall develop a detailed strategic plan to develop, mature, and transition directed energy technologies to acquisition programs of record.

(B) **ROADMAP.**—Such strategic plan shall include a strategic roadmap for the development and fielding of directed energy weapons and key enabling capabilities for the Department, identifying and coordinating efforts across military departments to achieve overall joint mission effectiveness.

(3) **ACCELERATION OF DEVELOPMENT AND FIELDING OF DIRECTED ENERGY WEAPONS CAPABILITIES.**—

(A) **IN GENERAL.**—To the degree practicable, the senior official designated under paragraph (1) shall use the flexibility of the policies of the Department in effect on the day before the date of the enactment of this Act, or any successor policies, to accelerate the development and fielding of directed energy capabilities.

(B) **ENGAGEMENT.**—The Secretary shall use the flexibility of the policies of the Department in effect on the day before the date of the enactment of this Act, or any successor policies, to ensure engagement with defense and pri-

vate industries, research universities, and unaffiliated, non-profit research institutions.

(4) **ADVICE FOR EXERCISES AND DEMONSTRATIONS.**—The senior official designated under paragraph (1) shall, to the degree practicable, provide technical advice and support to entities in the Department of Defense and the military departments conducting exercises or demonstrations with the purpose of improving the capabilities of or operational viability of technical capabilities supporting directed energy weapons, including supporting military utility assessments of the relevant cost and benefits of directed energy weapon systems.

(5) **SUPPORT FOR DEVELOPMENT OF REQUIREMENTS.**—The senior official designated under paragraph (1) shall coordinate with the military departments, Defense Agencies, and the Joint Directed Energy Transition Office to define requirements for directed energy capabilities that address the highest priority warfighting capability gaps of the Department.

(6) **AVAILABILITY OF INFORMATION.**—The Secretary of Defense shall ensure that the senior official designated under paragraph (1) has access to such information on programs and activities of the military departments and other defense agencies as the Secretary considers appropriate to coordinate departmental directed energy efforts.

(b) **JOINT DIRECTED ENERGY TRANSITION OFFICE.**—

(1) **REDESIGNATION.**—The High Energy Laser Joint Technology Office of the Department of Defense is hereby redesignated as the “Joint Directed Energy Transition Office” (in this subsection referred to as the “Office”), and shall report to the official designated under subsection (a)(1).

(2) **ADDITIONAL FUNCTIONS.**—In addition to the functions and duties of the Office in effect on the day before the date of the enactment of this Act, the Office shall assist the senior official designated under paragraph (1) of subsection (a) in carrying out paragraphs (2) through (5) of such subsection.

(3) **FUNDING.**—The Secretary may make available such funds to the Office for basic research, applied research, advanced technology development, prototyping, studies and analyses, and organizational support as the Secretary considers appropriate to support the efficient and effective development of directed energy systems and technologies and transition of those systems and technologies into acquisition programs or operational use.

SEC. 220. RESTRUCTURING OF THE DISTRIBUTED COMMON GROUND SYSTEM OF THE ARMY.

(a) **IN GENERAL.**—Not later than April 1, 2017, the Secretary of the Army shall restructure versions of the distributed common ground system of the Army after Increment 1—

(1) by 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 of the system for which there is commercial, open source, or Government off the shelf software that is capable of fulfilling at least 80 percent of the system requirements applicable to such component; and

(2) by conducting a review of the acquisition strategy of the program to ensure that procurement of commercial software is the preferred method of meeting program requirements for major system components.

(b) *LIMITATION.*—The Secretary of the Army shall not award any contract for the development of new component software capability for the distributed common ground system of the Army if such a 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.

(c) *REPORT REQUIRED.*—

(1) *REQUIREMENT.*—Not later than March 1, 2018, the Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the Director, Operational Test and Evaluation, shall submit to the congressional defense committees a report on the Increment 2 of the distributed common ground system of the Army.

(2) *ELEMENTS OF REPORT.*—The report required by paragraph (1) shall include, at a minimum, the following:

(A) The overall assessment of the system and each individual major component of the system.

(B) The status of alignment with the Intelligence Community Information Technology Enterprise (IC-ITE).

(C) The ease of use of Increment 2 as compared with Increment 1 for operators in deployed environments.

(D) The extent to which a common, synchronized view of all system data is globally available to all system users, at all times.

(E) The level of maturity of the technologies underlying core system components and application programming interfaces.

(F) The extent to which program operators can move data seamlessly between different components of the system.

SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR THE COUNTERING WEAPONS OF MASS DESTRUCTION SYSTEM CONSTELLATION.

(a) *LIMITATION.*—Not more than 50 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the countering weapons of mass destruction situational awareness information system commonly known as “Constellation” may be obligated or expended for research, development, or prototyping for such system until the report required by subsection (b)(4) has been delivered to the congressional defense committees.

(b) *INDEPENDENT REVIEW AND ASSESSMENT.*—

(1) *IN GENERAL.*—The Secretary of Defense shall provide for an independent review and assessment of the requirements and implementation for research, development, and prototyping for the Constellation system prior to a Milestone A decision or other operational use.

(2) *ELEMENTS OF INDEPENDENT REVIEW.*—The independent review provided for under paragraph (1) shall include the following:

(A) A review of the major software components of the system and an explanation of the requirements of the Department of Defense with respect to each such component.

(B) A review of the requirements validated in the Information System Initial Capabilities Document (ISICD) and capability gaps identified for duplication and redundancy with other validated information technology requirements and capability gaps.

(C) Identification of elements and applications of the system that cannot be implemented using the existing technical infrastructure and tools of the Department of Defense or the infrastructure and tools in development.

(D) An overview of a security plan to achieve an accredited cross-domain solution system, including security milestones and proposed security architecture to mitigate both insider and outsider threats.

(E) Identification of the planned categories of end-users of the system, linked to organizations, mission requirements, and concept of operations, the expected total number of end-users, and the associated permissions granted to such users.

(3) **ENTITY CONDUCTING INDEPENDENT REVIEW AND ASSESSMENT.**—The Secretary shall ensure that—

(A) the independent review and assessment provided for under paragraph (1) is conducted by a federally funded research and development center selected (or entered into an arrangement with) by the Secretary or such other entity as the Secretary considers appropriate; and

(B) such center or entity provides periodic updates to the congressional defense committees on such independent review and assessment prior to the completion of the independent review and assessment.

(4) **REPORT ON INDEPENDENT REVIEW AND ASSESSMENT.**—The Secretary shall submit to the congressional defense committees a report containing—

(A) the findings of the center or entity selected (or entered into an arrangement with) under paragraph (3)(A) with respect to the independent review and assessment conducted by such center or entity pursuant to such paragraph; and

(B) an assessment of the need to continue Constellation research, development, and prototyping.

SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR DEFENSE INNOVATION UNIT EXPERIMENTAL.

(a) **LIMITATION.**—

(1) **OPERATION AND MAINTENANCE.**—Of the funds specified in subsection (c)(1), not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report under subsection (b).

(2) **RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**—Of the funds specified in subsection (c)(2), not more than 25 percent may be obligated or expended until the date on which the Secretary submits to the congressional defense committees the report under subsection (b).

(b) *REPORT REQUIRED.*—*The Secretary of Defense shall submit to the congressional defense committees a report on the Defense Innovation Unit Experimental. Such report shall include the following:*

(1) *The charter and mission statement of the Unit.*

(2) *A description of—*

(A) *the management and operations of the Unit, including—*

(i) *the governance structure of the Unit;*

(ii) *the process for coordinating and deconflicting the activities of the Unit with similar activities of the Small Business Innovation Research Program, military departments, Defense Agencies, and other departments and agencies of the Federal Government, including activities carried out by In-Q-Tel, the Defense Advanced Research Projects Agency, and Department of Defense laboratories;*

(iii) *the direct staffing requirements of the Unit, including a description of the desired skills and expertise of such staff at each location;*

(iv) *the number of civilian and military personnel provided by the military departments and Defense Agencies to support the Unit; and*

(v) *any planned expansion to new sites, the metrics used to identify such sites, and an explanation of how such expansion will provide access to innovations of nontraditional defense contractors (as such term is defined in section 2302 of title 10, United States Code) that are not otherwise accessible; and*

(B) *policies and practices that will enable the Unit to best support Department of Defense missions, including—*

(i) *the metrics used to measure the effectiveness of the Unit;*

(ii) *how compliance with Department of Defense or Federal Government requirements could affect the ability of nontraditional defense contractors (as such term is defined in section 2302 of title 10, United States Code) to market products and obtain funding;*

(iii) *how to treat intellectual property that has been developed with little or no government funding;*

(iv) *detailed justification for the expansion of the mission of the Unit, including authority to use research and development agreements, contracts, and merit-based prize competitions to explore emerging technologies and additional physical locations;*

(v) *a description of how existing Department of Defense agencies, services, entities, and other elements are authorized to better use streamlined acquisition procedures, research and development agreements, contracts, and merit-based prize competitions to explore emerging technologies, including modification of guidance and procedures to permit effective and streamlined implementation of authorities provided by Congress for rapid execution;*

(vi) an account of the successes and failures of contracts already awarded by the unit;

(vii) recommendations on practices, policies, and authorities that will permit increased public-private partnership in financing and funding of research and technology development efforts; and

(viii) a description of technology transition strategies to ensure that research and technology programs funded by the Unit will be effectively and efficiently transitioned into operational use or acquisition programs, including a description of the role of Defense laboratories in such technology transition efforts.

(3) Any other information the Secretary determines to be appropriate.

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

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

(2) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research, development, test, and evaluation, Defense-wide, for the Defense Innovation Unit Experimental.

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM (JSTARS) RECAPITALIZATION PROGRAM.

(a) **IN GENERAL.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for the Air Force may be made available for the Air Force's Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed-price contract structure.

(b) **NATIONAL SECURITY WAIVER AUTHORITY.**—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States.

SEC. 224. ACQUISITION PROGRAM BASELINE AND ANNUAL REPORTS ON FOLLOW-ON MODERNIZATION PROGRAM FOR F-35 JOINT STRIKE FIGHTER.

(a) **LIMITATION.**—The Secretary of Defense may not award any follow-on modernization development contracts for the F-35 Joint Strike Fighter until the Secretary has submitted the report required by subsection (b)(1) in accordance with such subsection.

(b) **ACQUISITION PROGRAM BASELINE.**—

(1) **IN GENERAL.**—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that contains the basic elements of an acquisition program baseline for Block 4 Modernization.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) Cost estimates for development, production, and modification.

(B) *Projected key schedule dates, including dates for the completion of—*

- (i) *a capabilities development document;*
- (ii) *an independent cost estimate;*
- (iii) *an initial preliminary design review;*
- (iv) *a development contract award; and*
- (v) *a critical design review.*

(C) *Technical performance parameters.*

(D) *Technology readiness levels.*

(E) *Annual funding profiles for development and procurement.*

(c) **REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.**—*Not later than 60 days after the date on which the report required by subsection (b)(1) is submitted to the congressional defense committees in accordance with such subsection, the Comptroller General of the United States shall—*

(1) review such report; and

(2) brief the congressional defense committees on the findings of the Comptroller General with respect to such review.

(d) **ANNUAL REPORTS BY SECRETARY OF DEFENSE.**—*Not later than one year after the date on which the Secretary awards a development contract for follow-on modernization of the F-35 Joint Strike Fighter and not less frequently than once each year thereafter until March 31, 2023, the Secretary shall submit to the congressional defense committees a report on the cost, schedule, and performance progress against the baseline set forth in the report submitted pursuant to subsection (b)(1).*

Subtitle C—Reports and Other Matters

SEC. 231. STRATEGY FOR ASSURED ACCESS TO TRUSTED MICROELECTRONICS.

(a) **STRATEGY.**—*The Secretary of Defense shall develop a strategy to ensure that the Department of Defense has assured access to trusted microelectronics by not later than September 30, 2019.*

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

(1) Definitions of the various levels of trust required by classes of Department of Defense systems.

(2) Means of classifying systems of the Department of Defense based on the level of trust such systems are required to maintain with respect to microelectronics.

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

(4) Means to increase the supplier base for assured microelectronics to ensure multiple supply pathways.

(5) An assessment of the microelectronics needs of the Department of Defense in future years, including the need for trusted, radiation-hardened microelectronics.

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

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

(8) A research and development strategy to ensure that the Department of Defense can, to the maximum extent practicable, use state of the art commercial microelectronics capabilities or their equivalent, while satisfying the needs for trust.

(9) Recommendations for changes in authorities, regulations, and practices, including acquisition policies, financial management, public-private partnership policies, or in any other relevant areas, that would support the achievement of the goals of the strategy.

(c) **SUBMISSION AND UPDATES.**—(1) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the strategy developed under subsection (a). The strategy shall be submitted in unclassified form, but may include a classified annex.

(2) Not later than two years after submitting the strategy under paragraph (1) and not less frequently than once every two years thereafter until September 30, 2024, the Secretary shall update the strategy as the Secretary considers appropriate to support Department of Defense missions.

(d) **DIRECTIVE REQUIRED.**—Not later than September 30, 2019, the Secretary of Defense shall issue a directive for the Department of Defense describing how Department of Defense entities may access assured and trusted microelectronics supply chains for Department of Defense systems.

(e) **REPORT AND CERTIFICATION.**—Not later than September 30, 2020, the Secretary of the Defense shall submit to the congressional defense committees—

(1) a report on—

(A) the status of the implementation of the strategy developed under subsection (a);

(B) the actions being taken to achieve full implementation of such strategy, and a timeline for such implementation; and

(C) the status of the implementation of the directive required by subsection (d); and

(2) a certification of whether the Department of Defense has an assured means for accessing a sufficient supply of trusted microelectronics, as required by the strategy developed under subsection (a).

(f) **DEFINITIONS.**—In this section:

(1) The term “assured” refers, with respect to microelectronics, to the ability of the Department of Defense to guarantee availability of microelectronics parts at the necessary volumes and with the performance characteristics required to meet the needs of the Department of Defense.

(2) The terms “trust” and “trusted” refer, with respect to microelectronics, to the ability of the Department of Defense to have confidence that the microelectronics function as intended and are free of exploitable vulnerabilities, either intentionally or unintentionally designed or inserted as part of the system at any time during its life cycle.

SEC. 232. PILOT PROGRAM ON EVALUATION OF COMMERCIAL INFORMATION TECHNOLOGY.

(a) **PILOT PROGRAM.**—The Director of the Defense Information Systems Agency may carry out a pilot program to evaluate commer-

cially available information technology tools to better understand the potential impact of such tools on networks and computing environments of the Department of Defense.

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

(1) Prototyping, experimentation, operational demonstration, military user assessments, and other means of obtaining quantitative and qualitative feedback on the commercial information technology products.

(2) Engagement with the commercial information technology industry to—

(A) forecast military requirements and technology needs; and

(B) support the development of market strategies and program requirements before finalizing acquisition decisions and strategies.

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

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

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

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

SEC. 233. PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

(a) **PILOT PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense and the secretaries of the military departments shall jointly carry out a pilot program to demonstrate methods for the more effective development of technology and management of functions at eligible centers.

(2) **ELIGIBLE CENTERS.**—For purposes of the pilot program, the eligible centers are—

(A) the science and technology reinvention laboratories, as specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note);

(B) the test and evaluation centers which are activities specified as part of the Major Range and Test Facility Base in Department of Defense Directive 3200.11; and

(C) the Defense Advanced Research Projects Agency.

(b) **SELECTION.**—

(1) **IN GENERAL.**—The secretaries described in subsection (a) shall ensure that participation in the pilot program includes—

(A) the Defense Advanced Research Projects Agency; and

(B) in accordance with paragraph (2)—

(i) five additional eligible centers described in subparagraph (A) of subsection (a)(2) from each of the military departments; and

(ii) five additional eligible centers described in subparagraph (B) of such subsection from each of the military departments.

(2) *SELECTION PROCEDURES.*—(A) The head of an eligible center described in subparagraph (A) or (B) of subsection (a)(2) seeking to participate in the pilot program shall submit to the appropriate reviewer an application therefor at such time, in such manner, and containing such information as the appropriate reviewer shall specify.

(B) Not later than 120 days after the date of the enactment of this Act, each appropriate reviewer shall—

(i) evaluate each application received under subparagraph (A); and

(ii) approve or disapprove of the application.

(C) If the head of an eligible center submits an application under subparagraph (A) in accordance with the requirements specified by the appropriate reviewer for purposes of such subparagraph and the appropriate reviewer neither approves nor disapproves such application pursuant to subparagraph (B)(ii) on or before the date that is 120 days after the date of the enactment of this Act, such eligible center shall be considered a participant in the pilot program.

(D) For purposes of this paragraph, the appropriate reviewer is—

(i) in the case of an eligible center described in subparagraph (A) of subsection (a)(2), the Laboratory Quality Enhancement Program; and

(ii) in the case of an eligible center described in subparagraph (B) of such subsection, the Director of the Test Resource Management Center.

(c) *PARTICIPATION IN PROGRAM.*—

(1) *IN GENERAL.*—Subject to paragraph (2), the head of each eligible center selected under subsection (b)(1) shall propose and implement alternative and innovative methods of effective management and operations of eligible centers, rapid project delivery, support, experimentation, prototyping, and partnership with universities and private sector entities to—

(A) generate greater value and efficiencies in research and development activities;

(B) enable more efficient and effective operations of supporting activities, such as—

(i) facility management, construction, and repair;

(ii) business operations;

(iii) personnel management policies and practices;

and

(iv) intramural and public outreach; and

(C) enable more rapid deployment of warfighter capabilities.

(2) *IMPLEMENTATION.*—(A) The head of an eligible center described in subparagraph (A) or (B) of subsection (a)(2) shall implement each method proposed under paragraph (1) unless such method is disapproved in writing by the Assistant Secretary concerned within 60 days of receiving a proposal from an eligible center selected under subsection (b)(1) by such Assistant Secretary.

(B) *The Director of the Defense Advanced Research Projects Agency shall implement each method proposed under paragraph (1) unless such method is disapproved in writing by the Chief Management Officer within 60 days of receiving a proposal from the Director.*

(C) *In this paragraph, the term “Assistant Secretary concerned” means—*

(i) the Assistant Secretary of the Air Force for Acquisition, with respect to matters concerning the Air Force;

(ii) the Assistant Secretary of the Army for Acquisition, Technology, and Logistics, with respect to matters concerning the Army; and

(iii) the Assistant Secretary of the Navy for Research, Development, and Acquisition, with respect to matters concerning the Navy.

(d) **WAIVER AUTHORITY FOR DEMONSTRATION AND IMPLEMENTATION.**—*Until the termination of the pilot program under subsection (e), the head of an eligible center selected under subsection (b)(1) may waive any regulation, restriction, requirement, guidance, policy, procedure, or departmental instruction that would affect the implementation of a method proposed under subsection (c)(1), unless such implementation would be prohibited by a provision of a Federal statute or common law.*

(e) **TERMINATION.**—*The pilot program shall terminate on September 30, 2022.*

(f) **REPORT.**—

(1) IN GENERAL.—*Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program.*

(2) CONTENTS.—*The report required by paragraph (1) shall include the following:*

(A) Identification of the eligible centers participating in the pilot program.

(B) Identification of the eligible centers whose applications to participate in the pilot program were disapproved under subsection (b), including justifications for such disapprovals.

(C) A description of the methods implemented pursuant to subsection (c).

(D) A description of the methods that were proposed pursuant to paragraph (1) of subsection (c) but disapproved under paragraph (2) of such subsection.

(E) An assessment of how methods implemented pursuant to subsection (c) have contributed to the objectives identified in subparagraphs (A), (B), and (C) of paragraph (1) of such subsection.

SEC. 234. PILOT PROGRAM ON MODERNIZATION AND FIELDING OF ELECTROMAGNETIC SPECTRUM WARFARE SYSTEMS AND ELECTRONIC WARFARE CAPABILITIES.

(a) **PILOT PROGRAM.**—

(1) IN GENERAL.—*The Secretary of Defense may carry out a pilot program on the modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare systems.*

(2) *SELECTION.*—If the Secretary carries out the pilot program under paragraph (1), the Electronic Warfare Executive Committee shall select from the list described in section 240(b)(4) a total of 10 electromagnetic spectrum warfare systems and electronic warfare systems across at least two military departments for modernization and fielding under the pilot program.

(b) *TERMINATION.*—The pilot program authorized by subsection (a) shall terminate on September 30, 2023.

(c) *FUNDING.*—For the purposes of this pilot program, funds authorized to be appropriated for electromagnetic spectrum warfare and electronic warfare may be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

(d) *DEFINITIONS.*—In this section:

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

(2) The term “electronic warfare” means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy.

SEC. 235. PILOT PROGRAM ON DISCLOSURE OF CERTAIN SENSITIVE INFORMATION TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) *IN GENERAL.*—The Secretary of Defense shall carry out a pilot program on—

(1) permitting officers and employees of the Department of Defense to disclose sensitive information to federally funded research and development centers of the Department for the sole purpose of the performance of administrative, technical, or professional services under and within the scope of the contracts with the parent organizations of such federally funded research and development centers; and

(2) appropriately protecting proprietary information from unauthorized disclosure or use by such centers.

(b) *FFRDCs.*—The pilot program shall be carried out with one or more federally funded research and development centers of the Department selected by the Secretary for participation in the pilot program.

(c) *FFRDC PERSONNEL.*—Sensitive information may be disclosed to personnel of a federally funded research and development center under the pilot program only if such personnel and contractors agree to be subject to, and comply with, appropriate ethics standards and requirements applicable to Government personnel, including the Ethics in Government Act of 1978, section 1905 of title 18, United States Code, and chapter 21 of title 41, United States Code.

(d) *CONDITIONS ON DISCLOSURE.*—Sensitive information may be disclosed under the pilot program only if the federally funded research and development center concerned and its parent organization agree to and acknowledge in the parent organization’s contract with the Department of Defense that—

(1) sensitive information furnished to the federally funded research and development center will be accessed and used only

for the purposes stated in the contract between the parent organization of the federally funded research and development center and the Department of Defense;

(2) the federally funded research and development center will take all precautions necessary to prevent disclosure of the sensitive information furnished to anyone not authorized access to the information in order to perform the applicable contract;

(3) sensitive information furnished under the pilot program shall not be used by the federally funded research and development center or parent organization to compete against a third party for a Government or non-Government contract or funding, or to support other current or future research or technology development activities performed by the federally funded research and development center; and

(4) any personnel of a federally funded research and development center participating in the pilot program may not disclose or use any trade secrets or any nonpublic information accessed under the pilot program, unless specifically authorized by this section.

(e) **DURATION.**—(1) The pilot program may commence at any time after the review and issuance of policy guidance, updated appropriately, pertaining to the identification, mitigation, and prevention of potentially unfair competitive advantage conferred to federally funded research and development center personnel with access to sensitive information who serve as technical advisors to acquisition programs.

(2) The pilot program shall terminate on the date that is three years after the date of the commencement of the pilot program.

(f) **ASSESSMENT.**—Not later than two years after the commencement of the pilot program, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program, including an assessment of the effectiveness of activities under the pilot program in improving acquisition processes and the effectiveness of protections of private-sector intellectual property in the course of such activities.

(g) **SENSITIVE INFORMATION DEFINED.**—In this section, the term “sensitive information” means confidential commercial, financial, or proprietary information, technical data, contract performance, contract performance evaluation, management, and administration data, or other privileged information owned by other contractors of the Department of Defense that is exempt from public disclosure under section 552(b)(4) of title 5, United States Code, or which would otherwise be prohibited from disclosure under section 1832 or 1905 of title 18, United States Code.

SEC. 236. PILOT PROGRAM ON ENHANCED INTERACTION BETWEEN THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY AND THE SERVICE ACADEMIES.

(a) **IN GENERAL.**—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, shall 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 the Department of Defense.

(b) **AWARDS OF FUNDS.**—(1) In carrying out the pilot program, the Secretary, acting through the Director, shall provide funds to contractors and grantees of the Defense Advanced Research Projects Agency in order to encourage such contractors and grantees to develop research partnerships with the service academies to support more efficient and effective technology transition of research programs and products.

(2) It shall be the responsibility of the Director to ensure that such funds are used effectively and that sufficient efforts are made to build appropriate partnerships.

(c) **SERVICE ACADEMY TECHNOLOGY TRANSITION NETWORKS.**—In carrying out the pilot program, the Director shall prioritize the leveraging of—

(1) the technology transition networks that service academies maintain among their academic departments and resident research centers; and

(2) partnerships with Department of Defense laboratories, other Federal degree granting institutions, academia, and industry.

(d) **TERMINATION.**—The authority to carry out the pilot program shall terminate on September 30, 2020.

(e) **SERVICE ACADEMIES DEFINED.**—In this section, the term “service academies” means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

(5) The United States Merchant Marine Academy.

SEC. 237. INDEPENDENT REVIEW OF F/A-18 PHYSIOLOGICAL EPISODES AND CORRECTIVE ACTIONS.

(a) **INDEPENDENT REVIEW REQUIRED.**—The Secretary of the Navy shall conduct an independent review of the plans, programs, and research of the Department of the Navy with respect to—

(1) physiological events affecting aircrew of the F/A-18 Hornet and the F/A-18 Super Hornet aircraft during the covered period; and

(2) the efforts of the Navy and Marine Corps to prevent and mitigate the effects of such physiological events.

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

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

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

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

(1) any data of the Department of the Navy relating to the increased frequency of physiological events affecting aircrew of the F/A-18 Hornet and the F/A-18 Super Hornet aircraft during the covered period;

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

(3) the cost and effectiveness of all material, operational, maintenance, and other measures carried out by the Depart-

ment of the Navy to mitigate such physiological events during the covered period;

(4) material, operational, maintenance, or other measures that may reduce the rate of such physiological events in the future; and

(5) the performance of—

(A) the onboard oxygen generation system in the F/A-18 Super Hornet;

(B) the overall environmental control system in the F/A-18 Hornet and F/A-18 Super Hornet; and

(C) other relevant subsystems of the F/A-18 Hornet and F/A-18 Super Hornet, as determined by the Secretary.

(d) **REPORT REQUIRED.**—Not later than December 1, 2017, the Secretary of Navy shall submit to the congressional defense committees a report that includes the results of the review under subsection (a).

(e) **COVERED PERIOD.**—In this section, the term “covered period” means the period beginning on January 1, 2009, and ending on the date of the submission of the report under subsection (d).

SEC. 238. B-21 BOMBER DEVELOPMENT PROGRAM ACCOUNTABILITY MATRICES.

(a) **SUBMITTAL OF MATRICES.**—Concurrent with the President’s annual budget request submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2018, the Secretary of the Air Forces shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in subsection (b) relating to the B-21 bomber aircraft program.

(b) **MATRICES DESCRIBED.**—The matrices described in this subsection are the following:

(1) **EMD GOALS.**—A matrix that identifies, in six month increments, key milestones, development events, and specific performance goals for the EMD phase of the B-21 bomber aircraft program, which shall be subdivided, at a minimum, according to the following:

(A) Technology readiness levels of major components and key demonstration events.

(B) Design maturity.

(C) Software maturity.

(D) Manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(E) Manufacturing operations.

(F) System verification and key flight test events.

(G) Reliability.

(2) **COST.**—A matrix expressing, in six month increments, the total cost for the Air Force service cost position for the EMD phase and low initial rate of production lots of the B-21 bomber aircraft and a matrix expressing the total cost for the prime contractor’s estimate for such EMD phase and production lots, both of which shall be phased over the entire EMD period and subdivided according to the costs of the following:

(A) Air vehicle.

(B) Propulsion.

(C) Mission systems.

(D) Vehicle subsystems.

- (E) Air vehicle software.
- (F) Systems engineering.
- (G) Program management.
- (H) System test and evaluation.
- (I) Support and training systems.
- (J) Contract fee.
- (K) Engineering changes.
- (L) Direct mission support, including Congressional General Reductions.
- (M) Government testing.

(c) **SEMIANNUAL UPDATE OF MATRICES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date on which the Secretary of the Air Force submits the matrices required by subsection (a), concurrent with the submittal of each annual budget request to Congress under section 1105 of title 31, United States Code, thereafter, and not later than 180 days after each such submittal, the Secretary of the Air Force shall submit to the congressional defense committees and the Comptroller General of the United States updates to the matrices described in subsection (b).

(2) **ELEMENTS.**—Each update submitted under paragraph (1) shall detail progress made toward the goals identified in the matrix described in subsection (b)(1) and provide updated cost estimates.

(3) **TREATMENT OF INITIAL MATRICES AS BASELINE.**—The matrices submitted pursuant to subsection (a) shall be treated as the baseline for the full EMD phase and low rate initial production of the B-21 bomber aircraft program for purposes of the updates submitted pursuant to paragraph (1) of this subsection.

(d) **ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.**—Not later than the date that is 45 days after the date on which the Comptroller General of the United States receives an update to a matrix under subsection (d)(1), the Comptroller General shall review the sufficiency of such matrix and submit to the congressional defense committees an assessment of such matrix, including by identifying cost, schedule, or performance trends.

SEC. 239. STUDY ON HELICOPTER CRASH PREVENTION AND MITIGATION TECHNOLOGY.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall 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.

(b) **ELEMENTS.**—The study required under subsection (a) shall include the following:

(1) Identification of technologies with the potential—

(A) to prevent helicopter crashes (such as collision avoidance technologies and battle space and terrain situational awareness technologies); and

(B) to improve survivability among individuals involved in such crashes (such as adaptive flight control technologies and improved energy absorbing technologies).

(2) A cost-benefit analysis of each technology identified under paragraph (1) that takes into account the cost of developing and deploying the technology compared to the potential of the technology to prevent casualties or injuries.

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

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

(B) the readiness level of each technology.

(4) An analysis of helicopter crashes that—

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

(B) identifies the root causes of the casualties described in subparagraph (A).

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

(1) the results of the study required under subsection (a);

and

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

SEC. 240. STRATEGY FOR IMPROVING ELECTRONIC AND ELECTROMAGNETIC SPECTRUM WARFARE CAPABILITIES.

(a) **STRATEGY REQUIRED.**—Not later than April 1, 2017, the Under Secretary of Defense for Acquisition, Technology and Logistics, acting through the Electronic Warfare Executive Committee, shall submit to the congressional defense committees a strategy on the electronic and electromagnetic spectrum warfare capabilities of the Department of Defense.

(b) **ELEMENTS.**—The strategy required by subsection (a) shall include the following:

(1) A strategy for advancing and accelerating research, development, test, and evaluation, and fielding, of electronic warfare capabilities to meet current and projected requirements, including intra-service ground and air interoperabilities, as well as recommendations for streamlining acquisition processes with respect to such capabilities.

(2) A methodology for synchronizing and overseeing electronic warfare strategies, operational concepts, and programs across the Department of Defense, including electronic warfare programs that support or enable cyber operations.

(3) A description of the training and operational support required for fielding and sustaining current and planned investments in electronic warfare capabilities, including the requirements for conducting large-scale simulated exercises and training in contested electronic warfare environments.

(4) A comprehensive list of investments of the Department of Defense in electronic warfare capabilities, including the capabilities to be developed, procured, or sustained in—

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

(B) the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year.

(5) A description of the threat environment for electromagnetic spectrum for current and future warfare needs.

(6) An assessment of progress on increasing interoperability between Services and Agencies, as well as increasing application of innovative electromagnetic spectrum warfighting methods and operational concepts that provide advantages within the electromagnetic spectrum operational domain.

(7) Specific attributes needed in future electronic and electromagnetic spectrum warfare capabilities, such as networking, adaptability, agility, multifunctionality, and miniaturization, and progress toward incorporating such attributes in new electronic warfare systems.

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

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

(10) Any other information the Secretary determines to be appropriate.

(c) *FORM*.—The strategy required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) *ELECTRONIC WARFARE EXECUTIVE COMMITTEE DEFINED*.—In this section the term “Electronic Warfare Executive Committee” means the committee established on March 17, 2015, and chartered on August 11, 2015, by the Deputy Secretary of Defense to serve as the principal forum within the Department of Defense to inform, coordinate, and evaluate electronic warfare matters to maintain a strong technological advantage in United States capabilities.

SEC. 241. SENSE OF CONGRESS ON DEVELOPMENT AND FIELDING OF FIFTH GENERATION AIRBORNE SYSTEMS.

(a) *FINDINGS*.—Congress makes the following findings:

(1) The term “fifth generation”, with respect to airborne systems, means those airborne systems capable of operating effectively in highly contested battle spaces defined by the most capable currently fielded threats, and those reasonably expected to be operational in the foreseeable future.

(2) Continued modernization of Department of Defense airborne systems such as fighters, bombers, and intelligence, surveillance, and reconnaissance (ISR) aircraft with fifth generation capabilities is required because—

(A) adversary integrated air defense systems (IADS) have created regions where fourth generation airborne systems may be limited in their ability to effectively operate;

(B) adversary aircraft, air-to-air missiles, and airborne electronic attack or electronic protection systems are advancing beyond the capabilities of fourth generation airborne systems; and

(C) fifth generation airborne systems provide a wider variety of options for a given warfighting challenge, preserve the technological advantage of the United States over near-peer threats, and serve as a force multiplier by increasing situational awareness and combat effectiveness of fourth generation airborne systems.

(b) *SENSE OF CONGRESS*.—It is the sense of Congress that development and fielding of fifth generation airborne system systems should include the following:

(1) *Multispectral (radar, infrared, visual, emissions) low observable (LO) design features, self-protection jamming, and other capabilities that significantly delay or deny threat system detection, tracking, and engagement.*

(2) *Integrated avionics that autonomously fuse and prioritize onboard multispectral sensors and offboard information data to provide an accurate realtime operating picture and data download for postmission exploitation and analysis.*

(3) *Resilient communications, navigation, and identification techniques designed to effectively counter adversary attempts to deny or confuse friendly systems.*

(4) *Robust and secure networks linking individual platforms to create a common, accurate, and highly integrated picture of the battle space for friendly forces.*

(5) *Advanced onboard diagnostics capable of monitoring system health, accurately reporting system faults, and increasing overall system performance and reliability.*

(6) *Integrated platform and subsystem designs to maximize lethality and survivability while enabling decision superiority.*

(7) *Maximum consideration for the fielding of unmanned platforms either employed in concert with fifth generation manned platforms or as standalone unmanned platforms, to increase warfighting effectiveness and reduce risk to personnel during high risk missions.*

(8) *Advanced air-to-air, air-to-ground, and other weapons able to leverage fifth generation capabilities.*

(9) *Comprehensive and high-fidelity live, virtual, and constructive training systems, updated range infrastructure, and sufficient threat-representative adversary training assets to maximize fifth generation force proficiency, effectiveness, and readiness while protecting sensitive capabilities.*

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

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Sec. 311. Modified reporting requirement related to installations energy management.

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Sec. 324. Repair, recapitalization, and certification of dry docks at naval shipyards.

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Sec. 326. Strategy on revitalizing Army organic industrial base.

Subtitle D—Reports

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Subtitle E—Other Matters

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- Sec. 352. Study on space-available travel system of the Department of Defense.*
- Sec. 353. Evaluation of motor carrier safety performance and safety technology.*

Subtitle A—Authorization of Appropriations**SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment**SEC. 311. MODIFIED REPORTING REQUIREMENT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.**

Subsection (a) of section 2925 of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “, RESILIENCY, AND MISSION ASSURANCE” after “ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT”;

(2) by striking paragraphs (2), (3), (4), (5), (6), (7), (8), and (10);

(3) by redesignating paragraphs (9) and (11) as paragraphs (3), and (4), respectively; and

(4) by inserting after paragraph (1), the following:

“(2) A description of the energy savings, return on investment, and enhancements to installation mission assurance realized by the fulfillment of the goals described in paragraph (1).”

SEC. 312. WAIVER AUTHORITY FOR ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

(a) IN GENERAL.—The Secretary of Defense may waive the requirement under section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) if the Secretary determines it is in the national security interest of the United States.

(b) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees not later than 15 days after exercising the waiver authority under subsection (a).

SEC. 313. UTILITY DATA MANAGEMENT FOR MILITARY FACILITIES.

(a) *PILOT PROGRAM.*—The Secretary of Defense, in consultation with the Secretary of Energy, may carry out a pilot program to investigate the use of utility data management services to perform utility bill aggregation, analysis, third-party payment, storage, and distribution for the Department of Defense.

(b) *USE OF FUNDS.*—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance, Navy, for enterprise information, not more than \$250,000 may be obligated or expended to carry out the pilot program under subsection (a).

SEC. 314. ALTERNATIVE TECHNOLOGIES FOR MUNITIONS DISPOSAL.

In carrying out the disposal of munitions in the stockpile of conventional munitions awaiting demilitarization and disposal, the Secretary of the Army may 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. REPORT ON EFFORTS TO REDUCE HIGH ENERGY COSTS AT MILITARY INSTALLATIONS.

(a) *REPORT.*—

(1) *REPORT REQUIRED.*—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the assistant secretaries responsible for installations and environment for the military services and the Defense Logistics Agency, shall submit to the congressional defense committees a report detailing the efforts to achieve cost savings at military installations with high levels of energy intensity.

(2) *ELEMENTS.*—The report required under paragraph (1) shall include the following elements:

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at military installations with high levels of energy intensity.

(B) An assessment of current sources of energy in areas with high energy costs and potential future sources that are technologically feasible, cost-effective, and mission-appropriate for military installations.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with Department of Defense priorities.

(D) An explanation of how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of the extent to which activities administered under the Federal Energy Management Program could be used to assist with the implementation strategy.

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) **COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.**—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the States containing areas of high levels of energy intensity, local communities, and other Federal departments and agencies.

(b) **DEFINITIONS.**—In this section, the term “high levels of energy intensity” means costs for the provision of energy by kilowatt of electricity or British thermal unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

SEC. 316. SENSE OF CONGRESS ON FUNDING DECISIONS RELATING TO CLIMATE CHANGE.

It is the sense of Congress that—

(1) decisions relating to the funding of the Department of Defense for fiscal year 2017 should prioritize the support and enhancement of the combat capabilities of the Department, in addition to seeking efficiency and efficacy;

(2) funds should be allocated among the programs of the Department in the manner that best serves the national security interests of the United States; and

(3) decisions relating to energy efficiency, energy use, and climate change should adhere to the principles described in paragraphs (1) and (2).

Subtitle C—Logistics and Sustainment

SEC. 321. REVISION OF DEPLOYABILITY RATING SYSTEM AND PLANNING REFORM.

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

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

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

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

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

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

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

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

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

“(A) documents all equipment required for deployment;

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

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

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

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1003 of such title is amended by inserting after the item relating to section 10102 the following new item: “10102a. Deployment prioritization and readiness of Army components.”.

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

SEC. 322. REVISION OF GUIDANCE RELATING TO CORROSION CONTROL AND PREVENTION EXECUTIVES.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight for the Department of Defense, shall revise guidance relating to corrosion control and prevention executives to—

(1) clarify the role of each such executive with respect to assisting the Office of Corrosion Policy and Oversight in holding the appropriate project management office in each military department accountable for submitting the annual report required under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note); and

(2) ensure that corrosion control and prevention executives emphasize the reduction of corrosion and the effects of corrosion on the military equipment and infrastructure of the Department of Defense, as required in the long-term strategy of the Department of Defense under section 2228(d) of title 10, United States Code.

(b) **CORROSION CONTROL AND PREVENTION EXECUTIVE DEFINED.**—In this section, the term “corrosion control and prevention executive” means the employee of a military department designated as the corrosion control and prevention executive of the department under section 903(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note).

SEC. 323. PILOT PROGRAM FOR INCLUSION OF CERTAIN INDUSTRIAL PLANTS IN THE ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

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

SEC. 324. REPAIR, RECAPITALIZATION, AND CERTIFICATION OF DRY DOCKS AT NAVAL SHIPYARDS.

(a) **SPECIAL AUTHORITY TO TRANSFER AUTHORIZATIONS.**—In addition to the authority to transfer funds provided under section 1001, the Secretary of Defense may transfer not more than \$250,000,000 of authorizations made available to the Department of Defense in this Act for fiscal year 2017 to the Department of the

Navy for the repair, recapitalization, and certification of dry docks at Government-owned, Government-operated shipyards of the Navy.

(b) *NOTICE TO CONGRESS.*—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

(c) *TERMS AND CONDITIONS.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(2) *EFFECT ON DOLLAR LIMIT.*—A transfer of funds under this section shall not be counted toward the dollar limitation described in section 1001(a)(2).

SEC. 325. PRIVATE SECTOR PORT LOADING ASSESSMENT.

(a) *ASSESSMENTS REQUIRED.*—During the period beginning on the date of the enactment of this Act and ending on the date of the final briefing under subsection (c), the Secretary of the Navy shall conduct quarterly assessments of naval ship maintenance and loading activities carried out by private sector entities at each covered port.

(b) *ELEMENTS OF ASSESSMENTS.*—Each assessment under subsection (a) shall include, with respect to each covered port, the following:

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

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

(3) A description of the methods by which the Secretary communicates projected workloads to private sector entities engaged in ship maintenance activities and ship loading activities.

(4) A description of any processes that have been implemented to allow for timely feedback from private sector entities engaged in ship maintenance activities and ship loading activities.

(c) *BRIEFINGS REQUIRED.*—Not later than 30 days after the date of the enactment of this Act, and on a quarterly basis thereafter until September 30, 2021, the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives (and other congressional defense committees on request)—

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

(2) a chart depicting the information described in paragraphs (1) and (2) of subsection (b) with respect to each covered port.

(d) *COVERED PORTS.*—In this section, the term “covered ports” means port facilities used by the Department of Defense in each of the following locations:

(1) Mayport, Florida.

(2) Norfolk, Virginia.

(3) Pearl Harbor, Hawaii.

(4) Puget Sound, Washington.

(5) San Diego, California.

SEC. 326. STRATEGY ON REVITALIZING ARMY ORGANIC INDUSTRIAL BASE.

(a) *STRATEGY.*—Not later than October 1, 2017, the Secretary of Army shall submit to the congressional defense committees a strategy to revitalize the organic industrial base of the Army.

(b) *ELEMENTS.*—The strategy under subsection (a) shall include, with respect to the organic industrial base of the Army, the following:

(1) A plan to ensure the long-term viability of the organic industrial base.

(2) An assessment of legacy items of the Army that are sustained by the Defense Logistics Agency.

(3) A description of how the organic industrial base may be used to address diminishing manufacturing sources and material shortages.

(4) A description of critical capabilities that are required across the organic industrial base.

(5) An assessment of infrastructure across the organic industrial base.

(6) An assessment of manufacturing sources in the organic industrial base and the private sector.

(7) An explanation of how contracting may be used to meet organic industrial base requirements.

(8) An assessment of current and future workloads across the organic industrial base.

(9) An assessment of the processes used to identify critical capabilities for the organic industrial base and the methods used to determine workloads.

(10) An assessment of existing labor rates.

(11) A description of manufacturing skills that are needed to sustain readiness.

(12) A description of how public-private partnerships may be used to improve the organic industrial base.

(13) A description of how working capital funds may be used to improve the organic industrial base.

(14) An assessment of operating expenses and the potential for reducing or recovering such expenses.

(15) Identification of the tooling, equipment, and facilities upgrades necessary for a facility in the organic industrial base to manufacture the legacy items of the Defense Logistics Agency, including items described in section 333(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 792).

(16) An assessment of the suitability of manufacturing the legacy items of the Defense Logistics Agency in a facility in the organic industrial base.

(c) *DEFINITIONS.*—In this section:

(1) *LEGACY ITEMS.*—The term “legacy items” means manufactured items that are no longer produced by the private sector but continue to be used for weapons systems of the Department of Defense, but does not include information systems and information technology (as those terms are defined in section 11101 of title 40, United States Code).

(2) *ORGANIC INDUSTRIAL BASE.*—The term “organic industrial base” means United States military facilities, including ar-