

senals, depots, munition plants and centers, and storage sites, that advance a vital national security interest by producing, maintaining, repairing, and storing materiel, munitions, and hardware.

Subtitle D—Reports

SEC. 331. MODIFICATIONS TO QUARTERLY READINESS REPORT TO CONGRESS.

(a) **DEADLINE FOR REPORT.**—Subsection (a) of section 482 of title 10, United States Code, is amended by striking “Not later than 45 days after the end of each calendar-year quarter” and inserting “Not later than 30 days after the end of each calendar-year quarter”.

(b) **ELIMINATION OF REPORTING REQUIREMENTS RELATED TO PREPOSITIONED STOCKS AND NATIONAL GUARD CIVIL SUPPORT MISSION READINESS.**—Such section is further amended—

(1) in subsection (a), by striking “subsections (b), (d), (e), (f), (g), (h), and (i)” and inserting “subsections (b), (d), (e), (f), and (g)”;

(2) by striking subsections (d) and (e); and

(3) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), and (i) respectively.

(c) **INCLUSION OF INFORMATION ON CANNIBALIZATION RATES.**—Such section, as amended by subsection (b), is further amended by inserting after subsection (g), as redesignated by paragraph (3) of such subsection (b), the following new subsection:

“(h) **CANNIBALIZATION RATES.**—Each report under this section shall include a separate unclassified report containing the information collected pursuant to section 117(c)(7) of this title.”.

SEC. 332. REPORT ON AVERAGE TRAVEL COSTS OF MEMBERS OF THE RESERVE COMPONENTS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the travel expenses of members of reserve components associated with performing active duty service, active service, full-time National Guard duty, active Guard and Reserve duty, and inactive-duty training, as such terms are defined in section 101(d) of title 10, United States Code. Such report shall include the average annual cost for all travel expenses for a member of a reserve component.

SEC. 333. REPORT ON HH-60G SUSTAINMENT AND COMBAT RESCUE HELICOPTER PROGRAM.

(a) **REPORT ON SUSTAINMENT PLAN.**—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 that sets forth a plan to modernize, sustain training, and conduct depot-level maintenance and repair for all components of the HH-60 helicopter fleet until total force combat rescue units have been fully equipped with HH-60W Combat Rescue Helicopters.

(b) **ELEMENTS.**—The report required by subsection (a) shall include a description of the plans of the Air Force—

(1) to modernize legacy HH-60G combat rescue helicopters;

(2) to maintain the training pipeline for the HH-60G aircrew and the maintenance force required to maintain full readiness through the end of fiscal year 2029; and

(3) to carry out depot-level maintenance and repair (as that term is defined in section 2460 of title 10, United States Code) to ensure the legacy HH-60G fleet of helicopters is maintained to meet readiness rates through the end of fiscal year 2029.

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

Subtitle E—Other Matters

SEC. 341. AIR NAVIGATION MATTERS.

(a) *EXPANSION OF DEFINITION OF STRUCTURES INTERFERING WITH AIR COMMERCE AND NATIONAL DEFENSE.*—

(1) *NOTICE.*—Section 44718(a) of title 49, United States Code, is amended—

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

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

(C) by adding at the end the following:

“(3) the interests of national security, as determined by the Secretary of Defense.”.

(2) *STUDIES.*—Section 44718(b) of title 49, United States Code, is amended to read as follows:

“(b) *STUDIES.*—

“(1) *IN GENERAL.*—Under regulations prescribed by the Secretary, if the Secretary decides that constructing or altering a structure may result in an obstruction of the navigable airspace, an interference with air navigation facilities and equipment or the navigable airspace, or, after consultation with the Secretary of Defense, an adverse impact on military operations and readiness, the Secretary of Transportation shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall—

“(A) consider factors relevant to the efficient and effective use of the navigable airspace, including—

“(i) the impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;

“(ii) the impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;

“(iii) the impact on existing public-use airports and aeronautical facilities;

“(iv) the impact on planned public-use airports and aeronautical facilities;

“(v) the cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures; and

“(vi) other factors relevant to the efficient and effective use of navigable airspace; and

“(B) include the finding made by the Secretary of Defense under subsection (f).

(2) *REPORT.*—On completing the study, the Secretary of Transportation shall issue a report disclosing the extent of the—

“(A) adverse impact on the safe and efficient use of the navigable airspace that the Secretary finds will result from constructing or altering the structure; and

“(B) unacceptable risk to the national security of the United States, as determined by the Secretary of Defense under subsection (f).

“(3) SEVERABILITY.—A determination by the Secretary of Transportation on hazard to air navigation under this section shall remain independent of a determination of unacceptable risk to the national security of the United States by the Secretary of Defense under subsection (f).”

(3) NATIONAL SECURITY FINDING; DEFINITIONS.—Section 44718 of title 49, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY FINDING.—As part of an aeronautical study conducted under subsection (b), the Secretary of Defense shall—

“(1) make a finding on whether the construction, alteration, establishment, or expansion of a structure or sanitary landfill included in the study would result in an unacceptable risk to the national security of the United States; and

“(2) transmit the finding to the Secretary of Transportation for inclusion in the report required under subsection (b)(2).

“(g) DEFINITIONS.—In this section, the following definitions apply:

“(1) ADVERSE IMPACT ON MILITARY OPERATIONS AND READINESS.—The term ‘adverse impact on military operations and readiness’ has the meaning given the term in section 211.3 of title 32, Code of Federal Regulations, as in effect on January 6, 2014.

“(2) UNACCEPTABLE RISK TO THE NATIONAL SECURITY OF THE UNITED STATES.—The term ‘unacceptable risk to the national security of the United States’ has the meaning given the term in section 211.3 of title 32, Code of Federal Regulations, as in effect on January 6, 2014.”

(4) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—Section 44718 of title 49, United States Code, is amended in the section heading by inserting “**or national security**” after “**air commerce**”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 447 of title 49, United States Code, is amended by striking the item relating to section 44718 and inserting the following:

“44718. Structures interfering with air commerce or national security.”

(b) PERFORMANCE-BASED NAVIGATION.—Section 213(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is amended by adding at the end the following:

“(3) NOTIFICATIONS AND CONSULTATIONS.—Not later than 90 days before applying a categorical exclusion under this subsection to a new procedure at an OEP airport, the Administrator shall—

“(A) notify and consult with the operator of the airport at which the procedure would be implemented; and

“(B) consider consultations or other engagement with the community in the which the airport is located to inform the public of the procedure.

“(4) REVIEW OF CERTAIN CATEGORICAL EXCLUSIONS.—

“(A) IN GENERAL.—The Administrator shall review any decision of the Administrator made on or after February 14, 2012, and before the date of the enactment of this paragraph to grant a categorical exclusion under this subsection with respect to a procedure to be implemented at an OEP airport that was a material change from procedures previously in effect at the airport to determine if the implementation of the procedure had a significant effect on the human environment in the community in which the airport is located.

“(B) CONTENT OF REVIEW.—If, in conducting a review under subparagraph (A) with respect to a procedure implemented at an OEP airport, the Administrator, in consultation with the operator of the airport, determines that implementing the procedure had a significant effect on the human environment in the community in which the airport is located, the Administrator shall—

“(i) consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment; and

“(ii) in conducting such consultations, consider the use of alternative flight paths that do not substantially degrade the efficiencies achieved by the implementation of the procedure being reviewed.

“(C) HUMAN ENVIRONMENT DEFINED.—In this paragraph, the term ‘human environment’ has the meaning given such term in section 1508.14 of title 40, Code of Federal Regulations (as in effect on the day before the date of the enactment of this paragraph).”.

SEC. 342. CONTRACT WORKING DOGS.

(a) REQUIRED CONTRACT CLAUSE.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2410r. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life

“(a) IN GENERAL.—Each contract entered into by the Secretary of Defense for the provision of a contract working dog shall require that the dog be transferred to the 341st Training Squadron after the service life of the dog has terminated as described in subsection (b) for reclassification as a military animal and placement for adoption in accordance with section 2583 of this title.

“(b) SERVICE LIFE.—The service life of a contract working dog has terminated and the dog is available for transfer to the 341st Training Squadron pursuant to a contract under subsection (a) only if the contracting officer concerned has determined that—

“(1) the final contractual obligation of the dog preceding such transfer is with the Department of Defense; and

“(2) the dog cannot be used by another department or agency of the Federal Government due to age, injury, or performance.

“(c) **CONTRACT WORKING DOG.**—In this section, the term ‘contract working dog’ means a dog—

“(1) that performs a service for the Department of Defense pursuant to a contract; and

“(2) that is trained and kenneled by an entity that provides such a dog pursuant to such a contract.”.

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

“2410r. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life.”.

(b) **INCLUSION IN DEFINITION OF MILITARY ANIMAL.**—Paragraph (1) of section 2583(h) of title 10, United States Code, is amended to read as follows:

“(1) A military working dog, which may include a contract working dog (as such term is defined in section 2410r) that has been transferred to the 341st Training Squadron.”.

SEC. 343. PLAN, FUNDING DOCUMENTS, AND MANAGEMENT REVIEW RELATING TO EXPLOSIVE ORDNANCE DISPOSAL.

(a) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop a plan to establish an explosive ordnance disposal program in the Department of Defense to ensure close and continuous coordination among the military departments on matters relating to explosive ordnance disposal.

(2) **ROLES, RESPONSIBILITIES, AND AUTHORITIES.**—The plan under paragraph (1) shall include provisions under which—

(A) the Secretary of Defense shall—

(i) assign responsibility for the coordination and integration of explosive ordnance disposal to a joint office or entity in the Office of the Secretary of Defense; and

(ii) designate the Secretary of the Navy (or a designee of the Secretary of the Navy) as the executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation activities and procurement activities of the military departments relating to explosive ordnance disposal; and

(B) the Secretary of each military department shall assess the needs of the military department concerned with respect to explosive ordnance disposal and may carry out research, development, test, and evaluation activities and procurement activities to address such needs.

(b) **ANNUAL EXPLOSIVE ORDNANCE DISPOSAL FUNDING DOCUMENTS.**—

(1) **IN GENERAL.**—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year after fiscal year 2017, a consolidated funding display, in classified and unclassified form, that identifies the funding source for all explosive ordnance disposal activities within the Department of Defense.

(2) *ELEMENTS.*—The funding display under paragraph (1) for a fiscal year shall include a single program element from each military department for each of the following:

(A) Research, development, test, and evaluation.

(B) Procurement.

(C) Operation and maintenance.

(D) Any other program element used to fund explosive ordnance disposal activities (but not including any program element relating to military construction).

(c) *MANAGEMENT REVIEW AND ASSESSMENT.*—

(1) *IN GENERAL.*—The Secretary of Defense shall review and assess the effectiveness of current management structures in supporting the explosive ordnance disposal needs of the combatant commands and the military departments.

(2) *ELEMENTS.*—The review and assessment under paragraph (1) shall include the following:

(A) A review of the organizational structures and responsibilities within the Office of the Secretary of Defense that provide policy and oversight of the policies, programs, acquisition activities, and personnel of the military departments relating to explosive ordnance disposal.

(B) A review of the organizational structures and responsibilities within the military departments that—

(i) man, equip, and train explosive ordnance disposal forces; and

(ii) support such forces with manpower, technology, equipment, and readiness.

(C) A review of the organizational structures and responsibilities of the Secretary of the Navy as the executive agent for explosive ordnance disposal technology and training.

(D) Budget displays for each military department that support research, development, test, and evaluation; procurement; and operation and maintenance, relating to explosive ordnance disposal.

(E) An assessment of the adequacy of the organizational structures and responsibilities and the alignment of funding within the military departments in supporting the needs of the combatant commands and the military departments with respect to explosive ordnance disposal.

(d) *BRIEFING.*—Not later than March 1, 2017, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(1) details of the plan required under subsection (a);

(2) the results of the review and assessment under subsection (c);

(3) a description of any measures undertaken to improve joint coordination, oversight, and management of programs relating to explosive ordnance disposal;

(4) recommendations to the Secretary to improve the capabilities and readiness of explosive ordnance disposal forces; and

(5) an explanation of the advantages and disadvantages of assigning responsibility for the coordination and integration of explosive ordnance disposal to a single joint office or entity in the Office of the Secretary of Defense.

(e) **DEFINITIONS.**—*In this section:*

(1) **EXPLOSIVE ORDNANCE.**—*The term “explosive ordnance” means any munition containing explosives, nuclear fission or fusion materials, or biological or chemical agents, including—*

- (A) bombs and warheads;
- (B) guided and ballistic missiles;
- (C) artillery, mortar, rocket, and small arms munitions;
- (D) mines, torpedoes, and depth charges;
- (E) demolition charges;
- (F) pyrotechnics;
- (G) clusters and dispensers;
- (H) cartridge and propellant actuated devices;
- (I) electro-explosive devices; and
- (J) clandestine and improvised explosive devices.

(2) **DISPOSAL.**—*The term “disposal” means, with respect to explosive ordnance, the detection, identification, field evaluation, defeat, disablement, or rendering safe, recovery and exploitation, and final disposition of the ordnance.*

SEC. 344. PROCESS FOR COMMUNICATING AVAILABILITY OF SURPLUS AMMUNITION.

(a) **IN GENERAL.**—*The Secretary of Defense shall implement a formal process to provide Federal Government agencies outside the Department of Defense with information on the availability of surplus, serviceable ammunition from the Department of Defense for the purpose of reducing costs relating to the storage and disposal of such ammunition.*

(b) **IMPLEMENTATION DEADLINE.**—*The Secretary shall implement the process described in subsection (a) beginning not later than 180 days after the date of the enactment of this Act.*

SEC. 345. MITIGATION OF RISKS POSED BY WINDOW COVERINGS WITH ACCESSIBLE CORDS IN CERTAIN MILITARY HOUSING UNITS.

(a) **REMOVAL OF CERTAIN WINDOW COVERINGS.**—*Not later than three years after the date of enactment of this Act, the Secretary of Defense shall remove and replace disqualified window coverings from—*

- (1) *military housing units owned by the Department of Defense in which children under the age of 9 may reside; and*
- (2) *military housing units leased by the Department of Defense in which children under the age of 9 may reside if the lease for such units requires the Department to provide window coverings.*

(b) **PROHIBITION ON DISQUALIFIED WINDOW COVERINGS IN MILITARY HOUSING UNITS ACQUIRED OR CONSTRUCTED BY CONTRACT.**—*All contracts entered into by the Secretary of Defense after September 30, 2017, for the acquisition or construction of military family housing, including military family housing acquired or constructed pursuant to subchapter IV of chapter 169 of title 10, United States Code, shall prohibit the use of disqualified window coverings in such housing.*

(c) **DISQUALIFIED WINDOW COVERING DEFINED.**—*In this section, the term “disqualified window covering” means—*

- (1) *a window covering with an accessible cord that exceeds 8 inches in length; or*

(2) a window covering with an accessible continuous loop cord that does not have a cord tension device that prevents operation when the cord is not anchored to the wall.

SEC. 346. ACCESS TO MILITARY INSTALLATIONS BY TRANSPORTATION COMPANIES.

(a) *IN GENERAL.*—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish policies under which covered drivers may be authorized to access military installations.

(b) *ELEMENTS.*—The policies established under subsection (a)—

(1) shall include the terms and conditions under which a covered driver may be authorized to access a military installation;

(2) may require a transportation company and a covered driver to enter into a written agreement with the Department of Defense as a precondition for obtaining authorization to access a military installation;

(3) shall be consistent across military installations, to the extent practicable;

(4) shall be designed to promote the expeditious entry of covered drivers onto military installations for purposes of providing commercial transportation services;

(5) shall place appropriate restrictions on entry into sensitive areas of military installations;

(6) shall be designed, to the extent practicable, to give covered drivers access to barracks areas, housing areas, temporary lodging facilities, hospitals, and community support facilities;

(7) shall require transportation companies—

(A) to track, in real-time, the location of the entry and exit of covered drivers onto and off of military installations; and

(B) to provide, on demand, the information described in subparagraph (A) to appropriate personnel and agencies of the Department; and

(8) shall take into account force protection requirements and ensure the protection and safety of members of the Armed Forces, civilian employees of the Department of Defense, and the families of such members and employees.

(c) *CONFIDENTIALITY OF INFORMATION.*—The Secretary shall ensure that any information provided to the Department by a transportation company under subsection (b)(7)—

(1) is treated as confidential and proprietary information of the company that is exempt from public disclosure pursuant to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”); and

(2) except as provided in subsection (b)(7), is not disclosed to any person or entity without the express written consent of the company unless disclosure of such information is required by a court order.

(d) *DEFINITIONS.*—In this section:

(1) *TRANSPORTATION COMPANY.*—The term “transportation company” means a corporation, partnership, sole proprietorship, or other entity outside of the Department of Defense that provides a commercial transportation service to a rider, including a company that uses a digital network to connect riders to

covered drivers for the purpose of providing such transportation service.

(2) **COVERED DRIVER.**—The term “covered driver”—

(A) means an individual—

(i) who is an employee of a transportation company or who is affiliated with a transportation company; and

(ii) who provides a commercial transportation service to a rider; and

(B) includes a vehicle operated by such individual for the purpose of providing such service.

SEC. 347. ACCESS TO WIRELESS HIGH-SPEED INTERNET AND NETWORK CONNECTIONS FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—In providing members of the Armed Forces with access to high-speed wireless Internet and network connections at military installations outside the United States, the Secretary of Defense may provide such access without charge to the members and their dependents.

(b) **CONTRACT AUTHORITY.**—The Secretary may enter into contracts for the purpose of carrying out subsection (a).

SEC. 348. LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for Operation and Maintenance, Defense-wide, for the Office of the Under Secretary of Defense for Intelligence, not more than 90 percent may be obligated or expended until the Secretary of Defense issues guidance on the process by which members of the Armed Forces may carry an appropriate firearm on a military installation, as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 813; 10 U.S.C. 2672 note).

SEC. 349. LIMITATION ON DEVELOPMENT AND FIELDING OF NEW CAMOUFLAGE AND UTILITY UNIFORMS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended to develop or field new camouflage uniforms, new utility uniforms, or new families of uniforms until the date that is one year after the date on which the Secretary of Defense submits to the congressional defense committees notice of the intent of the Secretary to develop or field such uniforms.

SEC. 350. PLAN FOR IMPROVED DEDICATED ADVERSARY AIR TRAINING ENTERPRISE OF THE AIR FORCE.

(a) **IN GENERAL.**—The Chief of Staff of the Air Force shall develop a plan for an improved dedicated adversary air training enterprise for the Air Force—

(1) to maximize warfighting effectiveness and synergies of the current and planned fourth and fifth generation combat air forces through optimized training and readiness;

(2) to harness intelligence analysis, emerging live-virtual-constructive training technologies, range infrastructure improvements, and results of experimentation and prototyping efforts in operational concept development;

(3) to challenge the combat air forces of the Air Force with threat representative adversary-to-friendly aircraft ratios, known and emerging adversary tactics, and high fidelity replication of threat airborne and ground capabilities; and

(4) to achieve training and readiness goals and objectives of the Air Force with demonstrated institutional commitment to the adversary air training enterprise through the application of Air Force policy and resources, partnering with the other Armed Forces, allies, and friends, and employing the use of industry contracted services.

(b) **ELEMENTS.**—The plan under subsection (a) shall include, with respect to an improved dedicated adversary air training enterprise, the following:

(1) Goals and objectives.

(2) Concepts of operations.

(3) Timelines for the phased implementation of the enterprise.

(4) Analysis of readiness improvements that may result from the enterprise.

(5) Prioritized resource requirements.

(6) Such other matters as the Chief of Staff considers appropriate.

(c) **WRITTEN PLAN AND BRIEFING.**—Not later than March 3, 2017, the Chief of Staff shall provide to the Committees on Armed Services of the Senate and the House of Representatives—

(1) a written version of the plan developed under subsection (a); and

(2) a briefing on such plan.

SEC. 351. INDEPENDENT REVIEW AND ASSESSMENT OF THE READY AIRCREW PROGRAM OF THE AIR FORCE.

(a) **INDEPENDENT REVIEW AND ASSESSMENT.**—The Secretary of the Air Force shall enter into a contract with an independent entity with appropriate expertise—

(1) to conduct a review and assessment of—

(A) the assumptions underlying the annual continuation training requirements of the Air Force; and

(B) the overall effectiveness of the Ready Aircrew Program of the Air Force in managing aircrew training requirements; and

(2) to make recommendations for the improved management of such training requirements.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the review and assessment conducted under subsection (a).

(2) **ELEMENTS.**—The report under paragraph (1) shall include an examination of the following:

(A) For the aircrews of each type of combat aircraft and by mission type—

(i) the number of sorties required to reach minimum and optimal levels of proficiency, respectively;

(ii) the optimal mix of live and virtual training sorties; and

(iii) the optimal mix of experienced aircrews versus inexperienced aircrews.

(B) The availability of assets and infrastructure to support the achievement of aircrew proficiency levels and an explanation of any requirements relating to such assets and infrastructure.

(C) The accumulated flying hours or other measurements used to determine if an aircrew qualifies for designation as an experienced aircrew, and whether different measurements should be used.

(D) Any actions taken or planned to be taken to implement recommendations resulting from the independent review and assessment under subsection (a), including an estimate of the resources required to implement such recommendations.

(E) Any other matters the Secretary determines are appropriate to ensure a comprehensive review and assessment.

(c) **COMPTROLLER GENERAL REVIEW.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall submit to the congressional defense committees a review of the report described in subsection (b). Such review shall include an assessment of—

(A) the extent to which the report addressed the elements described in paragraph (2) of such subsection;

(B) the adequacy and completeness of the assumptions reviewed to establish the annual training requirements of the Air Force;

(C) any actions the Air Force plans to carry out to incorporate the results of the report into annual training documents; and

(D) any other matters the Comptroller General determines are relevant.

(2) **BRIEFING.**—Not later than 60 days after the date on which the Secretary of the Air Force submits the report under subsection (b) and prior to submitting the review required under paragraph (1), the Comptroller General shall provide a briefing to the congressional defense committees on the preliminary results of the review conducted under such paragraph.

SEC. 352. STUDY ON SPACE-AVAILABLE TRAVEL SYSTEM OF THE DEPARTMENT OF DEFENSE.

(a) **STUDY REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct an independent study on the space-available travel system of the Department of Defense.

(b) **REPORT REQUIRED.**—Not later than 180 days after entering into a contract with a federally funded research and development center under subsection (a), the Secretary shall submit to the congressional defense committees a report summarizing the results of the study conducted under such subsection.

(c) **ELEMENTS.**—The report under subsection (b) shall include, with respect to the space-available travel system, the following:

(1) A determination of—

(A) the capacity of the system as of the date of the enactment of this Act;

(B) the projected capacity of the system for the 10-year period following such date of enactment; and

(C) the projected number of reserve retirees, active duty retirees, and dependents of such retirees that will exist by the end of such 10-year period.

(2) Estimates of system capacity based the projections described in paragraph (1).

(3) A discussion of the efficiency of the system and data regarding the use of available space with respect to each category of passengers eligible for space-available travel under existing regulations.

(4) A description of the effect on system capacity if eligibility for space-available travel is extended to—

(A) drilling reserve component personnel and dependents of such personnel on international flights;

(B) dependents of reserve component retirees who are less than 60 years of age;

(C) retirees who are less than 60 years of age on international flights;

(D) drilling reserve component personnel traveling to drilling locations; and

(E) members or former members of the Armed Forces who have a disability rated as total, if space-available travel is provided to such members on the same basis as such travel is provided to members of the Armed Forces entitled to retired or retainer pay.

(5) A discussion of logistical and management problems, including congestion at terminals, waiting times, lodging availability, and personal hardships experienced by travelers.

(6) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(7) An evaluation of the feasibility of expanding the categories of passengers eligible for space-available travel to include—

(A) in the case of overseas travel, retired members of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 of title 10, United States Code, would be eligible for retired pay under chapter 1223 of such title;

(B) unremarried widows and widowers of active or reserve component members of the Armed Forces; and

(C) members or former members of the Armed Forces who have a disability rated as total, if space-available travel is provided to such members on the same basis as such travel is provided to members of the Armed Forces entitled to retired or retainer pay.

(8) Such other factors relating to the efficiency and cost of the system as the Secretary determines to be appropriate.

(d) **ADDITIONAL RESPONSIBILITIES.**—In addition to carrying out subsections (a) through (c), the Secretary of Defense shall—

(1) analyze the methods used to prioritize among the categories of individuals eligible for space-available travel and make recommendations for—

(A) re-ordering the priority of such categories; and

- (B) adding additional categories of eligible individuals;
and
(2) collect data on travelers who request but do not obtain available travel spaces under the space-available travel system.
(e) *DISABILITY RATED AS TOTAL DEFINED.*—In this section, the term “disability rated as total” has the meaning given the term in section 1414(e)(3) of title 10, United States Code.

SEC. 353. EVALUATION OF MOTOR CARRIER SAFETY PERFORMANCE AND SAFETY TECHNOLOGY.

(a) *IN GENERAL.*—The Secretary of Defense shall evaluate the need for proven safety technology in vehicles transporting shipments under the Transportation Protective Services program of the United States Transportation Command, including—

- (1) electronic logging devices;
- (2) roll stability control;
- (3) forward collision avoidance systems;
- (4) lane departure warning systems; and
- (5) speed limiters.

(b) *CONSIDERATIONS.*—In carrying out subsection (a), the Secretary shall—

- (1) consider the need to avoid catastrophic accidents and exposure of security-sensitive materials; and
- (2) take into the account the findings of the Government Accountability Office report numbered GAO-16-82 and titled “Defense Transportation; DoD Needs to Improve the Evaluation of Safety and Performance Information for Carriers Transporting Security-Sensitive Materials”.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. *End strengths for active forces.*
Sec. 402. *Revisions in permanent active duty end strength minimum levels.*

Subtitle B—Reserve Forces

- Sec. 411. *End strengths for Selected Reserve.*
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Subtitle C—Authorization of Appropriations

- Sec. 421. *Military personnel.*

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

- (1) The Army, 476,000.
- (2) The Navy, 323,900.
- (3) The Marine Corps, 185,000.
- (4) The Air Force, 321,000.

SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

- “(1) For the Army, 476,000.
- “(2) For the Navy, 323,900.
- “(3) For the Marine Corps, 185,000.
- “(4) For the Air Force, 321,000.”.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

- (1) The Army National Guard of the United States, 343,000.
- (2) The Army Reserve, 199,000.
- (3) The Navy Reserve, 58,000.
- (4) The Marine Corps Reserve, 38,500.
- (5) The Air National Guard of the United States, 105,700.
- (6) The Air Force Reserve, 69,000.
- (7) The Coast Guard Reserve, 7,000.

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

- (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and
- (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

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

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

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

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

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

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

(a) *IN GENERAL.*—The authorized number of military technicians (dual status) as of September 30, 2017, for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

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

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

(b) *VARIANCE.*—Notwithstanding section 115 of title 10, United States Code, the end strength prescribed by subsection (a) for a reserve component specified in that subsection may be increased—

(1) by 3 percent, upon determination by the Secretary of Defense that such action is in the national interest; and

(2) by 2 percent, upon determination by the Secretary of the military department concerned that such action would enhance manning and readiness in essential units or in critical specialties or ratings.

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

(a) *LIMITATIONS.*—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 416. TECHNICAL CORRECTIONS TO ANNUAL AUTHORIZATION FOR PERSONNEL STRENGTHS.

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

- (1) in subsection (b)(1)—*
 - (A) in subparagraph (B), by striking “502(f)(2)” and inserting “502(f)(1)(B)”;* and
 - (B) in subparagraph (C), by striking “502(f)(2)” and inserting “502(f)(1)(B)”;* and
- (2) in subsection (i)(7), by striking “502(f)(1)” and inserting “502(f)(1)(A)”.*

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) 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 military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2017.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Reduction in number of general and flag officers on active duty and authorized strength after December 31, 2022, of such general and flag officers.*
- Sec. 502. Repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces.*
- Sec. 503. Number of Marine Corps general officers.*
- Sec. 504. Promotion eligibility period for officers whose confirmation of appointment is delayed due to nonavailability to the Senate of probative information under control of non-Department of Defense agencies.*
- Sec. 505. Continuation of certain officers on active duty without regard to requirement for retirement for years of service.*
- Sec. 506. Equal consideration of officers for early retirement or discharge.*
- Sec. 507. Modification of authority to drop from rolls a commissioned officer.*
- Sec. 508. Extension of force management authorities allowing enhanced flexibility for officer personnel management.*
- Sec. 509. Pilot programs on direct commissions to cyber positions.*
- Sec. 510. Length of joint duty assignments.*
- Sec. 510A. Revision of definitions used for joint officer management.*

Subtitle B—Reserve Component Management

- Sec. 511. Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau.*
- Sec. 512. Rights and protections available to military technicians.*
- Sec. 513. Inapplicability of certain laws to National Guard technicians performing active Guard and Reserve duty.*
- Sec. 514. Extension of removal of restrictions on the transfer of officers between the active and inactive National Guard.*
- Sec. 515. Extension of temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training.*
- Sec. 516. Expansion of eligibility for deputy commander of combatant command having United States among geographic area of responsibility to include officers of the Reserves.*

Subtitle C—General Service Authorities

- Sec. 521. Matters relating to provision of leave for members of the Armed Forces, including prohibition on leave not expressly authorized by law.*

- Sec. 522. Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations.*
- Sec. 523. Expansion of authority to execute certain military instruments.*
- Sec. 524. Medical examination before administrative separation for members with post-traumatic stress disorder or traumatic brain injury in connection with sexual assault.*
- Sec. 525. Reduction of tenure on the temporary disability retired list.*
- Sec. 526. Technical correction to voluntary separation pay and benefits.*
- Sec. 527. Consolidation of Army marketing and pilot program on consolidated Army recruiting.*

Subtitle D—Member Whistleblower Protections and Correction of Military Records

- Sec. 531. Improvements to whistleblower protection procedures.*
- Sec. 532. Modification of whistleblower protection authorities to restrict contrary findings of prohibited personnel action by the Secretary concerned.*
- Sec. 533. Availability of certain Correction of Military Records and Discharge Review Board information through the Internet.*
- Sec. 534. Improvements to authorities and procedures for the correction of military records.*
- Sec. 535. Treatment by discharge review boards of claims asserting post-traumatic stress disorder or traumatic brain injury in connection with combat or sexual trauma as a basis for review of discharge.*
- Sec. 536. Comptroller General of the United States review of integrity of Department of Defense whistleblower program.*

Subtitle E—Military Justice and Legal Assistance Matters

- Sec. 541. United States Court of Appeals for the Armed Forces.*
- Sec. 542. Effective prosecution and defense in courts-martial and pilot programs on professional military justice development for judge advocates.*
- Sec. 543. Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.*
- Sec. 544. Extension of the requirement for annual report regarding sexual assaults and coordination with release of Family Advocacy Program report.*
- Sec. 545. Metrics for evaluating the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.*
- Sec. 546. Training for Department of Defense personnel who investigate claims of retaliation.*
- Sec. 547. Notification to complainants of resolution of investigations into retaliation.*
- Sec. 548. Modification of definition of sexual harassment for purposes of investigations by commanding officers of complaints of harassment.*
- Sec. 549. Improved Department of Defense prevention of and response to hazing in the Armed Forces.*

Subtitle F—National Commission on Military, National, and Public Service

- Sec. 551. Purpose, scope, and definitions.*
- Sec. 552. Preliminary report on purpose and utility of registration system under Military Selective Service Act.*
- Sec. 553. National Commission on Military, National, and Public Service.*
- Sec. 554. Commission hearings and meetings.*
- Sec. 555. Principles and procedure for Commission recommendations.*
- Sec. 556. Executive Director and staff.*
- Sec. 557. Termination of Commission.*

Subtitle G—Member Education, Training, Resilience, and Transition

- Sec. 561. Modification of program to assist members of the Armed Forces in obtaining professional credentials.*
- Sec. 562. Inclusion of alcohol, prescription drug, opioid, and other substance abuse counseling as part of required pre-separation counseling.*
- Sec. 563. Inclusion of information in Transition Assistance Program regarding effect of receipt of both veteran disability compensation and voluntary separation pay.*
- Sec. 564. Training under Transition Assistance Program on career and employment opportunities associated with transportation security cards.*
- Sec. 565. Extension of suicide prevention and resilience program.*
- Sec. 566. Congressional notification in advance of appointments to service academies.*

- Sec. 567. Report and guidance on Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives for members of the Armed Forces who are being separated.
- Sec. 568. Military-to-mariner transition.

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

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 572. One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies.
- Sec. 573. Annual notice to members of the Armed Forces regarding child custody protections guaranteed by the Servicemembers Civil Relief Act.
- Sec. 574. Requirement for annual Family Advocacy Program report regarding child abuse and domestic violence.
- Sec. 575. Reporting on allegations of child abuse in military families and homes.
- Sec. 576. Repeal of Advisory Council on Dependents' Education.
- Sec. 577. Support for programs providing camp experience for children of military families.
- Sec. 578. Comptroller General of the United States assessment and report on Exceptional Family Member Programs.
- Sec. 579. Impact aid amendments.

Subtitle I—Decorations and Awards

- Sec. 581. Posthumous advancement of Colonel George E. "Bud" Day, United States Air Force, on the retired list.
- Sec. 582. Authorization for award of medals for acts of valor during certain contingency operations.
- Sec. 583. Authorization for award of the Medal of Honor to Gary M. Rose and James C. McCloughan for acts of valor during the Vietnam War.
- Sec. 584. Authorization for award of Distinguished-Service Cross to First Lieutenant Melvin M. Spruiell for acts of valor during World War II.
- Sec. 585. Authorization for award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor during World War II.
- Sec. 586. Review regarding award of Medal of Honor to certain Asian American and Native American Pacific Islander war veterans.

Subtitle J—Miscellaneous Reports and Other Matters

- Sec. 591. Repeal of requirement for a chaplain at the United States Air Force Academy appointed by the President.
- Sec. 592. Extension of limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
- Sec. 593. Annual reports on progress of the Army and the Marine Corps in integrating women into military occupational specialities and units recently opened to women.
- Sec. 594. Report on feasibility of electronic tracking of operational active-duty service performed by members of the Ready Reserve of the Armed Forces.
- Sec. 595. Report on discharge by warrant officers of pilot and other flight officer positions in the Navy, Marine Corps, and Air Force currently discharged by commissioned officers.
- Sec. 596. Body mass index test.
- Sec. 597. Report on career progression tracks of the Armed Forces for women in combat arms units.

Subtitle A—Officer Personnel Policy

SEC. 501. REDUCTION IN NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AND AUTHORIZED STRENGTH AFTER DECEMBER 31, 2022, OF SUCH GENERAL AND FLAG OFFICERS.

(a) REDUCTION IN NUMBER OF GENERAL AND FLAG OFFICERS BY DECEMBER 31, 2022.—

(1) REQUIRED REDUCTION.—Except as otherwise provided by an Act enacted after the date of the enactment of this Act that expressly modifies the requirements of this paragraph, by not later than December 31, 2022, the Secretary of Defense shall

reduce the number of general and flag officers on active duty by 110 from the aggregate authorized number of general and flag officers authorized by sections 525 and 526 of title 10, United States Code, as of December 31, 2015.

(2) *DISTRIBUTION OF AUTHORIZED POSITIONS.*—Effective as of December 31, 2022, and reflecting the reduction required by paragraph (1), authorized general and flag officer positions shall be distributed among the Army, Navy, Air Force, Marine Corps, and joint pool as follows:

(A) The Army is authorized 220 positions in the general officer grades.

(B) The Navy is authorized 151 positions in the flag officer grades.

(C) The Air Force is authorized 187 positions in the general officer grades.

(D) The Marine Corps is authorized 62 positions in the general officer grades.

(E) The joint pool is authorized 232 positions in the general or flag officer grades, to be distributed as follows:

(i) 82 positions in the general officer grades from the Army.

(ii) 60 positions in the flag officer grades from the Navy.

(iii) 69 positions in the general officer grades from the Air Force.

(iv) 21 positions in the general officer grades from the Marine Corps.

(3) *TEMPORARY ADDITIONAL JOINT POOL ALLOCATION.*—In addition to the positions authorized by paragraph (2), the 30 general and flag officer positions designated for overseas contingency operations are authorized as an additional maximum temporary allocation to the joint pool.

(b) *PLAN TO ACHIEVE REQUIRED REDUCTION AND DISTRIBUTION.*—

(1) *PLAN REQUIRED.*—Utilizing the study conducted under subsection (c), the Secretary of Defense shall develop a plan to achieve, by the date specified in subsection (a)(1)—

(A) the reduction required by such subsection in the number of general and flag officers; and

(B) the distribution of authorized positions required by subsection (a)(2).

(2) *SUBMISSION OF PLAN.*—When the budget for the Department of Defense for fiscal year 2019 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan developed under this subsection.

(3) *PROGRESS REPORTS.*—The Secretary of Defense shall include with the budget for the Department of Defense for each of fiscal years 2020, 2021, and 2022 a report describing and assessing the progress of the Secretary in implementing the plan developed under this subsection.

(c) *STUDY FOR PURPOSES OF PLAN.*—

(1) *STUDY REQUIRED.*—For purposes of complying with subsection (a) and preparing the plan required by subsection (b),

the Secretary of Defense shall conduct a comprehensive and deliberate global manpower study of requirements for general and flag officers with the goal of identifying—

(A) the requirement justification for each general or flag officer position in terms of overall force structure, scope of responsibility, command and control requirements, and force readiness and execution;

(B) an additional 10 percent reduction in the aggregate number of authorized general officer and flag officer positions after the reductions required by subsection (a); and

(C) an appropriate redistribution of all general officer and flag officer positions within the reductions so identified.

(2) SUBMISSION OF STUDY RESULTS.—Not later than April 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of the study conducted under this subsection, including the justification for general and flag officer position to be retained and the reductions identified by general and flag officer position.

(3) INTERIM REPORT.—If practicable before the date specified in paragraph (2), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report describing the progress made toward the completion of the study under this subsection, including—

(A) the specific general and flag officer positions that have been evaluated;

(B) the results of that evaluation; and

(C) recommendations for achieving the additional 10 percent reduction in the aggregate number of authorized general officer and flag officer positions to be identified under paragraph (1)(C) and recommendations for redistribution of general and flag officer positions that have been developed to that point.

(d) EXCLUSIONS.—

(1) RELATED TO JOINT DUTY ASSIGNMENTS.—For purposes of complying with subsection (a), the Secretary of Defense may exclude—

(A) a general or flag officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but not more than three officers on active duty from each Armed Force may be covered by the additional extension at the same time; and

(B) the number of officers required to serve in joint duty assignments for each Armed Force as authorized by the Secretary under section 526a(b) of title 10, United States Code, as added by subsection (h) of this section.

(2) RELATED TO RELIEF FROM CHIEF OF STAFF DUTY.—For purposes of complying with subsection (a), the Secretary of Defense may exclude an officer who continues to hold the grade of general or admiral under section 601(b)(5) of title 10, United

States Code, after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps.

(3) *RELATED TO RETIREMENT, SEPARATION, RELEASE, OR RELIEF.*—For purposes of complying with subsection (a), the Secretary of Defense may exclude the following officers:

(A) *An officer of an Armed Force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer.*

(B) *An officer of an Armed Force who has been relieved from a position designated under section 601(a) of title 10, United States Code, or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.*

(e) *SECRETARIAL AUTHORITY TO GRANT EXCEPTIONS TO LIMITATIONS.*—

(1) *IN GENERAL.*—Subject to paragraph (2), the Secretary of Defense may alter the reduction otherwise required by subsection (a)(1) in the number of general and flag officer or the distribution of authorized positions otherwise required by subsection (a)(2) in the interest of the national security of the United States.

(2) *NOTICE TO CONGRESS OF EXCEPTIONS.*—Not later than 30 days after authorizing a number of general or flag officers in excess of the number required as a result of the reduction required by subsection (a)(1) or altering the distribution of authorized positions under subsection (a)(2), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives written notice of such exception, including a statement of the reason for such exception and the anticipated duration of the exception.

(f) *ORDERLY TRANSITION FOR OFFICERS RECENTLY ASSIGNED TO POSITIONS TO BE ELIMINATED.*—

(1) *COVERED OFFICERS.*—In order to provide an orderly transition for personnel in general or flag officer positions to be eliminated pursuant to the plan prepared under subsection (b), any general or flag officer who has not completed, as of December 31, 2022, at least 24 months in a position to be eliminated pursuant to the plan may remain in the position until the last day of the month that is 24 months after the month in which the officer assumed the duties of the position.

(2) *REPORT TO CONGRESS ON COVERED OFFICERS.*—The Secretary of Defense shall include in the annual report required by section 526(j) of title 10, United States Code, in 2020 a description of the positions in which an officer will remain pursuant to paragraph (1), including the latest date on which the officer may remain in such position pursuant to that paragraph.

(3) *NOTICE TO CONGRESS ON DETACHMENT OF COVERED OFFICERS.*—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the date on which each officer covered by paragraph (1) is detached from the officer's position pursuant to such paragraph.

(g) *RELATION TO SUBSEQUENT GENERAL OR FLAG NOMINATIONS.*—

(1) *NOTICE TO SENATE WITH NOMINATION.*—In order to help achieve the requirements of the plan required by subsection (b), effective 30 days after the commencement of the implementation of the plan, the Secretary of Defense shall include with each nomination of an officer to a grade above colonel or captain (in the case of the Navy) that is forwarded by the President to the Senate for appointment, by and with the advice and consent of the Senate, a certification to the Committee on Armed Services of the Senate that the appointment of the officer to the grade concerned will not interfere with achieving the reduction required by subsection (a)(1) in the number of general and flag officer positions or the distribution of authorized positions required by subsection (a)(2).

(2) *IMPLEMENTATION.*—Not later than 120 days after the date of the submission of the plan required by subsection (b), the Secretary of Defense shall revise applicable guidance of the Department of Defense on general and flag officer authorizations in order to ensure that—

(A) the achievement of the reductions required pursuant to subsection (a) is incorporated into the planning for the execution of promotions by the military departments and for the joint pool;

(B) to the extent practicable, the resulting grades for general and flag officer positions are uniformly applied to positions of similar duties and responsibilities across the military departments and the joint pool; and

(C) planning achieves a reduction in the headquarters functions and administrative and support activities and staffs of the Department of Defense and the military departments commensurate with the achievement of the reductions required pursuant to subsection (a).

(h) *AUTHORIZED STRENGTH AFTER DECEMBER 31, 2022, OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.*—

(1) *IN GENERAL.*—Chapter 32 of title 10, United States Code, is amended by inserting after section 526 the following new section:

“§ 526a. Authorized strength after December 31, 2022: general officers and flag officers on active duty

“(a) *LIMITATIONS.*—The number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, after December 31, 2022, may not exceed the number specified for the armed force concerned as follows:

“(1) For the Army, 220.

“(2) For the Navy, 151.

“(3) For the Air Force, 187.

“(4) For the Marine Corps, 62.

“(b) *LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.*—

“(1) *IN GENERAL.*—The Secretary of Defense may designate up to 232 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a).

“(2) *MINIMUM NUMBER.*—Unless the Secretary of Defense determines that a lower number is in the best interest of the Department of Defense, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

“(A) For the Army, 75.

“(B) For the Navy, 53.

“(C) For the Air Force, 68.

“(D) For the Marine Corps, 17.

“(c) *EXCLUSION OF CERTAIN OFFICERS PENDING SEPARATION OR RETIREMENT OR BETWEEN SENIOR POSITIONS.*—The limitations of this section do not apply to—

“(1) an officer of an armed force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer; or

“(2) an officer of an armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.

“(d) *TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.*—

“(1) *IN GENERAL.*—The limitations in subsection (a) do not apply to a general officer or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

“(2) *DURATION OF EXCLUSION.*—A general officer or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period of longer than one year.

“(e) *EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.*—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by the additional extension at the same time.

“(f) *ACTIVE-DUTY BASELINE.*—

“(1) *NOTICE AND WAIT REQUIREMENTS.*—If the Secretary of a military department proposes an action that would increase above the baseline the number of general officers or flag officers of an armed force under the jurisdiction of that Secretary who

would be on active duty and would count against the statutory limit applicable to that armed force under subsection (a), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which the Secretary provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

“(2) **BASELINE DEFINED.**—In paragraph (1), the term ‘baseline’ for an armed force means the lower of—

“(A) the statutory limit of general officers or flag officers of that armed force under subsection (a); or

“(B) the actual number of general officers or flag officers of that armed force who, as of January 1, 2023, counted toward the statutory limit of general officers or flag officers of that armed force under subsection (a).

“(g) **JOINT DUTY ASSIGNMENT BASELINE.**—

“(1) **NOTICE AND WAIT REQUIREMENT.**—If the Secretary of Defense, the Secretary of a military department, or the Chairman of the Joint Chiefs of Staff proposes an action that would increase above the baseline the number of general officers and flag officers of the armed forces in joint duty assignments who count against the statutory limit under subsection (b)(1), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which such Secretary or the Chairman, as the case may be, provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

“(2) **BASELINE DEFINED.**—In paragraph (1), the term ‘baseline’ means the lower of—

“(A) the statutory limit on general officer and flag officer positions that are joint duty assignments under subsection (b)(1); or

“(B) the actual number of general officers and flag officers who, as of January 1, 2023, were in joint duty assignments counted toward the statutory limit under subsection (b)(1).

“(h) **ANNUAL REPORT.**—Not later than March 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying the following:

“(1) The numbers of general officers and flag officers who, as of January 1 of the calendar year in which the report is submitted, counted toward the service-specific limits of subsection (a).

“(2) The number of general officers and flag officers in joint duty assignments who, as of such January 1, counted toward the statutory limit under subsection (b)(1).”.

(2) **CONFORMING AMENDMENT.**—Section 526 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) **CESSATION OF APPLICABILITY.**—The provisions of this section shall not apply to number of general officers and flag officers in the armed forces after December 31, 2022. For provisions applica-

ble to the number of such officers after that date, see section 526a of this title.”.

(3) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 32 of title 10, United States Code, is amended by inserting after the item relating to section 526 the following new item:

“526a. Authorized strength after December 31, 2022: general officers and flag officers on active duty.”.

SEC. 502. REPEAL OF STATUTORY SPECIFICATION OF GENERAL OR FLAG OFFICER GRADE FOR VARIOUS POSITIONS IN THE ARMED FORCES.

(a) **ASSISTANTS TO CJCS FOR NG MATTERS AND RESERVE MATTERS.**—

(1) **IN GENERAL.**—Section 155a of title 10, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 155a.

(b) **LEGAL COUNSEL TO CJCS.**—Section 156 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) **DIRECTOR OF TEST RESOURCE MANAGEMENT CENTER.**—Section 196(b)(1) of title 10, United States Code, is amended by striking the second and third sentences.

(d) **DIRECTOR OF MISSILE DEFENSE AGENCY.**—

(1) **IN GENERAL.**—Section 203 of title 10, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 203.

(e) **JOINT 4-STAR POSITIONS.**—Section 604(b) of title 10, United States Code, is amended by striking paragraph (3).

(f) **SENIOR MEMBERS OF MILITARY STAFF COMMITTEE OF UN.**—Section 711 of title 10, United States Code, is amended by striking the second sentence.

(g) **CHIEF OF STAFF TO PRESIDENT.**—

(1) **IN GENERAL.**—Section 720 of title 10, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 720.

(h) **ATTENDING PHYSICIAN TO CONGRESS.**—

(1) **IN GENERAL.**—Section 722 of title 10, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 722.

(i) **PHYSICIAN TO WHITE HOUSE.**—

(1) **IN GENERAL.**—Section 744 of title 10, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 744.

(j) *CHIEF OF LEGISLATIVE LIAISON OF THE ARMY.*—Section 3023(a) of title 10, United States Code, is amended by striking the second sentence.

(k) *CHIEFS OF BRANCHES OF THE ARMY.*—Section 3036(b) of title 10, United States Code, is amended in the flush matter following paragraph (2)—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “, and while so serving, has the grade of lieutenant general”.

(l) *JUDGE ADVOCATE GENERAL OF THE ARMY.*—Section 3037(a) of title 10, United States Code, is amended by striking the last two sentences.

(m) *CHIEF OF ARMY RESERVE.*—Section 3038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “; GRADE”;

(2) by striking “(1)”; and

(3) by striking paragraph (2).

(n) *DEPUTY AND ASSISTANT CHIEFS OF BRANCHES OF THE ARMY.*—

(1) *IN GENERAL.*—Section 3039 of title 10, United States Code, is repealed.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 305 of such title is amended by striking the item relating to section 3039.

(o) *CHIEF OF ARMY NURSE CORPS.*—Section 3069(b) of title 10, United States Code, is amended by striking the second sentence.

(p) *ASSISTANT CHIEFS OF ARMY MEDICAL SPECIALIST CORPS.*—

(1) *IN GENERAL.*—Section 3070 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “and assistant chiefs”;

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) *CONFORMING AMENDMENT.*—The heading of such section is amended to read as follows:

“§ 3070. Army Medical Specialist Corps: organization; Chief”.

(3) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 307 of such title is amended by striking the item relating to section 3070 and inserting the following new item:

“3070. Army Medical Specialist Corps: organization; Chief.”.

(q) *JUDGE ADVOCATE GENERAL’S CORPS OF THE ARMY.*—Section 3072 of title 10, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(r) *CHIEF OF VETERINARY CORPS OF THE ARMY.*—

(1) *IN GENERAL.*—Section 3084 of title 10, United States Code, is amended by striking the second sentence.

(2) *CONFORMING AMENDMENT.*—The heading of such section is amended to read as follows:

“§ 3084. Chief of Veterinary Corps”.

(3) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 307 of such title is amended by striking the

item relating to section 3084 and inserting the following new item:

“3084. Chief of Veterinary Corps.”.

(s) *ARMY AIDES.*—

(1) *IN GENERAL.*—Section 3543 of title 10, United States Code, is repealed.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 343 of such title is amended by striking the item relating to section 3543.

(t) *PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE NAVY FOR RD&A.*—Section 5016(b)(4)(B) of title 10, United States Code, is amended by striking “a vice admiral of the Navy or a lieutenant general of the Marine Corps” and inserting “an officer of the Navy or the Marine Corps”.

(u) *CHIEF OF NAVAL RESEARCH.*—Section 5022 of title 10, United States Code, is amended—

(1) by striking “(1)”; and

(2) by striking paragraph (2).

(v) *CHIEF OF LEGISLATIVE AFFAIRS OF THE NAVY.*—Section 5027(a) of title 10, United States Code, is amended by striking the second sentence.

(w) *DIRECTOR FOR EXPEDITIONARY WARFARE.*—Section 5038 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(x) *SJA TO COMMANDANT OF THE MARINE CORPS.*—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence.

(y) *LEGISLATIVE ASSISTANT TO COMMANDANT OF THE MARINE CORPS.*—Section 5047 of title 10, United States Code, is amended by striking the second sentence.

(z) *BUREAU CHIEFS OF THE NAVY.*—

(1) *IN GENERAL.*—Section 5133 of title 10, United States Code, is repealed.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5133.

(aa) *CHIEF OF DENTAL CORPS OF THE NAVY.*—Section 5138 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “not below the grade of rear admiral (lower half)”; and

(2) in subsection (c), by striking the first sentence.

(bb) *BUREAU OF NAVAL PERSONNEL.*—

(1) *IN GENERAL.*—Section 5141 of title 10, United States Code, is amended—

(A) in subsection (a), by striking the first sentence; and

(B) in subsection (b), by striking the first sentence.

(2) *CONFORMING AMENDMENT.*—The heading of such section is amended to read as follows:

“§ 5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel”.

(3) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 513 of such title is amended by striking the

item relating to section 5141 and inserting the following new item:

“5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel.”.

(cc) CHIEF OF CHAPLAINS OF THE NAVY.—Section 5142 of title 10, United States Code, is amended by striking subsection (e).

(dd) CHIEF OF NAVY RESERVE.—Section 5143(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “; GRADE”;

(2) by striking “(1)”; and

(3) by striking paragraph (2).

(ee) COMMANDER, MARINE FORCES RESERVE.—Section 5144(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “; GRADE”;

(2) by striking “(1)”; and

(3) by striking paragraph (2).

(ff) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of title 10, United States Code, is amended by striking the last sentence.

(gg) DEPUTY AND ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY.—Section 5149 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking “, by and with the advice and consent of the Senate,”; and

(B) by striking the second sentence; and

(2) in each of subsections (b) and (c), by striking the second and last sentences.

(hh) CHIEFS OF STAFF CORPS OF THE NAVY.—Section 5150 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking “Subject to subsection (c), the Secretary” and inserting “The Secretary”; and

(2) by striking subsection (c).

(ii) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of title 10, United States Code, is amended by striking “a lieutenant general” and inserting “an officer”.

(jj) CHIEF OF LEGISLATIVE LIAISON OF THE AIR FORCE.—Section 8023(a) of title 10, United States Code, is amended by striking the second sentence.

(kk) JUDGE ADVOCATE GENERAL AND DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the last sentence; and

(2) in subsection (d)(1), by striking the last sentence.

(ll) CHIEF OF THE AIR FORCE RESERVE.—Section 8038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “; GRADE”;

(2) by striking “(1)”; and

(3) by striking paragraph (2).

(mm) CHIEF OF CHAPLAINS OF THE AIR FORCE.—Section 8039 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

- (2) by striking subsection (c).
 (nn) CHIEF OF AIR FORCE NURSES.—
 (1) IN GENERAL.—Section 8069 of title 10, United States Code, is amended—
 (A) in subsection (a)—
 (i) in the subsection heading, by striking “POSITIONS OF CHIEF AND ASSISTANT CHIEF” and inserting “POSITION OF CHIEF”; and
 (ii) by striking “and assistant chief”;
 (B) in subsection (b), by striking the second sentence;
 and
 (C) by striking subsection (c).
 (2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 8069. Air Force nurses: Chief; appointment”.

- (3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 807 of such title is amended by striking the item relating to section 8069 and inserting the following new item:
 “8069. Air Force nurses: Chief; appointment.”.
 (oo) ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES OF THE AIR FORCE.—Section 8081 of title 10, United States Code, is amended by striking the second sentence.
 (pp) AIR FORCE AIDES.—
 (1) IN GENERAL.—Section 8543 of title 10, United States Code, is repealed.
 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 843 of such title is amended by striking the item relating to section 8543.
 (qq) DEAN OF FACULTY OF THE AIR FORCE ACADEMY.—Section 9335(b) of title 10, United States Code, is amended by striking the first and third sentences.
 (rr) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—Section 10505(a) of title 10, United States Code, is amended—
 (1) in subsection (a)(1)—
 (A) in subparagraph (C), by adding “and” at the end;
 (B) in subparagraph (D), by striking “; and” at the end and inserting a period; and
 (C) by striking subparagraph (E); and
 (2) by striking subsection (c).
 (ss) OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.—Section 10506(a)(1) of title 10, United States Code, is amended in each of subparagraphs (A) and (B)—
 (1) by striking “general”; and
 (2) by striking “, and shall hold the grade of lieutenant general while so serving.”.

SEC. 503. NUMBER OF MARINE CORPS GENERAL OFFICERS.

- (a) DISTRIBUTION OF COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER GRADES.—Section 525(a)(4) of title 10, United States Code, is amended—
 (1) in subparagraph (B), by striking “15” and inserting “17”; and
 (2) in subparagraph (C), by striking “23” and inserting “22”.

(b) *GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.*—Section 526(a)(4) of such title is amended by striking “61” and inserting “62”.

(c) *DEPUTY COMMANDANTS.*—Section 5045 of such title is amended by striking “six” and inserting “seven”.

SEC. 504. PROMOTION ELIGIBILITY PERIOD FOR OFFICERS WHOSE CONFIRMATION OF APPOINTMENT IS DELAYED DUE TO NONAVAILABILITY TO THE SENATE OF PROBATIVE INFORMATION UNDER CONTROL OF NON-DEPARTMENT OF DEFENSE AGENCIES.

Section 629(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and
(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) Paragraph (1) does not apply when the Senate is not able to obtain information necessary to give its advice and consent to the appointment concerned because that information is under the control of a department or agency of the Federal Government other than the Department of Defense.”.

SEC. 505. CONTINUATION OF CERTAIN OFFICERS ON ACTIVE DUTY WITHOUT REGARD TO REQUIREMENT FOR RETIREMENT FOR YEARS OF SERVICE.

(a) *AUTHORITY FOR CONTINUATION ON ACTIVE DUTY.*—

(1) *IN GENERAL.*—Subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after section 637 the following new section:

“§ 637a. Continuation on active duty: officers in certain military specialties and career tracks

“(a) *IN GENERAL.*—The Secretary of the military department concerned may authorize an officer in a grade above grade O-4 to remain on active duty after the date otherwise provided for the retirement of the officer in section 633, 634, 635, or 636 of this title, as applicable, if the officer has a military occupational specialty, rating, or specialty code in a military specialty designated pursuant to subsection (b).

“(b) *MILITARY SPECIALTIES.*—Each Secretary of a military department shall designate the military specialties in which a military occupational specialty, rating, or specialty code, as applicable, assigned to members of the armed forces under the jurisdiction of such Secretary authorizes the members to be eligible for continuation on active duty as provided in subsection (a).

“(c) *DURATION OF CONTINUATION.*—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

“(d) *REGULATIONS.*—The Secretaries of the military departments shall carry out this section in accordance with regulations prescribed by the Secretary of Defense. The regulations shall specify the criteria to be used by the Secretaries of the military departments in designating military specialties for purposes of subsection (b).”.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after the item relating to section 637 the following new item:

“637a. Continuation on active duty: officers in certain military specialties and career tracks.”.

(b) **CONFORMING AMENDMENTS.**—*The following provisions of title 10, United States Code, are amended by inserting “or 637a” after “637(b)”:*

- (1) *Section 633(a).*
- (2) *Section 634(a).*
- (3) *Section 635.*
- (4) *Section 636(a).*

SEC. 506. EQUAL CONSIDERATION OF OFFICERS FOR EARLY RETIREMENT OR DISCHARGE.

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

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

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

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

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

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

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

“(e)(1) In the case of action under subsection (b)(4), the Secretary of the military department concerned shall specify the total number of officers described in that subsection that a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may recommend for early retirement or discharge. Officers who are eligible, or are within two years of becoming eligible, to be retired under any provision of law (other than by reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484)), if selected by the board, shall be retired or retained until becoming eligible to retire under section 3911, 6323, or 8911 of this title, and those officers who are otherwise ineligible to retire under any provision of law shall, if selected by the board, be discharged.

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

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

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

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

“(4) An officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b)(4) and

whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

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

SEC. 507. MODIFICATION OF AUTHORITY TO DROP FROM ROLLS A COMMISSIONED OFFICER.

Section 1161(b) of title 10, United States Code, is amended by inserting “or the Secretary of Defense, or in the case of a commissioned officer of the Coast Guard, the Secretary of the department in which the Coast Guard is operating when it is not operating in the Navy,” after “President”.

SEC. 508. EXTENSION OF FORCE MANAGEMENT AUTHORITIES ALLOWING ENHANCED FLEXIBILITY FOR OFFICER PERSONNEL MANAGEMENT.

(a) **TEMPORARY EARLY RETIREMENT AUTHORITY.**—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking “December 31, 2018” and inserting “December 31, 2025”.

(b) **CONTINUATION ON ACTIVE DUTY.**—Section 638a(a)(2) of title 10, United States Code, is amended by striking “December 31, 2018” and inserting “December 31, 2025”.

(c) **VOLUNTARY SEPARATION PAY.**—Section 1175a(k)(1) of such title is amended by striking “December 31, 2018” and inserting “December 31, 2025”.

(d) **SERVICE-IN-GRADE WAIVERS.**—Section 1370(a)(2)(F) of such title is amended by striking “2018” and inserting “2025”.

SEC. 509. PILOT PROGRAMS ON DIRECT COMMISSIONS TO CYBER POSITIONS.

(a) **PILOT PROGRAMS AUTHORIZED.**—Each Secretary of a military department may carry out a pilot program to improve the ability of an Armed Force under the jurisdiction of the Secretary to recruit cyber professionals.

(b) **ELEMENTS.**—Under a pilot program established under this section, an individual who meets educational, physical, and other requirements determined appropriate by the Secretary of the military department concerned may receive an original appointment as a commissioned officer in a cyber specialty.

(c) **CONSULTATION.**—In developing a pilot program for the Army or the Air Force under this section, the Secretary of the Army and the Secretary of the Air Force may consult with the Secretary of the Navy with respect to an existing, similar program carried out by the Secretary of the Navy.

(d) **DURATION.**—

(1) **COMMENCEMENT.**—The Secretary of a military department may commence a pilot program under this section on or after January 1, 2017.

(2) **TERMINATION.**—All pilot programs under this section shall terminate no later than December 31, 2022.

(e) **STATUS REPORT.**—Not later than January 1, 2020, each Secretary of a military department who conducts a pilot program under this section shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an evaluation of the success of the program in obtaining skilled cyber personnel for the Armed Forces.

SEC. 510. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) *IN GENERAL.*—Subsection (a) of section 664 of title 10, United States Code, is amended by striking “assignment—” and all that follows and inserting “assignment shall be not less than two years.”.

(b) *REPEAL OF AUTHORITY FOR SHORTER LENGTH FOR OFFICERS INITIALLY ASSIGNED TO CRITICAL OCCUPATIONAL SPECIALTIES.*—Such section is further amended by striking subsection (c).

(c) *EXCLUSIONS FROM TOUR LENGTH.*—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “the standards prescribed in subsection (a)” and inserting “the requirement in subsection (a)”;

(2) in paragraph (1)(D), by striking “assignment—” and all that follows and inserting “assignment as prescribed by the Secretary of Defense in regulations.”;

(3) by striking paragraph (2);

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

(5) in paragraph (2), as redesignated by paragraph (4) of this subsection, by striking “the applicable standard prescribed in subsection (a)” and inserting “the requirement in subsection (a)”.

(d) *REPEAL OF AVERAGE TOUR LENGTH REQUIREMENTS.*—Such section is further amended by striking subsection (e).

(e) *FULL TOUR OF DUTY.*—Subsection (f) of such section is amended—

(1) in paragraph (1), by striking “standards prescribed in subsection (a)” and inserting “the requirement in subsection (a)”;

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraphs (3), (5), and (6) as paragraphs (2), (3), and (4), respectively; and

(4) in paragraph (4), as redesignated by paragraph (3) of this subsection, by striking “, but not less than two years”.

(f) *CONSTRUCTIVE CREDIT.*—Subsection (h) of such section is amended—

(1) by striking “(1)”;

(2) by striking “accord” and inserting “award”; and

(3) by striking paragraph (2).

(g) *CONFORMING AMENDMENTS.*—Such section is further amended—

(1) by redesignating subsections (d), (f), (g), and (h), as amended by this section, as subsections (c), (d), (e), and (f), respectively;

(2) in paragraph (2) of subsection (c), as so redesignated and amended, by striking “subsection (f)(3)” and inserting “subsection (d)(2)”.

(3) paragraph (2) of subsection (d), as so redesignated and amended, by striking “subsection (g)” and inserting “subsection (e)”;

(4) in subsection (e), as so redesignated and amended, by striking “subsection (f)(3)” and inserting “subsection (d)(2)”;

(5) in subsection (f), as so redesignated and amended, by striking “paragraphs (1), (2), and (4) of subsection (f)” and inserting “subsection (d)(1)”.

SEC. 510A. REVISION OF DEFINITIONS USED FOR JOINT OFFICER MANAGEMENT.

(a) *DEFINITION OF JOINT MATTERS.*—Paragraph (1) of section 668(a) of title 10, United States Code, is amended to read as follows:

“(1) In this chapter, the term ‘joint matters’ means matters related to any of the following:

“(A) The development or achievement of strategic objectives through the synchronization, coordination, and organization of integrated forces in operations conducted across domains, such as land, sea, or air, in space, or in the information environment, including matters relating to any of the following:

“(i) National military strategy.

“(ii) Strategic planning and contingency planning.

“(iii) Command and control, intelligence, fires, movement and maneuver, protection or sustainment of operations under unified command.

“(iv) National security planning with other departments and agencies of the United States.

“(v) Combined operations with military forces of allied nations.

“(B) Acquisition matters conducted by members of the armed forces and covered under chapter 87 of this title involved in developing, testing, contracting, producing, or fielding of multi-service programs or systems.

“(C) Other matters designated in regulation by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff.”

(b) *DEFINITION OF INTEGRATED FORCES.*—Section 668(a)(2) of title 10, United States Code, is amended in the matter preceding subparagraph (A)—

(1) by striking “integrated military forces” and inserting “integrated forces”; and

(2) by striking “the planning or execution (or both) of operations involving” and inserting “achieving unified action with”.

(c) *DEFINITION OF JOINT DUTY ASSIGNMENT.*—Section 668(b)(1) of title 10, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph:

“(A) shall be limited to assignments in which—

“(i) the preponderance of the duties of the officer involve joint matters and

“(ii) the officer gains significant experience in joint matters; and”.

(d) *REPEAL OF DEFINITION OF CRITICAL OCCUPATIONAL SPECIALITY.*—Section 668 of title 10, United States Code, is amended by striking subsection (d).

Subtitle B—Reserve Component Management

SEC. 511. AUTHORITY FOR TEMPORARY WAIVER OF LIMITATION ON TERM OF SERVICE OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10505(a)(4) of title 10, United States Code, is amended by striking “paragraph (3)(B) for a limited period of time” and inserting “paragraph (3) for not more than 90 days”.

SEC. 512. RIGHTS AND PROTECTIONS AVAILABLE TO MILITARY TECHNICIANS.

(a) *IN GENERAL.*—Section 709 of title 32, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking “; and” and inserting “when the appeal concerns activity occurring while the member is in a military pay status, or concerns fitness for duty in the reserve components;”;

(B) by redesignating paragraph (5) as paragraph (6); and

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

“(5) with respect to an appeal concerning any activity not covered by paragraph (4), the provisions of sections 7511, 7512, and 7513 of title 5, and section 717 of the Civil Rights Act of 1991 (42 U.S.C. 2000e–16) shall apply; and”;

(2) in subsection (g), by striking “Sections” and inserting “Except as provided in subsection (f), sections”.

(b) *DEFINITIONS.*—Section 709 of title 32, United States Code, is further amended by adding at the end the following new subsection:

“(j) In this section:

“(1) The term ‘military pay status’ means a period of service where the amount of pay payable to a technician for that service is based on rates of military pay provided for under title 37.

“(2) The term ‘fitness for duty in the reserve components’ refers only to military-unique service requirements that attend to military service generally, including service in the reserve components or service on active duty.”.

(c) *CONFORMING AMENDMENT.*—Section 7511 of title 5, United States Code, is amended by striking paragraph (5).

SEC. 513. INAPPLICABILITY OF CERTAIN LAWS TO NATIONAL GUARD TECHNICIANS PERFORMING ACTIVE GUARD AND RESERVE DUTY.

Section 709(g) of title 32, United States Code, as amended by section 512(a)(2), is further amended—

(1) by inserting “(1)” after “(g)”;

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

“(2) In addition to the sections referred to in paragraph (1), section 6323(a)(1) of title 5 also does not apply to a person employed under this section who is performing active Guard and Reserve duty (as that term is defined in section 101(d)(6) of title 10).”.

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

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

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

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

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

Section 514(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 810) is amended by inserting “and fiscal year 2017” after “During fiscal year 2016”.

SEC. 516. EXPANSION OF ELIGIBILITY FOR DEPUTY COMMANDER OF COMBATANT COMMAND HAVING UNITED STATES AMONG GEOGRAPHIC AREA OF RESPONSIBILITY TO INCLUDE OFFICERS OF THE RESERVES.

Section 164(e)(4) of title 10, United States Code, is amended—

(1) by striking “the National Guard” and inserting “a reserve component of the armed forces”; and

(2) by striking “a National Guard officer” and inserting “a reserve component officer”.

Subtitle C—General Service Authorities

SEC. 521. MATTERS RELATING TO PROVISION OF LEAVE FOR MEMBERS OF THE ARMED FORCES, INCLUDING PROHIBITION ON LEAVE NOT EXPRESSLY AUTHORIZED BY LAW.

(a) **PRIMARY AND SECONDARY CAREGIVER LEAVE.**—Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j); and

(2) by inserting after subsection (h) the following new subsections (i) and (j):

“(i)(1)(A) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the birth of a child is allowed up to twelve weeks of total leave, including up to six weeks of medical convalescent leave, to be used in connection with such birth.

“(B) Under the regulations prescribed for purposes of this subsection, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the adoption of a child is allowed up to six weeks of total leave to be used in connection with such adoption.

“(2) Paragraph (1) applies to the following members:

“(A) A member on active duty.

“(B) A member of a reserve component performing active Guard and Reserve duty.

“(C) A member of a reserve component subject to an active duty recall or mobilization order in excess of 12 months.

“(3) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term ‘primary caregiver’ for purposes of this subsection.

“(4) Notwithstanding paragraph (1)(A), a member may receive more than six weeks of medical convalescent leave in connection with the birth of a child, but only if the additional medical convalescent leave—

“(A) is specifically recommended, in writing, by the medical provider of the member to address a diagnosed medical condition; and

“(B) is approved by the commander of the member.

“(5) Any leave taken by a member under this subsection, including leave under paragraphs (1) and (4), may be taken only in one increment in connection with such birth or adoption.

“(6)(A) Any leave authorized by this subsection that is not taken within one year of such birth or adoption shall be forfeited.

“(B) Any leave authorized by this subsection for a member of a reserve component on active duty that is not taken by the time the member is separated from active duty shall be forfeited at that time.

“(7) The period of active duty of a member of a reserve component may not be extended in order to permit the member to take leave authorized by this subsection.

“(8) Under the regulations prescribed for purposes of this subsection, a member taking leave under paragraph (1) may, as a condition for taking such leave, be required—

“(A) to accept an extension of the member’s current service obligation, if any, by one week for every week of leave taken under paragraph (1); or

“(B) to incur a reduction in the member’s leave account by one week for every week of leave taken under paragraph (1).

“(9)(A) Leave authorized by this subsection is in addition to any other leave provided under other provisions of this section.

“(B) Medical convalescent leave under paragraph (4) is in addition to any other leave provided under other provisions of this subsection.

“(10)(A) Subject to subparagraph (B), a member taking leave under paragraph (1) during a period of obligated service shall not be eligible for terminal leave, or to sell back leave, at the end such period of obligated service.

“(B) Under the regulations for purposes of this subsection, the Secretary concerned may waive, whether in whole or in part, the applicability of subparagraph (A) to a member who reenlists at the end of the member’s period of obligated service described in that subparagraph if the Secretary determines that the waiver is in the interests of the armed force concerned.

“(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in subsection (i)(2) who is the secondary caregiver in the case of the birth of a child or the adoption of a child is allowed up to 21 days of leave to be used in connection with such birth or adoption.

“(2) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term ‘secondary caregiver’ for purposes of this subsection.

“(3) Any leave taken by a member under this subsection may be taken only in one increment in connection with such birth or adoption.

“(4) Under the regulations prescribed for purposes of this subsection, paragraphs (6) through (10) of subsection (i) (other than paragraph (9)(B) of such subsection) shall apply to leave, and the taking of leave, authorized by this subsection.”.

(b) PROHIBITION ON LEAVE NOT EXPRESSLY AUTHORIZED BY LAW.—

(1) PROHIBITION.—Chapter 40 of title 10, United States Code, is amended by inserting after section 704 the following new section:

“§ 704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law

“No member or category of members of the armed forces may be authorized, granted, or assigned leave, including uncharged leave, not expressly authorized by a provision of this chapter or another statute unless expressly authorized by an Act of Congress enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of title 10, United States Code, is amended by inserting after the item relating to section 704 the following new item:

“704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law.”.

SEC. 522. TRANSFER OF PROVISION RELATING TO EXPENSES INCURRED IN CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY OPERATIONS.

(a) ENACTMENT IN TITLE 10, UNITED STATES CODE, OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES.—Chapter 40 of title 10, United States Code, is amended by inserting after section 709 the following new section:

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

“(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when—

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 709 the following new item:

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

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

SEC. 523. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY INSTRUMENTS.

(a) EXPANSION OF AUTHORITY TO EXECUTE MILITARY TESTAMENTARY INSTRUMENTS.—Section 1044d(c) of title 10, United States Code, is amended—

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

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

“(A) a military legal assistance counsel;
 “(B) a person who is authorized to act as a notary under section 1044a of this title who—
 “(i) is not an attorney; and
 “(ii) is supervised by a military legal assistance counsel; or
 “(C) a State-licensed notary employed by a military department or the Coast Guard who is supervised by a military legal assistance counsel;” and

(2) in paragraph (3), by striking “presiding attorney” and inserting “person notarizing the instrument in accordance with paragraph (2)”.

(b) **EXPANSION OF AUTHORITY TO NOTARIZE DOCUMENTS TO CIVILIANS SERVING IN MILITARY LEGAL ASSISTANCE OFFICES.**—Section 1044a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

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

SEC. 524. MEDICAL EXAMINATION BEFORE ADMINISTRATIVE SEPARATION FOR MEMBERS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH SEXUAL ASSAULT.

Section 1177(a)(1) of title 10, United States Code, is amended—

(1) by inserting “, or sexually assaulted,” after “deployed overseas in support of a contingency operation”; and

(2) by inserting “or based on such sexual assault,” after “while deployed,”.

SEC. 525. REDUCTION OF TENURE ON THE TEMPORARY DISABILITY RETIRED LIST.

(a) **REDUCTION OF TENURE.**—Section 1210 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “five years” and inserting “three years”; and

(2) in subsection (h), by striking “five years” and inserting “three years”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall take effect on January 1, 2017, and shall apply to members of the Armed Forces whose names are placed on the temporary disability retired list on or after that date.

SEC. 526. TECHNICAL CORRECTION TO VOLUNTARY SEPARATION PAY AND BENEFITS.

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

(1) in paragraph (2)—

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

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

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

SEC. 527. CONSOLIDATION OF ARMY MARKETING AND PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING.

(a) **CONSOLIDATION OF ARMY MARKETING.**—Not later than October 1, 2017, the Secretary of the Army shall consolidate into a single organization within the Department of the Army all functions relat-

ing to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

(b) **PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING.**—

(1) **PILOT PROGRAM REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall carry out a pilot program to consolidate the recruiting efforts of the Regular Army, Army Reserve, and Army National Guard under which a recruiter in one of the components participating in the pilot program may recruit individuals to enlist in any of the components regardless of the funding source of the recruiting activity.

(2) **CREDIT TOWARD ENLISTMENT GOALS.**—Under the pilot program, a recruiter shall receive credit toward periodic enlistment goals for each enlistment regardless of the component in which the individual enlists.

(3) **DURATION.**—The Secretary shall carry out the pilot program for a period of not less than three years.

(c) **BRIEFING AND REPORTS.**—

(1) **BRIEFING ON CONSOLIDATION PLAN.**—Not later than March 1, 2017, the Secretary of the Army shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the Secretary's plan to carry out the Army marketing consolidation required by subsection (a).

(2) **INTERIM REPORT ON PILOT PROGRAM.**—

(A) **IN GENERAL.**—Not later than one year after the date on which the pilot program under subsection (b) commences, the Secretary shall submit to the congressional committees specified in paragraph (1) a report on the pilot program.

(B) **ELEMENTS.**—The report under subparagraph (A) shall include each of the following:

(i) An analysis of the effects that consolidated recruiting efforts has on the overall ability of recruiters to attract and place qualified candidates.

(ii) A determination of the extent to which consolidating recruiting efforts affects efficiency and recruiting costs.

(iii) An analysis of any challenges associated with a recruiter working to recruit individuals to enlist in a component in which the recruiter has not served.

(iv) An analysis of the satisfaction of recruiters and the component recruiting commands with the pilot program.

(3) **FINAL REPORT ON PILOT PROGRAM.**—Not later than 180 days after the date on which the pilot program is completed, the Secretary shall submit to the congressional committees specified in paragraph (1) a final report on the pilot program. The final report shall include any recommendations of the Secretary with respect to extending or making permanent the pilot program and a description of any related legislative actions that the Secretary considers appropriate.

**Subtitle D—Member Whistleblower Protections and
Correction of Military Records**

SEC. 531. IMPROVEMENTS TO WHISTLEBLOWER PROTECTION PROCEDURES.

(a) **ACTIONS TREATABLE AS PROHIBITED PERSONNEL ACTIONS.**—Paragraph (2) of section 1034(b) of title 10, United States Code, is amended to read as follows:

“(2)(A) The actions considered for purposes of this section to be a personnel action prohibited by this subsection shall include any action prohibited by paragraph (1), including any of the following:

“(i) The threat to take any unfavorable action.

“(ii) The withholding, or threat to withhold, any favorable action.

“(iii) The making of, or threat to make, a significant change in the duties or responsibilities of a member of the armed forces not commensurate with the member’s grade.

“(iv) The failure of a superior to respond to any retaliatory action or harassment (of which the superior had actual knowledge) taken by one or more subordinates against a member.

“(v) The conducting of a retaliatory investigation of a member.

“(B) In this paragraph, the term ‘retaliatory investigation’ means an investigation requested, directed, initiated, or conducted for the primary purpose of punishing, harassing, or ostracizing a member of the armed forces for making a protected communication.

“(C) Nothing in this paragraph shall be construed to limit the ability of a commander to consult with a superior in the chain of command, an inspector general, or a judge advocate general on the disposition of a complaint against a member of the armed forces for an allegation of collateral misconduct or for a matter unrelated to a protected communication. Such consultation shall provide an affirmative defense against an allegation that a member requested, directed, initiated, or conducted a retaliatory investigation under this section.”

(b) **ACTION IN RESPONSE TO HARDSHIP IN CONNECTION WITH PERSONNEL ACTIONS.**—Section 1034 of title 10, United States Code, is amended—

(1) in subsection (c)(4)—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) If the Inspector General makes a preliminary determination in an investigation under subparagraph (D) that, more likely than not, a personnel action prohibited by subsection (b) has occurred and the personnel action will result in an immediate hardship to the member alleging the personnel action, the Inspector General shall promptly notify the Secretary of the military department concerned or the Secretary of Homeland Security, as applicable, of the hardship, and such Secretary shall take such action as such Secretary considers appropriate.”; and

(2) in subsection (e)(1), by striking “subsection (c)(4)(E)” and inserting “subsection (c)(4)(F)”.

(c) *PERIODIC NOTICE TO MEMBERS ON PROGRESS OF INSPECTOR GENERAL INVESTIGATIONS.*—Paragraph (3) of section 1034(e) of title 10, United States Code, is amended to read as follows:

“(3)(A) Not later than 180 days after the commencement of an investigation of an allegation under subsection (c)(4), and every 180 days thereafter until the transmission of the report on the investigation under paragraph (1) to the member concerned, the Inspector General conducting the investigation shall submit a notice on the investigation described in subparagraph (B) to the following:

“(i) The member.

“(ii) The Secretary of Defense.

“(iii) The Secretary of the military department concerned, or the Secretary of Homeland Security in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.

“(B) Each notice on an investigation under subparagraph (A) shall include the following:

“(i) A description of the current progress of the investigation.

“(ii) An estimate of the time remaining until the completion of the investigation and the transmittal of the report required by paragraph (1) to the member concerned.”.

(d) *CORRECTION OF RECORDS.*—Paragraph (2) of section 1034(g) of title 10, United States Code, is amended to read as follows:

“(2) In resolving an application described in paragraph (1) for which there is a report of the Inspector General under subsection (e)(1), a correction board—

“(A) shall review the report of the Inspector General;

“(B) may request the Inspector General to gather further evidence;

“(C) may receive oral argument, examine and cross-examine witnesses, and take depositions; and

“(D) shall consider a request by a member or former member in determining whether to hold an evidentiary hearing.”.

(e) *UNIFORM STANDARDS FOR INSPECTOR GENERAL INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS AND OTHER MATTERS.*—

(1) *IN GENERAL.*—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall prescribe uniform standards for the following:

(A) The investigation of allegations of prohibited personnel actions under section 1034 of title 10, United States Code (as amended by this section), by the Inspector General and the Inspectors General of the military departments.

(B) The training of the staffs of the Inspectors General referred to in subparagraph (A) on the conduct of investigations described in that subparagraph.

(2) *USE.*—Commencing 180 days after prescription of the standards required by paragraph (1), the Inspectors General referred to in that paragraph shall comply with such standards in the conduct of investigations described in that paragraph and in the training of the staffs of such Inspectors General in the conduct of such investigations.

SEC. 532. MODIFICATION OF WHISTLEBLOWER PROTECTION AUTHORITIES TO RESTRICT CONTRARY FINDINGS OF PROHIBITED PERSONNEL ACTION BY THE SECRETARY CONCERNED.

(a) *IN GENERAL.*—Section 1034(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “VIOLATIONS” and inserting “SUBSTANTIATED VIOLATIONS”; and

(2) in paragraph (1), by striking “there is sufficient basis” and all that follows and inserting “corrective or disciplinary action should be taken. If the Secretary concerned determines that corrective or disciplinary action should be taken, the Secretary shall take appropriate corrective or disciplinary action.”.

(b) *ACTIONS FOLLOWING DETERMINATIONS.*—Paragraph (2) of such section is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “the Secretary concerned determines under paragraph (1)” and inserting “the Inspector General determines”; and

(B) by striking “the Secretary shall” and inserting “the Secretary concerned shall”;

(2) in subparagraph (A), by inserting “, including referring the report to the appropriate board for the correction of military records” before the semicolon; and

(3) by striking subparagraph (B) and inserting the following new subparagraph (B):

“(B) submit to the Inspector General a report on the actions taken by the Secretary pursuant to this paragraph, and provide for the inclusion of a summary of the report under this subparagraph (with any personally identifiable information redacted) in the semiannual report to Congress of the Inspector General of the Department of Defense or the Inspector General of the Department of Homeland Security, as applicable, under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).”.

(c) *EFFECTIVE DATE.*—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports received by the Secretaries of the military departments and the Secretary of Homeland Security under section 1034(e) of title 10, United States Code, on or after that date.

SEC. 533. AVAILABILITY OF CERTAIN CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD INFORMATION THROUGH THE INTERNET.

(a) *BOARD FOR THE CORRECTION OF MILITARY RECORDS.*—Section 1552 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) Each board established under this section shall make available to the public each calendar quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

“(1) The number of claims considered by such board during the calendar quarter preceding the calendar quarter in which such information is made available, including cases in which a mental health condition of the claimant, including post-traumatic stress disorder or traumatic brain injury, is alleged to

have contributed, whether in whole or part, to the original characterization of the discharge or release of the claimant.

“(2) The number of claims submitted during the calendar quarter preceding the calendar quarter in which such information is made available that relate to service by a claimant during a war or contingency operation, catalogued by each war or contingency operation.

“(3) The number of military records corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or release of claimants.”.

(b) DISCHARGE REVIEW BOARD.—Section 1553 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) Each board established under this section shall make available to the public each calendar quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

“(1) The number of motions or requests for review considered by such board during the calendar quarter preceding the calendar quarter in which such information is made available, including cases in which a mental health condition of the former member, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or dismissal of the former member.

“(2) The number of claims submitted during the calendar quarter preceding the calendar quarter in which such information is made available that relate to service by a claimant during a war or contingency operation, catalogued by each war or contingency operation.

“(3) The number of discharges or dismissals corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or dismissal of former members.”.

SEC. 534. IMPROVEMENTS TO AUTHORITIES AND PROCEDURES FOR THE CORRECTION OF MILITARY RECORDS.

(a) PROCEDURES OF BOARDS.—Paragraph (3) of section 1552(a) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(3)”; and

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

“(B) If a board makes a preliminary determination that a claim under this section lacks sufficient information or documents to support the claim, the board shall notify the claimant, in writing, indicating the specific information or documents necessary to make the claim complete and reviewable by the board.

“(C) If a claimant is unable to provide military personnel or medical records applicable to a claim under this section, the board shall make reasonable efforts to obtain the records. A claimant shall provide the board with documentary evidence of the efforts of the claimant to obtain such records. The board shall inform the claimant of the results of the board’s efforts, and shall provide the claimant copies of any records so obtained upon request of the claimant.

“(D) Any request for reconsideration of a determination of a board under this section, no matter when filed, shall be reconsidered by a board under this section if supported by materials not pre-

viously presented to or considered by the board in making such determination.”.

(b) *PUBLICATION OF FINAL DECISIONS OF BOARDS.*—Such section is further amended by adding at the end the following new paragraph:

“(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. In any decision so made available to the public there shall be redacted all personally identifiable information.”.

(c) *TRAINING OF MEMBERS OF BOARDS.*—

(1) *IN GENERAL.*—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall develop and implement a comprehensive training curriculum for members of boards for the correction of military records under the jurisdiction of such Secretary in the duties of such boards under section 1552 of title 10, United States Code. The curriculum shall address all areas of administrative law applicable to the duties of such boards.

(2) *UNIFORM CURRICULA.*—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the curricula developed and implemented pursuant to this subsection are, to the extent practicable, uniform.

(3) *TRAINING.*—

(A) *IN GENERAL.*—Each member of a board for the correction of military records shall undergo retraining (consistent with the curriculum developed and implemented pursuant to this subsection) regarding the duties of boards for the correction of military records under section 1552 of title 10, United States Code, at least once every five years during the member’s tenure on the board.

(B) *CURRENT MEMBERS.*—Each member of a board for the correction of military records as of the date of the implementation of the curriculum required by paragraph (1) (in this paragraph referred to as the “curriculum implementation date”) shall undergo training described in subparagraph (A) not later than 90 days after the curriculum implementation date.

(C) *NEW MEMBERS.*—Each individual who becomes a member of a board for the correction of military records after the curriculum implementation date shall undergo training described in subparagraph (A) by not later than 90 days after the date on which such individual becomes a member of the board.

(4) *REPORTS.*—Not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall submit to Congress a report setting forth the following:

(A) A description and assessment of the progress made by such Secretary in implementing training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(B) A detailed description of the training curriculum required of such Secretary by paragraph (1).

(C) A description and assessment of any impediments to the implementation of training requirements for mem-

bers of boards for the correction of military records under the jurisdiction of such Secretary.

(5) **SECRETARY CONCERNED DEFINED.**—In this subsection, the term “Secretary concerned” means a “Secretary concerned” as that term is used in section 1552 of title 10, United States Code.

SEC. 535. TREATMENT BY DISCHARGE REVIEW BOARDS OF CLAIMS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH COMBAT OR SEXUAL TRAUMA AS A BASIS FOR REVIEW OF DISCHARGE.

Section 1553(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) In addition to the requirements of paragraphs (1) and (2), in the case of a former member described in subparagraph (B), the Board shall—

“(i) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the former member; and

“(ii) review the case with liberal consideration to the former member that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

“(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, whose post-traumatic stress disorder or traumatic brain injury is related to combat or military sexual trauma, as determined by the Secretary concerned.”.

SEC. 536. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF INTEGRITY OF DEPARTMENT OF DEFENSE WHISTLEBLOWER PROGRAM.

(a) **REPORT REQUIRED.**—Not later than 18 months after the date of the enactment of this Act, 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 setting forth a review of the integrity of the Department of Defense whistleblower program.

(b) **ELEMENTS.**—The review for purposes of the report required by subsection (a) shall include the following elements:

(1) An assessment of the extent to which the Department of Defense whistleblower program meets executive branch policies and goals for whistleblower protections.

(2) An assessment of the adequacy of procedures to handle and address complaints submitted by employees in the Office of the Inspector General of the Department of Defense to ensure that such employees themselves are able to disclose a suspected violation of law, rule, or regulation without fear of reprisal.

(3) An assessment of the extent to which there have been violations of standards used in regard to the protection of confidentiality provided to whistleblowers by the Inspector General of the Department of Defense.

(4) *An assessment of the extent to which there have been incidents of retaliatory investigations against whistleblowers within the Office of the Inspector General.*

(5) *An assessment of the extent to which the Inspector General of the Department of Defense has thoroughly investigated and substantiated allegations within the past 10 years against civilian officials of the Department of Defense appointed to their positions by and with the advice and consent of the Senate, and whether Congress has been notified of the results of such investigations.*

(6) *An assessment of the ability of the Inspector General of the Department of Defense and the Inspectors General of the military departments to access agency information necessary to the execution of their duties, including classified and other sensitive information, and an assessment of the adequacy of security procedures to safeguard such classified or sensitive information when so accessed.*

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 541. UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) **CLARIFICATION OF AUTHORITY OF JUDGES OF THE COURT TO ADMINISTER OATHS AND ACKNOWLEDGMENTS.**—Subsection (c) of section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended to read as follows:

“(c) Each judge and senior judge of the United States Court of Appeals for the Armed Forces shall have the powers relating to oaths, affirmations, and acknowledgments provided to justices and judges of the United States by section 459 of title 28.”

(b) **MODIFICATION OF TERM OF JUDGES OF THE COURT TO RESTORE ROTATION OF JUDGES.**—

(1) **EARLY RETIREMENT AUTHORIZED FOR ONE CURRENT JUDGE.**—If the judge of the United States Court of Appeals for the Armed Forces who is the junior in seniority of the two judges of the court whose terms of office under section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice), expire on July 31, 2021, chooses to retire one year early, that judge—

(A) may retire from service on the court effective August 1, 2020; and

(B) shall be treated, upon such retirement, for all purposes as having completed a term of service for which the judge was appointed as a judge of the court.

(2) **STAGGERING OF FUTURE APPOINTMENTS.**—Section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice), is amended—

(A) by inserting “(A)” after “(2)”;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(C) by adding at the end the following new subparagraph:

“(B) If at the time of the appointment of a judge the date that is otherwise applicable under subparagraph (A) for the expiration of the term of service of the judge is the same as the date for the expiration of the term of service of a judge already on the court, then

the term of the judge being appointed shall expire on the first July 31 after such date on which no term of service of a judge already on the court will expire.”

(3) *APPLICATION OF AMENDMENTS.—The amendments made by paragraph (2) shall apply with respect to appointments to the United States Court of Appeals for the Armed Forces that are made on or after the date of the enactment of this Act.*

(c) *REPEAL OF REQUIREMENT RELATING TO POLITICAL PARTY STATUS OF JUDGES OF THE COURT.—Section 942(b)(3) of title 10, United States Code (article 142(b)(3) of the Uniform Code of Military Justice), is amended by striking “Not more than three of the judges of the court may be appointed from the same political party, and no” and by inserting “No”.*

(d) *MODIFICATION OF DAILY RATE OF COMPENSATION FOR SENIOR JUDGES PERFORMING JUDICIAL DUTIES WITH THE COURT.—Section 942(e)(2) of title 10, United States Code (article 142(e)(2) of the Uniform Code of Military Justice), is amended by striking “equal to” and all that follows and inserting “equal to the difference between—*

“(A) the daily equivalent of the annual rate of pay provided for a judge of the court; and

“(B) the daily equivalent of the annuity of the judge under section 945 of this title (article 145), the applicable provisions of title 5, or any other retirement system for employees of the Federal Government under which the senior judge receives an annuity.”.

(e) *REPEAL OF DUAL COMPENSATION PROVISION RELATING TO JUDGES OF THE COURT.—Section 945 of title 10, United States Code (article 145 of the Uniform Code of Military Justice), is amended—*

(1) in subsection (d), by striking “subsection (g)(1)(B)” and inserting “subsection (f)(1)(B)”;

(2) by striking subsection (f); and

(3) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h), respectively.

SEC. 542. EFFECTIVE PROSECUTION AND DEFENSE IN COURTS-MARTIAL AND PILOT PROGRAMS ON PROFESSIONAL MILITARY JUSTICE DEVELOPMENT FOR JUDGE ADVOCATES.

(a) *PROGRAM FOR EFFECTIVE PROSECUTION AND DEFENSE.—The Secretary concerned shall carry out a program to ensure that—*

(1) trial counsel and defense counsel detailed to prosecute or defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case; and

(2) a deliberate professional developmental process is in place to ensure effective prosecution and defense in all courts-martial.

(b) *MILITARY JUSTICE EXPERIENCE DESIGNATORS OR SKILL IDENTIFIERS.—The Secretary concerned shall establish and use a system of military justice experience designators or skill identifiers for purposes of identifying judge advocates with skill and experience in military justice proceedings in order to ensure that judge advocates with experience and skills identified through such experience designators or skill identifiers are assigned to develop less experienced judge advocates in the prosecution and defense in courts-martial under a program carried out pursuant to subsection (a).*

(c) *PILOT PROGRAMS ON PROFESSIONAL DEVELOPMENTAL PROCESS FOR JUDGE ADVOCATES.*—

(1) *PURPOSE.*—The Secretary concerned shall carry out a pilot program to assess the feasibility and advisability of establishing a deliberate professional developmental process for judge advocates under the jurisdiction of the Secretary that leads to judge advocates with military justice expertise serving as military justice practitioners capable of prosecuting and defending complex cases in military courts-martial.

(2) *ADDITIONAL MATTERS.*—A pilot program may also assess such other matters related to professional military justice development for judge advocates as the Secretary concerned considers appropriate.

(3) *DURATION.*—Each pilot program shall be for a period of five years.

(4) *REPORT.*—Not later than four years after the date of the enactment of this Act, the Secretary concerned shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs conducted under this section. The report shall include the following:

(A) A description and assessment of each pilot program.

(B) Such recommendations as the Secretary considers appropriate in light of the pilot programs, including whether any pilot program should be extended or made permanent.

(d) *SECRETARY CONCERNED DEFINED.*—In this section, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE EFFORTS OF THE ARMED FORCES OF INFORMATION ON COMPLAINTS OF RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding at the end the following new paragraph:

“(12) Information on each claim of retaliation in connection with a report of sexual assault in the Armed Force made by or against a member of such Armed Force as follows:

“(A) A narrative description of each complaint.

“(B) The nature of such complaint, including whether the complainant claims professional or social retaliation.

“(C) The gender of the complainant.

“(D) The gender of the individual claimed to have committed the retaliation.

“(E) The nature of the relationship between the complainant and the individual claimed to have committed the retaliation.

“(F) The nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the retaliation.

“(G) The official or office that received the complaint.

“(H) The organization that investigated or is investigating the complaint.

“(I) The current status of the investigation.

“(J) If the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant.

“(K) If the investigation determined that retaliation occurred, whether the retaliation was an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).”

SEC. 544. EXTENSION OF THE REQUIREMENT FOR ANNUAL REPORT REGARDING SEXUAL ASSAULTS AND COORDINATION WITH RELEASE OF FAMILY ADVOCACY PROGRAM REPORT.

Section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended—

(1) in subsection (a), by striking “March 1, 2017” and inserting “March 1, 2021”; and

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

“(g) COORDINATION OF RELEASE DATE BETWEEN ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND FAMILY ADVOCACY REPORT.—The Secretary of Defense shall ensure that the reports required under subsection (a) for a given year are delivered to the Committees on Armed Services of the Senate and House of Representatives simultaneously with the Family Advocacy Program report for that year regarding child abuse and domestic violence, as required by section 574 of the National Defense Authorization Act for Fiscal Year 2017.”

SEC. 545. METRICS FOR EVALUATING THE EFFORTS OF THE ARMED FORCES TO PREVENT AND RESPOND TO RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) METRICS REQUIRED.—The Sexual Assault Prevention and Response Office of the Department of Defense shall establish and issue to the military departments metrics to be used to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

(b) BEST PRACTICES.—For purposes of enhancing and achieving uniformity in the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces, the Sexual Assault Prevention and Response Office shall identify and issue to the military departments best practices to be used in the prevention of and response to retaliation in connection with such reports.

SEC. 546. TRAINING FOR DEPARTMENT OF DEFENSE PERSONNEL WHO INVESTIGATE CLAIMS OF RETALIATION.

(a) TRAINING REGARDING NATURE AND CONSEQUENCES OF RETALIATION.—The Secretary of Defense shall ensure that the personnel of the Department of Defense specified in subsection (b) who investigate claims of retaliation receive training on the nature and consequences of retaliation, and, in cases involving reports of sexual assault, the nature and consequences of sexual assault trauma. The training shall include such elements as the Secretary shall specify for purposes of this section.

(b) **COVERED PERSONNEL.**—*The personnel of the Department of Defense covered by subsection (a) are the following:*

- (1) *Personnel of military criminal investigation services.*
- (2) *Personnel of Inspectors General offices.*
- (3) *Personnel of any command of the Armed Forces who are assignable by the commander of such command to investigate claims of retaliation made by or against members of such command.*

(c) **RETALIATION DEFINED.**—*In this section, the term “retaliation” has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.*

SEC. 547. NOTIFICATION TO COMPLAINANTS OF RESOLUTION OF INVESTIGATIONS INTO RETALIATION.

(a) **NOTIFICATION REQUIRED.**—

(1) **MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS.**—*Under regulations prescribed by the Secretary of Defense, upon the conclusion of an investigation by an office, element, or personnel of the Department of Defense or of the Armed Forces of a complaint by a member of the Armed Forces of retaliation, the member shall be informed in writing of the results of the investigation, including whether the complaint was substantiated, unsubstantiated, or dismissed.*

(2) **MEMBERS OF COAST GUARD.**—*The Secretary of Homeland Security shall provide in a similar manner for notification in writing of the results of investigations by offices, elements, or personnel of the Department of Homeland Security or of the Coast Guard of complaints of retaliation made by members of the Coast Guard when it is not operating as a service in the Navy.*

(b) **RETALIATION DEFINED.**—*In this section, the term “retaliation” has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.*

SEC. 548. MODIFICATION OF DEFINITION OF SEXUAL HARASSMENT FOR PURPOSES OF INVESTIGATIONS BY COMMANDING OFFICERS OF COMPLAINTS OF HARASSMENT.

(a) **IN GENERAL.**—*Section 1561(e) of title 10, United States Code, is amended—*

(1) *in paragraph (1)—*

(A) *in the matter preceding subparagraph (A), by striking “(constituting a form of sex discrimination)”;* and

(B) *in subparagraph (B), by striking “the work environment” and inserting “the environment”;* and

(2) *in paragraph (3), by striking “in the workplace”.*

(b) **EFFECTIVE DATE.**—*The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to complaints described in section 1561 of title 10, United States Code, that are first received by a commanding officer or officer in charge on or after that date.*

SEC. 549. IMPROVED DEPARTMENT OF DEFENSE PREVENTION OF AND RESPONSE TO HAZING IN THE ARMED FORCES.

(a) **ANTI-HAZING DATABASE.**—The Secretary of Defense shall provide for the establishment and use of a comprehensive and consistent data-collection system for the collection of reports, including anonymous reports, of incidents of hazing involving a member of the Armed Forces. The Secretary shall issue department-wide guidance regarding the availability and use of the database, including information on protected classes, such as race and religion, who are often the victims of hazing.

(b) **IMPROVED TRAINING.**—Each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall seek to improve training to assist members of the Armed Forces better recognize, prevent, and respond to hazing at all command levels.

(c) **ANNUAL REPORTS ON HAZING.**—

(1) **REPORT REQUIRED.**—Not later than January 31 of each year through January 31, 2021, each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a description of efforts during the previous year—

(A) to prevent and to respond to incidents of hazing involving members of the Armed Forces;

(B) to track and encourage reporting, including reporting anonymously, incidents of hazing in the Armed Force; and

(C) to ensure the consistent implementation of anti-hazing policies.

(2) **ADDITIONAL ELEMENTS.**—Each report required by this subsection also shall address the same elements originally addressed in the anti-hazing reports required by section 534 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1726).

Subtitle F—National Commission on Military, National, and Public Service

SEC. 551. PURPOSE, SCOPE, AND DEFINITIONS.

(a) **PURPOSE.**—The purpose of this subtitle is to establish the National Commission on Military, National, and Public Service to—

(1) conduct a review of the military selective service process (commonly referred to as “the draft”); and

(2) consider methods to increase participation in military, national, and public service in order to address national security and other public service needs of the Nation.

(b) **SCOPE OF REVIEW.**—In order to provide the fullest understanding of the matters required under the review under subsection (a), the Commission shall consider—

(1) the need for a military selective service process, including the continuing need for a mechanism to draft large numbers of replacement combat troops;

(2) means by which to foster a greater attitude and ethos of service among United States youth, including an increased propensity for military service;

(3) the feasibility and advisability of modifying the military selective service process in order to obtain for military, national, and public service individuals with skills (such as medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics (STEM) skills) for which the Nation has a critical need, without regard to age or sex; and

(4) the feasibility and advisability of including in the military selective service process, as so modified, an eligibility or entitlement for the receipt of one or more Federal benefits (such as educational benefits, subsidized or secured student loans, grants or hiring preferences) specified by the Commission for purposes of the review.

(c) **DEFINITIONS.**—In this subtitle:

(1) The term “military service” means active service (as that term is defined in subsection (d)(3) of section 101 of title 10, United States Code) in one of the uniformed services (as that term is defined in subsection (a)(5) of such section).

(2) The term “national service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.

(3) The term “public service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission for purposes of this subtitle.

SEC. 552. PRELIMINARY REPORT ON PURPOSE AND UTILITY OF REGISTRATION SYSTEM UNDER MILITARY SELECTIVE SERVICE ACT.

(a) **REPORT REQUIRED.**—To assist the Commission in carrying out its duties under this subtitle, the Secretary of Defense shall—

(1) submit, not later than July 1, 2017, to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission a report on the current and future need for a centralized registration system under the Military Selective Service Act (50 U.S.C. 3801 et seq.); and

(2) provide a briefing on the results of the report.

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

(1) A detailed analysis of the current benefits derived, both directly and indirectly, from the Military Selective Service System, including—

(A) the extent to which mandatory registration benefits military recruiting;

(B) the extent to which a national registration capability serves as a deterrent to potential enemies of the United States; and

(C) the extent to which expanding registration to include women would impact these benefits.

(2) *An analysis of the functions currently performed by the Selective Service System that would be assumed by the Department of Defense in the absence of a national registration capability.*

(3) *An analysis of the systems, manpower, and facilities that would be needed by the Department to physically mobilize inductees in the absence of the Selective Service System.*

(4) *An analysis of the feasibility and utility of eliminating the current focus on mass mobilization of primarily combat troops in favor of a system that focuses on mobilization of all military occupational specialties, and the extent to which such a change would impact the need for both male and female inductees.*

(5) *A detailed analysis of the Department's personnel needs in the event of an emergency requiring mass mobilization, including—*

(A) a detailed timeline, along with the factors considered in arriving at this timeline, of when the Department would require—

(i) the first inductees to report for service;

(ii) the first 100,000 inductees to report for service;

and

(iii) the first medical personnel to report for service; and

(B) an analysis of any additional critical skills that would be needed in the event of a national emergency, and a timeline for when the Department would require the first inductees to report for service.

(6) *A list of the assumptions used by the Department when conducting its analysis in preparing the report.*

(c) **COMPTROLLER GENERAL REVIEW.**—*Not later than December 1, 2017, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission a review of the procedures used by the Department of Defense in evaluating selective service requirements.*

SEC. 553. NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) **ESTABLISHMENT.**—*There is established in the executive branch an independent commission to be known as the National Commission on Military, National, and Public Service (in this subtitle referred to as the "Commission"). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.*

(b) **MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—*The Commission shall be composed of 11 members appointed as follows:*

(A) The President shall appoint three members.

(B) The Majority Leader of the Senate shall appoint one member.

(C) The Minority Leader of the Senate shall appoint one member.

(D) The Speaker of the House of Representatives shall appoint one member.

(E) *The Minority Leader of the House of Representatives shall appoint one member.*

(F) *The Chairman of the Committee on Armed Services of the Senate shall appoint one member.*

(G) *The ranking minority member of the Committee on Armed Services of the Senate shall appoint one member.*

(H) *The Chairman of the Committee on Armed Services of the House of Representatives shall appoint one member.*

(I) *The ranking minority member of the Committee on Armed Services of the House of Representatives shall appoint one member.*

(2) *DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the Commission establishment date.*

(3) *EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), (E), (F), (G), (H), or (I) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.*

(c) *CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.*

(d) *TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.*

(e) *STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.*

(f) *PAY FOR MEMBERS OF THE COMMISSION.—*

(1) *IN GENERAL.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.*

(2) *CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.*

(g) *USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to*

carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(h) *POSTAL SERVICES.*—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) *AUTHORITY TO ACCEPT GIFTS.*—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money.

(j) *PERSONAL SERVICES.*—

(1) *AUTHORITY TO PROCURE.*—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) *LIMITATION.*—The total number of experts or consultants procured pursuant to paragraph (1) may not exceed five experts or consultants.

(3) *MAXIMUM DAILY PAY RATES.*—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) *FUNDING.*—Of the amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Defense, up to \$15,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

SEC. 554. COMMISSION HEARINGS AND MEETINGS.

(a) *IN GENERAL.*—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed. The Commission is authorized and encouraged to hold hearings and meetings in various locations throughout the country to provide maximum opportunity for public comment and participation in the Commission's execution of its duties.

(b) *MEETINGS.*—

(1) *INITIAL MEETING.*—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) *SUBSEQUENT MEETINGS.*—After its initial meeting, the Commission shall meet upon the call of the chair or a majority of its members.

(3) *PUBLIC MEETINGS.*—Each meeting of the Commission shall be held in public unless any member objects or classified information is to be considered.

(c) *QUORUM.*—Six members of the Commission shall constitute a quorum, but a lesser number may hold hearings or meetings.

(d) *PUBLIC COMMENTS.*—

(1) *SOLICITATION.*—The Commission shall seek written comments from the general public and interested parties on matters of the Commission's review under this subtitle. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) *PERIOD FOR SUBMITTAL.*—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which recommendations are transmitted to the Commission under section 555(d).

(3) *USE BY COMMISSION.*—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) *SPACE FOR USE OF COMMISSION.*—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) *CONTRACTING AUTHORITY.*—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

SEC. 555. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) *CONTEXT OF COMMISSION REVIEW.*—The Commission shall—

(1) conduct a review of the military selective service process; and

(2) consider methods to increase participation in military, national, and public service opportunities to address national security and other public service needs of the Nation.

(b) *DEVELOPMENT OF COMMISSION RECOMMENDATIONS.*—The Commission shall develop recommendations on the matters subject to its review under subsection (a) that are consistent with the principles established by the President under subsection (c).

(c) *PRESIDENTIAL PRINCIPLES.*—

(1) *IN GENERAL.*—Not later than three months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for reform of the military selective service process, including means by which to best acquire for the Nation skills necessary to meet the military, national, and public service requirements of the Nation in connection with that process.

(2) *ELEMENTS.*—The principles required under this subsection shall address the following:

(A) Whether, in light of the current and predicted global security environment and the changing nature of warfare, there continues to be a continuous or potential need for a military selective service process designed to produce large numbers of combat members of the Armed Forces, and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex.

(B) The need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing critical skills and abilities, and how best to employ individuals possessing those skills and abilities for military, national, or public service.

(C) How to foster within the Nation, particularly among United States youth, an increased sense of service and civic responsibility in order to enhance the acquisition by the Nation of critically needed skills through education and training, and how best to acquire those skills for military, national, or public service.

(D) How to increase a propensity among United States youth for service in the military, or alternatively in national or public service, including how to increase the pool of qualified applicants for military service.

(E) The need in Government, including the military, and in the civilian sector to increase interest, education, and employment in certain critical fields, including science, technology, engineering, and mathematics (STEM), national security, cyber, linguistics and foreign language, education, health care, and the medical professions.

(F) How military, national, and public service may be incentivized, including through educational benefits, grants, federally-insured loans, Federal or State hiring preferences, or other mechanisms that the President considers appropriate.

(G) Any other matters the President considers appropriate for purposes of this subtitle.

(d) **CABINET RECOMMENDATIONS.**—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.

(e) **COMMISSION REPORT AND RECOMMENDATIONS.**—

(1) **REPORT.**—Not later than 30 months after the Commission establishment date, the Commission shall transmit to the President and Congress a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission regarding the matters reviewed by the Commission pursuant to this subtitle. The Commission shall include in the report legislative language and recommendations for administrative action to implement the recommendations of the Commission. The findings and conclusions in the report

shall be based on the review and analysis by the Commission of the recommendations made under subsection (d).

(2) **REQUIREMENT FOR APPROVAL.**—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President and Congress under paragraph (1).

(3) **PUBLIC AVAILABILITY.**—The Commission shall publish a copy of the report required by paragraph (1) on an Internet website available to the public on the same date on which it transmits that report to the President and Congress under that paragraph.

(f) **JUDICIAL REVIEW PRECLUDED.**—Actions under this section of the President, the officials specified or designated under subsection (d), and the Commission shall not be subject to judicial review.

SEC. 556. EXECUTIVE DIRECTOR AND STAFF.

(a) **EXECUTIVE DIRECTOR.**—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) **STAFF.**—Subject to subsections (c) and (d), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(c) **LIMITATIONS ON STAFF.**—

(1) **NUMBER OF DETAILEES FROM EXECUTIVE DEPARTMENTS.**—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other executive branch departments.

(2) **PRIOR DUTIES WITHIN EXECUTIVE BRANCH.**—A person may not be detailed from the Department of Defense or other executive branch department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation of recommendations for the military selective service process and military and public service in connection with that process.

(d) **LIMITATIONS ON PERFORMANCE REVIEWS.**—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department (other than a member of the uniformed services or officer or employee who is detailed to the Commission), may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report (other than for administrative accuracy); or

(3) approve or disapprove such a report.

SEC. 557. TERMINATION OF COMMISSION.

Except as otherwise provided in this subtitle, the Commission shall terminate not later than 36 months after the Commission establishment date.

Subtitle G—Member Education, Training, Resilience, and Transition

SEC. 561. MODIFICATION OF PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

(a) **SCOPE OF PROGRAM.**—Section 2015(a)(1) of title 10, United States Code, is amended by striking “incident to the performance of their military duties”.

(b) **QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.**—Section 2015(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “is accredited by an accreditation body that” and all that follows and inserting “meets one of the requirements specified in paragraph (2).”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

“(A) is accredited by a nationally-recognized, third-party personnel certification program accreditor;

“(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

“(ii) where appropriate, is endorsed by a nationally-recognized trade association or organization representing a significant part of the industry or sector;

“(C) grants licenses that are recognized by the Federal Government or a State government; or

“(D) meets credential standards of a Federal agency.”.

SEC. 562. INCLUSION OF ALCOHOL, PRESCRIPTION DRUG, OPIOID, AND OTHER SUBSTANCE ABUSE COUNSELING AS PART OF REQUIRED PRESEPARATION COUNSELING.

Section 1142(b)(11) of title 10, United States Code, is amended by inserting before the period the following: “and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse”.

SEC. 563. INCLUSION OF INFORMATION IN TRANSITION ASSISTANCE PROGRAM REGARDING EFFECT OF RECEIPT OF BOTH VETERAN DISABILITY COMPENSATION AND VOLUNTARY SEPARATION PAY.

Section 1144(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(10) Provide information regarding the required deduction, pursuant to subsection (h) of section 1175a of this title, from disability compensation paid by the Secretary of Veterans Affairs of amounts equal to any voluntary separation pay received by the member under such section.”.

SEC. 564. TRAINING UNDER TRANSITION ASSISTANCE PROGRAM ON CAREER AND EMPLOYMENT OPPORTUNITIES ASSOCIATED WITH TRANSPORTATION SECURITY CARDS.

(a) **IN GENERAL.**—Section 1144(b) of title 10, United States Code, as amended by section 563, is further amended by adding at the end the following new paragraph:

“(11) Acting through the Secretary of the department in which the Coast Guard is operating, provide information on career and employment opportunities available to members with transportation security cards issued under section 70105 of title 46.”

(b) DEADLINE FOR IMPLEMENTATION.—The program carried out under section 1144 of title 10, United States Code, shall satisfy the requirements of subsection (b)(11) of such section (as added by subsection (a) of this section) by not later than 180 days after the date of the enactment of this Act.

SEC. 565. EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAM.

Section 10219(g) of title 10, United States Code, is amended by striking “October 1, 2017” and inserting “October 1, 2018”.

SEC. 566. CONGRESSIONAL NOTIFICATION IN ADVANCE OF APPOINTMENTS TO SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: “When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: “When a nominee of a Senator, Representative, or Delegate is selected for appointment as a midshipman, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: “When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”.

(d) UNITED STATES MERCHANT MARINE ACADEMY.—Section 51302 of title 46, United States Code, is amended by adding at the end the following:

“(e) CONGRESSIONAL NOTIFICATION IN ADVANCE OF APPOINTMENTS.—When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”.

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to the appointment of cadets and midshipmen to the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Merchant Marine Academy for classes entering these service academies after January 1, 2018.

SEC. 567. REPORT AND GUIDANCE ON JOB TRAINING, EMPLOYMENT SKILLS TRAINING, APPRENTICESHIPS, AND INTERNSHIPS AND SKILLBRIDGE INITIATIVES FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and make available to the public, a report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTEST-AI) and SkillBridge initiatives, under which civilian businesses and companies make available to members of the Armed Forces who are being separated from the Armed Forces training or internship opportunities that offer a high probability of employment for the members after their separation.

(b) **ELEMENTS.**—In preparing the report required by subsection (a), the Under Secretary of Defense for Personnel and Readiness shall use the effectiveness metrics described in Enclosure 5 of Department of Defense Instruction No. 1322.29. The report shall include the following:

(1) An assessment of the successes of the Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives.

(2) Recommendations by the Under Secretary on ways in which the administration of the initiatives could be improved.

(3) Recommendations by civilian companies participating in the initiatives on ways in which the administration of the initiatives could be improved.

SEC. 568. MILITARY-TO-MARINER TRANSITION.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall jointly report to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate on steps the Departments of Defense and Homeland Security have taken or intend to take—

(1) to maximize the extent to which United States Armed Forces service, training, and qualifications are creditable toward meeting the laws and regulations governing United States merchant mariner license, certification, and document laws and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, including steps to enhance interdepartmental coordination; and

(2) to promote better awareness among Armed Forces personnel who serve in vessel operating positions of the requirements for postservice use of Armed Forces training, education, and practical experience in satisfaction of requirements for merchant mariner credentials under section 11.213 of title 46, Code of Federal Regulations, and the need to document such service in a manner suitable for post-service use.

(b) **LIST OF TRAINING PROGRAMS.**—The report under subsection (a) shall include a list of Army, Navy, and Coast Guard training

programs open to Army, Navy, and Coast Guard vessel operators, respectively, that shows—

- (1) which programs have been approved for credit toward merchant mariner credentials;
- (2) which programs are under review for such approval;
- (3) which programs are not relevant to the training needed for merchant mariner credentials; and
- (4) which programs could become eligible for credit toward merchant mariner credentials with minor changes.

Subtitle H—Defense Dependents’ Education and Military Family Readiness Matters

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) **ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.**—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in division D, \$30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) **IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.**—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$5,000,000 shall be available for payments under section 363 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–77; 20 U.S.C. 7703a).

(c) **LOCAL EDUCATIONAL AGENCY DEFINED.**—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.

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

(b) **INFORMATION TO BE INCLUDED WITH FUTURE REQUESTS FOR EXTENSION.**—The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) that includes a request for the extension of section 574(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 shall include the following:

- (1) A full accounting of the expenditure of funds pursuant to such section 574(c) during the last fiscal year ending before the date of the submittal of the budget.

(2) *An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.*

SEC. 573. ANNUAL NOTICE TO MEMBERS OF THE ARMED FORCES REGARDING CHILD CUSTODY PROTECTIONS GUARANTEED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.

The Secretaries of each of the military departments shall ensure that each member of the Armed Forces with dependents receives annually, and prior to each deployment, notice of the child custody protections afforded to members of the Armed Forces under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

SEC. 574. REQUIREMENT FOR ANNUAL FAMILY ADVOCACY PROGRAM REPORT REGARDING CHILD ABUSE AND DOMESTIC VIOLENCE.

(a) **ANNUAL REPORT ON CHILD ABUSE AND DOMESTIC VIOLENCE.**—*Not later than April 30, 2017, and annually thereafter through April 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the child abuse and domestic abuse incident data from the Department of Defense Family Advocacy Program central registry of child abuse and domestic abuse incidents for the preceding calendar year.*

(b) **CONTENTS.**—*The report shall contain each of the following:*

(1) *The number of incidents reported during the year covered by the report involving—*

- (A) *spouse physical or sexual abuse;*
- (B) *intimate partner physical or sexual abuse;*
- (C) *child physical or sexual abuse; and*
- (D) *child or domestic abuse resulting in a fatality.*

(2) *An analysis of the number of such incidents that met the criteria for substantiation.*

(3) *An analysis of—*

- (A) *the types of abuse reported;*
- (B) *for cases involving children as the reported victims of the abuse, the ages of the abused children; and*
- (C) *other relevant characteristics of the reported victims.*

(4) *An analysis of the military status, sex, and pay grade of the alleged perpetrator of the child or domestic abuse.*

(5) *An analysis of the effectiveness of the Family Advocacy Program.*

(c) **COORDINATION OF RELEASE DATE BETWEEN ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND FAMILY ADVOCACY PROGRAM REPORT.**—*The Secretary of Defense shall ensure that the sexual assault reports required to be submitted under section 1631(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note) for a year are delivered to the Committees on Armed Services of the House of Representatives and the Senate simultaneously with the report for that year required under this section.*

SEC. 575. REPORTING ON ALLEGATIONS OF CHILD ABUSE IN MILITARY FAMILIES AND HOMES.

(a) **REPORTS TO FAMILY ADVOCACY PROGRAM OFFICES.**—

(1) *IN GENERAL.*—The following information shall be reported immediately to the Family Advocacy Program office at the military installation to which the member of the Armed Forces concerned is assigned:

(A) Credible information (which may include a reasonable belief), obtained by any individual within the chain of command of the member, that a child in the family or home of the member has suffered an incident of child abuse.

(B) Information, learned by a member of the Armed Forces engaged in a profession or activity described in section 226(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031(b)) for members of the Armed Forces and their dependents, that gives reason to suspect that a child in the family or home of the member has suffered an incident of child abuse.

(2) *REGULATIONS.*—The Secretary of Defense and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly prescribe regulations to carry out this subsection.

(3) *CHILD ABUSE DEFINED.*—In this subsection, the term “child abuse” has the meaning given that term in section 226(c) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031(c)).

(b) *REPORTS TO STATE CHILD WELFARE SERVICES.*—Section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) is amended—

(1) in subsection (a), by inserting “and to the agency or agencies provided for in subsection (e), if applicable” before the period;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

“(e) *REPORTERS AND RECIPIENT OF REPORT INVOLVING CHILDREN AND HOMES OF MEMBERS OF THE ARMED FORCES.*—

“(1) *RECIPIENTS OF REPORTS.*—In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

“(2) *MAKERS OF REPORTS.*—For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are

engaged in such professions and activities for members of the Armed Forces and their dependents.”.

SEC. 576. REPEAL OF ADVISORY COUNCIL ON DEPENDENTS’ EDUCATION.

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

SEC. 577. SUPPORT FOR PROGRAMS PROVIDING CAMP EXPERIENCE FOR CHILDREN OF MILITARY FAMILIES.

(a) **AUTHORITY TO PROVIDE SUPPORT.**—*The Secretary of Defense may provide financial or non-monetary support to qualified non-profit organizations in order to assist such organizations in carrying out programs to support the attendance at a camp, or camp-like setting, of children of military families who have experienced the death of a family member or other loved one or who have another family member living with a substance use disorder or post-traumatic stress disorder.*

(b) **APPLICATION FOR SUPPORT.**—

(1) **IN GENERAL.**—*Each organization seeking support pursuant to subsection (a) shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall specify for purposes of this section.*

(2) **CONTENTS.**—*Each application submitted under paragraph (1) shall include the following:*

(A) *A description of the program for which support is being sought, including the location of the setting or settings under the program, the duration of such setting or settings, any local partners participating in or contributing to the program, and the ratio of counselors, trained volunteers, or both to children at such setting or settings.*

(B) *An estimate of the number of children of military families to be supported using the support sought.*

(C) *A description of the type of activities that will be conducted using the support sought, including the manner in which activities are particularly supportive to children of military families described in subsection (a).*

(D) *A description of the outreach conducted or to be conducted by the organization to military families regarding the program.*

(c) **USE OF SUPPORT.**—*Support provided by the Secretary of Defense to an organization pursuant to subsection (a) shall be used by the organization to support attendance at a camp, or camp-like setting, of children of military families described in subsection (a).*

SEC. 578. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT AND REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAMS.

(a) **ASSESSMENT AND REPORT REQUIRED.**—

(1) **ASSESSMENT.**—*The Comptroller General of the United States shall conduct an assessment on the effectiveness of each Exceptional Family Member Program of the Armed Forces.*

(2) **REPORT.**—*Not later than December 31, 2017, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment conducted under this subsection.*

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

(1) *The differences between each Exceptional Family Member Program of the Armed Forces.*

(2) *The manner in which Exceptional Family Member Programs are implemented on joint bases and installations.*

(3) *The extent to which military family members are screened for potential coverage under an Exceptional Family Member Program and the manner of such screening.*

(4) *The degree to which conditions of military family members who qualify for coverage under an Exceptional Family Member Program are taken into account in making assignments of military personnel.*

(5) *The types of services provided to address the needs of military family members who qualify for coverage under an Exceptional Family Member Program.*

(6) *The extent to which the Department of Defense has implemented specific directives for providing family support and enhanced case management services, such as special needs navigators, to military families with special needs children.*

(7) *The extent to which the Department has conducted periodic reviews of best practices in the United States for the provision of medical and educational services to military family members with special needs.*

(8) *The necessity in the Department for an advisory panel on community support for military families members with special needs.*

(9) *The development and implementation of the uniform policy for the Department regarding families with special needs required by section 1781c(e) of title 10, United States Code.*

(10) *The implementation by each Armed Force of the recommendations in the Government Accountability Report entitled “Military Dependent Students, Better Oversight Needed to Improve Services for Children with Special Needs” (GAO-12-680).*

SEC. 579. IMPACT AID AMENDMENTS.

(a) *MILITARY “BUILD TO LEASE” PROGRAM HOUSING.*—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1806), the amendment made by section 7004(1) of such Act (Public Law 114-95; 129 Stat. 2077)—

(1) for fiscal year 2016—

(A) shall be applied as if amending section 8003(a)(5)(A) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1802); and

(B) shall be applicable with respect to appropriations for use under title VIII of the Elementary and Secondary Education Act of 1965 (Public Law 114-95; 129 Stat. 1802); and

(2) for fiscal year 2017 and each succeeding fiscal year, shall be in effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1802).

(b) *ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.*—

(1) *AMENDMENT.*—Subclause (I) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(I)) is amended to read as follows:

“(I) is a local educational agency—

“(aa) whose boundaries are the same as a Federal military installation; or

“(bb)(AA) whose boundaries are the same as an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

“(BB) that has no taxing authority;”.

(2) *EFFECTIVE DATE.*—The amendment made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act.

(c) *SPECIAL RULE REGARDING THE PER-PUPIL EXPENDITURE REQUIREMENT.*—

(1) *REFERENCES.*—Except as otherwise expressly provided, any reference in this subsection to a section or other provision of title VII of the Elementary and Secondary Education Act of 1965 shall be considered to be a reference to the section or other provision of such title VII as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

(2) *IN GENERAL.*—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806) or section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), with respect to any application submitted under section 7005 of such Act (20 U.S.C. 7705) for eligibility consideration under subclause (II) or (V) of section 7003(b)(2)(B)(i) of such Act for fiscal year 2017, 2018, or 2019, the Secretary of Education shall determine that a local educational agency meets the per-pupil expenditure requirement for purposes of such subclause (II) or (V), as applicable, only if—

(A) in the case of a local educational agency that received a basic support payment for fiscal year 2001 under section 8003(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such section was in effect for such fiscal year), the agency, for the year for which the application is submitted, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement; or

(B) in the case of a local educational agency that did not receive a basic support payment for fiscal year 2015 under such section 8003(b)(2)(B), as so in effect, the agency, for the year for which the application is submitted—

(i) has a total student enrollment of 350 or more students and a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

(ii) has a total student enrollment of less than 350 students and a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency or 3 comparable local educational agencies (whichever average per-pupil expenditure is greater), in the State in which the agency is located.

(d) *PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.*—

(1) *AMENDMENTS.*—Section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), as amended by subsection (b) and sections 7001 and 7004 of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended—

(A) in subclause (IV) of subparagraph (B)(i)—

(i) in the matter preceding item (aa), by inserting “received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and” before “has”;

(ii) in item (aa), by striking “50” and inserting “35”; and

(iii) by striking item (bb) and inserting the following:

“(bb)(AA) not less than 3,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(BB) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1).”; and

(B) in subparagraph (D)—

(i) in clause (i)—

(I) in subclause (I), by striking “clause (ii)” and inserting “clauses (ii), (iii), and (iv).”; and

(II) in subclause (II)—

(aa) by inserting “received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and” after “agency that”;

(bb) by striking “50 percent” and inserting “35 percent”;

(cc) by striking “subsection (a)(1) and not less than 5,000” and inserting the following: “subsection (a)(1) and—

“(aa) not less than 3,500”; and

(dd) by striking “subsection (a)(1).” and inserting the following: “subsection (a)(1); or

“(bb) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1).”;

(ii) in clause (ii), by striking “shall be 1.35.” and inserting the following: “shall be—

“(I) for fiscal year 2016, 1.35;

“(II) for each of fiscal years 2017 and 2018, 1.38;

“(III) for fiscal year 2019, 1.40;

“(IV) for fiscal year 2020, 1.42; and

“(V) for fiscal year 2021 and each fiscal year thereafter, 1.45.”; and

(iii) by adding at the end the following:

“(iii) **FACTOR FOR CHILDREN WHO LIVE OFF BASE.**—

For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be—

“(I) for fiscal year 2016, .20;

“(II) for each of fiscal years 2017 and 2018, .22;

“(III) for each of fiscal years 2019 and 2020, .25; and

“(IV) for fiscal year 2021 and each fiscal year thereafter—

“(aa) .30 with respect to each of the first 7,000 children; and

“(bb) .25 with respect to the number of children that exceeds 7,000.

“(iv) **SPECIAL RULE.**—Notwithstanding clauses (ii) and (iii), for fiscal year 2020 or any succeeding fiscal year, if the number of students who are children described in subparagraphs (A) and (B) of subsection (a)(1) for a local educational agency subject to this subparagraph exceeds 7,000 for such year or the number of students who are children described in subsection (a)(1)(D) for such local educational agency exceeds 12,750 for such year, then—

“(I) the factor used, for the fiscal year for which the determination is being made, to determine the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.40; and

“(II) the factor used, for such fiscal year, to determine the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be .20.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965 beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074).

(3) **SPECIAL RULES.**—

(A) **APPLICABILITY FOR FISCAL YEAR 2016.**—Notwithstanding any other provision of law, in making basic support payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for fiscal year 2016, the Secretary of Education

shall carry out subparagraphs (B)(i) and (E) of such section as if the amendments made to subparagraphs (B)(i)(IV) and (D) of section 7003(b)(2) of such Act (as amended and redesignated by this subsection and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) had also been made to the corresponding provisions of section 8003(b)(2) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act.

(B) **LOSS OF ELIGIBILITY.**—For fiscal year 2016 or any succeeding fiscal year, if a local educational agency is eligible for a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (as amended by this section and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) or through a corresponding provision under subparagraph (A), such local educational agency shall be ineligible to apply for a payment for such fiscal year under any other subclause of such section (or, for fiscal year 2016, any other item of section 8003(b)(2)(B)(i)(II) of the Elementary and Secondary Education Act of 1965).

(C) **PAYMENT AMOUNTS.**—If, before the date of enactment of this Act, a local educational agency receives 1 or more payments under section 8003(b)(2)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(E)) for fiscal year 2016, the sum of which is greater than the amount the Secretary of Education determines the local educational agency is entitled to receive under such section in accordance with subparagraph (A)—

(i) the Secretary shall allow the local educational agency to retain the larger amount; and

(ii) such local educational agency shall not be eligible to receive any additional payment under such section for fiscal year 2016.

Subtitle I—Decorations and Awards

SEC. 581. POSTHUMOUS ADVANCEMENT OF COLONEL GEORGE E. “BUD” DAY, UNITED STATES AIR FORCE, ON THE RETIRED LIST.

(a) **ADVANCEMENT.**—Colonel George E. “Bud” Day, United States Air Force (retired), is entitled to hold the rank of brigadier general while on the retired list of the Air Force.

(b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The advancement of George E. “Bud” Day on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which George E. “Bud” Day would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

SEC. 582. AUTHORIZATION FOR AWARD OF MEDALS FOR ACTS OF VALOR DURING CERTAIN CONTINGENCY OPERATIONS.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in sections 3744, 6248, and 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the

President may award a medal specified in subsection (c) to a member or former member of the Armed Forces identified as warranting award of that medal pursuant to the review of valor award nominations for Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Freedom's Sentinel, and Operation Inherent Resolve that was directed by the Secretary of Defense on January 7, 2016.

(b) **AWARD OF MEDAL OF HONOR.**—If, pursuant to the review referred to in subsection (a), the President decides to award to a member or former member of the Armed Forces the Medal of Honor, the medal may only be awarded after the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a letter identifying the intended recipient of the Medal of Honor and the rationale for awarding the Medal of Honor to such intended recipient.

(c) **MEDALS.**—The medals covered by subsection (a) are any of the following:

(1) The Medal of Honor under section 3741, 6241, or 8741 of title 10, United States Code.

(2) The Distinguished-Service Cross under section 3742 of such title.

(3) The Navy Cross under section 6242 of such title.

(4) The Air Force Cross under section 8742 of such title.

(5) The Silver Star under section 3746, 6244, or 8746 of such title.

(d) **TERMINATION.**—No medal may be awarded under the authority of this section after December 31, 2019.

SEC. 583. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARY M. ROSE AND JAMES C. MCCLOUGHAN FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) **GARY M. ROSE.**—

(1) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to Gary M. Rose for the acts of valor described in paragraph (2).

(2) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in paragraph (1) are the actions of Gary M. Rose in Laos from September 11 through 14, 1970, during the Vietnam War while a member of the United States Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).

(b) **JAMES C. MCCLOUGHAN.**—

(1) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to James C. McCloughan for the acts of valor described in paragraph (2).

(2) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in paragraph (1) are the actions of James C. McCloughan during combat operations between May 13, 1969, and May 15,

1969, while serving as a Combat Medic with Company C, 3d Battalion, 21st Infantry, 196th Light Infantry Brigade, American Division, Republic of Vietnam, for which he was previously awarded the Bronze Star Medal with "V" Device.

SEC. 584. AUTHORIZATION FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO FIRST LIEUTENANT MELVIN M. SPRUIELL FOR ACTS OF VALOR DURING WORLD WAR II.

(a) **WAIVER OF TIME LIMITATIONS.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished-Service Cross under section 3742 of such title to First Lieutenant Melvin M. Spruiell of the Army for the acts of valor during World War II described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of First Lieutenant Melvin M. Spruiell on June 10 and 11, 1944, as a member of the Army serving in France with the 377th Parachute Field Artillery, 101st Airborne Division.

SEC. 585. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO CHAPLAIN (FIRST LIEUTENANT) JOSEPH VERBIS LAFLEUR FOR ACTS OF VALOR DURING WORLD WAR II.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished Service Cross under section 3742 of that title to Chaplain (First Lieutenant) Joseph Verbis LaFleur for the acts of valor referred to in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Chaplain (First Lieutenant) Joseph Verbis LaFleur while interned as a prisoner-of-war by Japan from December 30, 1941, to September 7, 1944.

SEC. 586. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER WAR VETERANS.

(a) **REVIEW REQUIRED.**—The Secretary of each military department shall review the service records of each Asian American and Native American Pacific Islander war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) **COVERED VETERANS.**—The Asian American and Native American Pacific Islander war veterans whose service records are to be reviewed under subsection (a) are any former members of the Armed Forces whose service records identify them as an Asian American or Native American Pacific Islander war veteran who was awarded the Distinguished-Service Cross, the Navy Cross, or the Air Force Cross during the Korean War or the Vietnam War.

(c) **CONSULTATIONS.**—In carrying out the review under subsection (a), the Secretary of each military department shall consult with such veterans service organizations as the Secretary considers appropriate.

(d) *RECOMMENDATIONS BASED ON REVIEW.*—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Asian American or Native American Pacific Islander war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) *AUTHORITY TO AWARD MEDAL OF HONOR.*—A Medal of Honor may be awarded to an Asian American or Native American Pacific Islander war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

(f) *CONGRESSIONAL NOTIFICATION.*—No Medal of Honor may be awarded pursuant to subsection (e) until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives notice of the recommendations under subsection (d), including the name of each Asian American or Native American Pacific Islander war veteran recommended to be awarded a Medal of Honor and the rationale for such recommendation.

(g) *WAIVER OF TIME LIMITATIONS.*—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished-Service Cross, Navy Cross, or Air Force Cross has been awarded.

(h) *DEFINITION.*—In this section, the term “Native American Pacific Islander” means a Native Hawaiian or Native American Pacific Islander, as those terms are defined in section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c).

Subtitle J—Miscellaneous Reports and Other Matters

SEC. 591. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT THE UNITED STATES AIR FORCE ACADEMY APPOINTED BY THE PRESIDENT.

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

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 903 of such title is amended by striking the item related to section 9337.

SEC. 592. EXTENSION OF LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

Section 1559(a) of title 10, United States Code, is amended by striking “December 31, 2016” and inserting “December 31, 2019”.

SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY AND THE MARINE CORPS IN INTEGRATING WOMEN INTO MILITARY OCCUPATIONAL SPECIALITIES AND UNITS RECENTLY OPENED TO WOMEN.

(a) *REPORTS REQUIRED.*—Not later than April 1, 2017, and each year thereafter through 2020, the Chief of Staff of the Army and the Commandant of the Marine Corps shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the current status of the implementation by

the Army and the Marine Corps, respectively, of the policy of Secretary of Defense dated March 9, 2016, to open to women military occupational specialties and units previously closed to women.

(b) *ELEMENTS.*—Each report shall include, current as of the date of such report and for the Armed Force covered by such report, the following:

(1) *The status of gender-neutral standards throughout the Entry Level Training continuum.*

(2) *The propensity of applicants to apply for and access into newly-opened ground combat programs, by gender and program.*

(3) *Success rates in Initial Screening Tests and Military Occupational Speciality (MOS) Classification Standards for newly-opened ground combat military occupational specialties, by gender.*

(4) *Attrition rates and the top three causes of attrition throughout the Entry Level Training continuum, by gender and military occupational specialty.*

(5) *Reclassification rates and the top three causes of reclassification throughout the Entry Level Training continuum, by gender and military occupational specialty.*

(6) *Injury rates and the top five causes of injury throughout the Entry Level Training continuum, by gender and military occupational specialty.*

(7) *Injury rates and nondeployability rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.*

(8) *Lateral move approval rates into newly-opened military occupational specialties, by gender and military occupational specialty.*

(9) *Reenlistment and retention rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.*

(10) *Promotion rates in newly-opened ground combat military occupational specialties, by grade and gender.*

(11) *Actions taken to address matters relating to equipment sizing and supply, and facilities, in connection with the implementation by such Armed Force of the policy referred to in paragraph (1).*

(c) *APPLICABILITY TO SOCOM.*—In addition to the reports required by subsection (a), the Commander of the United States Special Operations Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives, on the dates provided for in subsection (a), a report on the current status of the implementation by the United States Special Operations Command of the policy of Secretary of Defense referred to in subsection (a). Each report shall include the matters specified in subsection (b) with respect to the United States Special Operations Command.

SEC. 594. REPORT ON FEASIBILITY OF ELECTRONIC TRACKING OF OPERATIONAL ACTIVE-DUTY SERVICE PERFORMED BY MEMBERS OF THE READY RESERVE OF THE ARMED FORCES.

Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the

House of Representatives a report on the feasibility of establishing an electronic means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code. The means assessed for purposes of the report shall include a tour calculator that specifies early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under section 12731(f) of such title.

SEC. 595. REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) **ELEMENTS.**—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

SEC. 596. BODY MASS INDEX TEST.

(a) **REVIEW REQUIRED.**—Each Secretary of a military department shall review—

(1) the current body mass index test procedure used by each Armed Force under the jurisdiction of that Secretary; and

(2) other methods to measure body fat with a more holistic health and wellness approach.

(b) **ELEMENTS.**—The review required under subsection (a) shall—

(1) address nutrition counseling;

(2) determine the best methods to be used by the Armed Forces to assess body fat percentages; and

(3) improve the accuracy of body fat measurements.

SEC. 597. REPORT ON CAREER PROGRESSION TRACKS OF THE ARMED FORCES FOR WOMEN IN COMBAT ARMS UNITS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description, for each Armed Force, of the following:

(1) The career progression track for entry level women as officers in combat arms units of such Armed Force.

(2) The career progression track for laterally transferred women as officers in combat arms units of such Armed Force.

(3) The career progression track for entry level women as enlisted members in combat arms units of such Armed Force.

(4) *The career progression track for laterally transferred women as enlisted members in combat arms units of such Armed Force.*

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2017 increase in military basic pay.*
- Sec. 602. Publication by Department of Defense of actual rates of basic pay payable to members of the Armed Forces by pay grade for annual or other pay periods.*
- Sec. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.*
- Sec. 604. Reports on a new single-salary pay system for members of the Armed Forces.*

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.*
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.*
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.*
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.*
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.*
- Sec. 616. Aviation incentive pay and bonus matters.*
- Sec. 617. Conforming amendment to consolidation of special pay, incentive pay, and bonus authorities.*
- Sec. 618. Technical amendments relating to 2008 consolidation of certain special pay authorities.*

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Maximum reimbursement amount for travel expenses of members of the Reserves attending inactive duty training outside of normal commuting distances.*

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

- Sec. 631. Election period for members in the service academies and inactive Reserves to participate in the modernized retirement system.*
- Sec. 632. Effect of separation of members from the uniformed services on participation in the Thrift Savings Plan.*
- Sec. 633. Continuation pay for full Thrift Savings Plan members who have completed 8 to 12 years of service.*
- Sec. 634. Combat-related special compensation coordinating amendment.*

PART II—OTHER MATTERS

- Sec. 641. Use of member's current pay grade and years of service and retired pay cost-of-living adjustments, rather than final retirement pay grade and years of service, in a division of property involving disposable retired pay.*
- Sec. 642. Equal benefits under Survivor Benefit Plan for survivors of reserve component members who die in the line of duty during inactive-duty training.*
- Sec. 643. Authority to deduct Survivor Benefit Plan premiums from combat-related special compensation when retired pay not sufficient.*
- Sec. 644. Extension of allowance covering monthly premium for Servicemembers' Group Life Insurance while in certain overseas areas to cover members in any combat zone or overseas direct support area.*
- Sec. 645. Authority for payment of pay and allowances and retired and retainer pay pursuant to power of attorney.*
- Sec. 646. Extension of authority to pay special survivor indemnity allowance under the Survivor Benefit Plan.*
- Sec. 647. Repeal of obsolete authority for combat-related injury rehabilitation pay.*
- Sec. 648. Independent assessment of the Survivor Benefit Plan.*

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 661. Protection and enhancement of access to and savings at commissaries and exchanges.

Sec. 662. Acceptance of Military Star Card at commissaries.

Subtitle F—Other Matters

Sec. 671. Recovery of amounts owed to the United States by members of the uniformed services.

Sec. 672. Modification of flat rate per diem requirement for personnel on long-term temporary duty assignments.

Subtitle A—Pay and Allowances

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

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

(b) **INCREASE IN BASIC PAY.**—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 2.1 percent.

SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF ACTUAL RATES OF BASIC PAY PAYABLE TO MEMBERS OF THE ARMED FORCES BY PAY GRADE FOR ANNUAL OR OTHER PAY PERIODS.

Any pay table published or otherwise issued by the Department of Defense to indicate the rates of basic pay of the Armed Forces in effect for members of the Armed Forces for a calendar year or other period shall state the rate of basic pay to be received by members in each pay grade for such year or period as specified or otherwise provided by applicable law, including any rate to be so received pursuant during such year or period by the operation of a ceiling under section 203(a)(2) of title 37, United States Code, or a similar provision in an annual defense authorization Act.

SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

SEC. 604. REPORTS ON A NEW SINGLE-SALARY PAY SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) **REPORT ON PLAN TO IMPLEMENT NEW PAY STRUCTURE.**—Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representative a report that sets forth the following:

(1) The military pay tables as of January 1, 2017, reflecting the Regular Military Compensation of members of the Armed Forces as of that date in the range of grades, dependency statuses, and assignment locations.

(2) A comprehensive description of the manner in which the Department of Defense would begin, by not later than January 1, 2018, to implement a transition between the current pay structure for members of the Armed Forces and a new pay structure for members of the Armed Forces as provided for by this section.

(b) *REPORT ON ELEMENTS OF NEW PAY STRUCTURE.*—Not later than January 1, 2018, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representative a report that sets forth the following:

(1) A description and comparison of the current pay structure for members of the Armed Forces and a new pay structure for members of the Armed Forces, including new pay tables, that uses a single-salary pay system (as adjusted by the same cost-of-living adjustment that the Department of Defense uses worldwide for civilian employees) based on the assumptions in subsection (c).

(2) A proposal for such legislative and administrative action as the Secretary considers appropriate to implement the new pay structure, and to provide for a transition between the current pay structure and the new pay structure.

(3) A comprehensive schedule for the implementation of the new pay structure and for the transition between the current pay structure and the new pay structure, including all significant deadlines.

(c) *NEW PAY STRUCTURE.*—The new pay structure described pursuant to subsection (b)(1) shall assume the repeal of the basic allowance for housing and basic allowance subsistence for members of the Armed Forces in favor of a single-salary pay system, and shall include the following:

(1) A statement of pay comparability with the civilian sector adequate to effectively recruit and retain a high-quality All-Volunteer Force.

(2) The level of pay necessary by grade and years of service to meet pay comparability as described in paragraph (1) in order to recruit and retain a high-quality All-Volunteer Force.

(3) Necessary modifications to the military retirement system, including the retired pay multiplier, to ensure that members of the Armed Forces under the pay structure are situated similarly to where they would otherwise be under the military retirement system that will take effect on January 1, 2018, by reason part I of subtitle D of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), and the amendments made by that part.

(d) *COST CONTAINMENT.*—The single-salary pay system under the new pay structure provided for by this section shall be a single-salary pay system that will result in no or minimal additional costs to the Government, both in terms of annual discretionary outlays and entitlements, when compared with the continuation of the current pay system for members of the Armed Forces.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) **TITLE 10 AUTHORITIES.**—The following sections of title 10, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

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

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

(b) **TITLE 37 AUTHORITIES.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

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

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

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

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

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

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

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

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

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

- (1) Section 331(h), relating to general bonus authority for enlisted members.
- (2) Section 332(g), relating to general bonus authority for officers.
- (3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.
- (4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.
- (5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.
- (6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.
- (7) Section 351(h), relating to hazardous duty pay.
- (8) Section 352(g), relating to assignment pay or special duty pay.
- (9) Section 353(i), relating to skill incentive pay or proficiency bonus.
- (10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

- (1) Section 301b(a), relating to aviation officer retention bonus.
- (2) Section 307a(g), relating to assignment incentive pay.
- (3) Section 308(g), relating to reenlistment bonus for active members.
- (4) Section 309(e), relating to enlistment bonus.
- (5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.
- (6) Section 324(g), relating to accession bonus for new officers in critical skills.
- (7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.
- (8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.
- (9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. AVIATION INCENTIVE PAY AND BONUS MATTERS.

(a) **MAXIMUM INCENTIVE PAY AND BONUS AMOUNTS.**—Paragraph (1) of section 334(c) of title 37, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

“(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate not to exceed \$1,000 per month; and

“(B) an aviation bonus under subsection (b) may not exceed \$35,000 for each 12-month period of obligated service agreed to under subsection (d).”.

(b) **ANNUAL BUSINESS CASE FOR PAYMENT OF AVIATION BONUS.**—*Such section is further amended—*

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

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

“(2) ANNUAL BUSINESS CASE FOR PAYMENT OF AVIATION BONUS AMOUNTS.—

“(A) IN GENERAL.—The Secretary concerned shall determine the amount of the aviation bonus payable under paragraph (1)(B) under agreements entered into under subsection (d) during a fiscal year solely through a business case analysis of the amount required to be paid under such agreements in order to address anticipated manning shortfalls for such fiscal year by aircraft type category.

“(B) BUDGET JUSTIFICATION DOCUMENTS.—The budget justification documents in support of the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105 of title 31) shall set forth for each uniformed service the following:

“(i) The amount requested for the payment of aviation bonuses under subsection (b) using amounts authorized to be appropriated for the fiscal year concerned by aircraft type category.

“(ii) The business case analysis supporting the amount so requested by aircraft type category.

“(iii) For each aircraft type category, whether or not the amount requested will permit the payment during the fiscal year concerned of the maximum amount of the aviation bonus authorized by paragraph (1)(B).

“(iv) If any amount requested is to address manning shortfalls, a description of any plans of the Secretary concerned to address such shortfalls by non-monetary means.”.

SEC. 617. CONFORMING AMENDMENT TO CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

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

SEC. 618. TECHNICAL AMENDMENTS RELATING TO 2008 CONSOLIDATION OF CERTAIN SPECIAL PAY AUTHORITIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle C—Travel and Transportation Allowances

SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAVEL EXPENSES OF MEMBERS OF THE RESERVES ATTENDING INACTIVE DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCES.

Section 478a(c) of title 37, United States Code, is amended—

(1) by striking “The amount” and inserting the following:

“(1) Except as provided by paragraph (2), the amount”; and

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

“(2) The Secretary concerned may authorize, on a case-by-case basis, a higher reimbursement amount for a member under subsection (a) when the member—

“(A) resides—

- “(i) in the same State as the training location; and
- “(ii) outside of an urbanized area with a population of 50,000 or more, as determined by the Bureau of the Census; and
- “(B) is required to commute to a training location—
 - “(i) using an aircraft or boat on account of limited or nonexistent vehicular routes to the training location or other geographical challenges; or
 - “(ii) from a permanent residence located more than 75 miles from the training location.”.

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

SEC. 631. ELECTION PERIOD FOR MEMBERS IN THE SERVICE ACADEMIES AND INACTIVE RESERVES TO PARTICIPATE IN THE MODERNIZED RETIREMENT SYSTEM.

(a) *IN GENERAL.*—Paragraph (4)(C) of section 1409(b) of title 10, United States Code, is amended—

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

and

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

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

“(I) on or after the date on which such cadet, midshipman, or member of the Senior Reserve Officers’ Training Corps is appointed as a commissioned officer or otherwise begins to receive basic pay; and

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

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

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

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

(b) *EFFECTIVE DATE.*—The amendments made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 631(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendments made by subsection (a) relate.

SEC. 632. EFFECT OF SEPARATION OF MEMBERS FROM THE UNIFORMED SERVICES ON PARTICIPATION IN THE THRIFT SAVINGS PLAN.

Effective as of the date of the enactment of this Act, paragraph (2) of section 632(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 847) is repealed, and the amendment proposed to be made by that paragraph shall not be made or go into effect.

SEC. 633. CONTINUATION PAY FOR FULL THRIFT SAVINGS PLAN MEMBERS WHO HAVE COMPLETED 8 TO 12 YEARS OF SERVICE.

(a) **CONTINUATION PAY.**—Subsection (a) of section 356 of title 37, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) has completed not less than 8 and not more than 12 years of service in a uniformed service; and”; and

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

(b) **PAYMENT AMOUNT.**—Subsection (b) of such section is amended by striking all the matter preceding paragraph (1) and inserting the following:

“(b) **PAYMENT AMOUNT.**—The Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member’s monthly basic pay. The multiple for a full TSP member who is a member of a regular component or a reserve component, if the member is performing active Guard and Reserve duty (as defined in section 101(d)(6) of title 10), shall not be less than 2.5 times the member’s monthly basic pay. The multiple for a full TSP member who is a member of a reserve component not performing active Guard or Reserve duty (as so defined) shall not be less than 0.5 times the monthly basic pay to which the member would be entitled if the member were a member of a regular component. The maximum amount the Secretary concerned may pay a member under this section is—”.

(c) **TIMING OF PAYMENT.**—Subsection (d) of such section is amended to read as follows:

“(d) **TIMING OF PAYMENT.**—The Secretary concerned shall pay continuation pay under subsection (a) to a full TSP member when the member has completed not less than 8 and not more than 12 years of service in a uniformed service.”.

(d) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) **HEADING.**—The heading of such section is amended to read as follows:

“§ 356. Continuation pay: full TSP members with 8 to 12 years of service”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 356 and inserting the following new item:

“356. Continuation pay: full TSP members with 8 to 12 years of service.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2018, immediately after the coming into effect of the amendments providing for section 356 of title 37, United States Code, to which the amendments made by this section relate.

SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION COORDINATING AMENDMENT.

(a) *IN GENERAL.*—Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking “2½ percent” and inserting “the retired pay percentage (determined for the member under section 1409(b) of this title)”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by part I of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendment made by subsection (a) relates.

PART II—OTHER MATTERS

SEC. 641. USE OF MEMBER’S CURRENT PAY GRADE AND YEARS OF SERVICE AND RETIRED PAY COST-OF-LIVING ADJUSTMENTS, RATHER THAN FINAL RETIREMENT PAY GRADE AND YEARS OF SERVICE, IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.

(a) *IN GENERAL.*—Section 1408(a)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D) as clauses (i), (ii), (iii), (iv), respectively;

(2) by inserting “(A)” after “(4)”;

(3) in subparagraph (A), as designated by paragraph (2), by inserting “(as determined pursuant to subparagraph (B))” after “member is entitled”; and

(4) by adding at the end the following new subparagraph:
“(B) For purposes of subparagraph (A), the total monthly retired pay to which a member is entitled shall be—

“(i) the amount of basic pay payable to the member for the member’s pay grade and years of service at the time of the court order, as increased by

“(ii) each cost-of-living adjustment that occurs under section 1401a(b) of this title between the time of the court order and the time of the member’s retirement using the adjustment provisions under that section applicable to the member upon retirement.”.

(b) *APPLICATION OF AMENDMENTS.*—The amendments made by subsection (a) shall apply with respect to any division of property as part of a final decree of divorce, dissolution, annulment, or legal separation involving a member of the Armed Forces to which section 1408 of title 10, United States Code, applies that becomes final after the date of the enactment of this Act.

SEC. 642. EQUAL BENEFITS UNDER SURVIVOR BENEFIT PLAN FOR SURVIVORS OF RESERVE COMPONENT MEMBERS WHO DIE IN THE LINE OF DUTY DURING INACTIVE-DUTY TRAINING.

(a) *TREATMENT OF INACTIVE-DUTY TRAINING IN SAME MANNER AS ACTIVE DUTY.*—Section 1451(c)(1)(A) of title 10, United States Code, is amended—

(1) in clause (i)—

(A) by inserting “or 1448(f)” after “section 1448(d)”; and

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

(2) in clause (iii)—

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

(B) by striking “active service” and inserting “service”.

(b) *CONSISTENT TREATMENT OF DEPENDENT CHILDREN.*—Paragraph (2) of section 1448(f) of title 10, United States Code, is amended to read as follows:

“(2) *DEPENDENT CHILDREN ANNUITY.*—

“(A) *ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.*—

In the case of a person described in paragraph (1), the Secretary concerned shall pay an annuity under this subchapter to the dependent children of that person under section 1450(a)(2) of this title as applicable.

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

(c) *DEEMED ELECTIONS.*—Section 1448(f) of title 10, United States Code, is further amended by adding at the end the following new paragraph:

“(5) *DEEMED ELECTION TO PROVIDE AN ANNUITY FOR DEPENDENT.*—Paragraph (6) of subsection (d) shall apply in the case of a member described in paragraph (1) who dies after November 23, 2003, when no other annuity is payable on behalf of the member under this subchapter.”.

(d) *AVAILABILITY OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE.*—Section 1450(m)(1)(B) of title 10, United States Code, is amended by inserting “or (f)” after “subsection (d)”.

(e) *APPLICATION OF AMENDMENTS.*—

(1) *PAYMENT.*—No annuity benefit under subchapter II of chapter 73 of title 10, United States Code, shall accrue to any person by reason of the amendments made by this section for any period before the date of the enactment of this Act.

(2) *ELECTIONS.*—For any death that occurred before the date of the enactment of this Act with respect to which an annuity under such subchapter is being paid (or could be paid) to a surviving spouse, the Secretary concerned may, within six months of that date and in consultation with the surviving spouse, determine it appropriate to provide an annuity for the dependent children of the decedent under paragraph 1448(f)(2)(B) of title 10, United States Code, as added by subsection (b), instead of an annuity for the surviving spouse. Any such determination and resulting change in beneficiary shall be effective as of the first day of the first month following the date of the determination.

SEC. 643. AUTHORITY TO DEDUCT SURVIVOR BENEFIT PLAN PREMIUMS FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT SUFFICIENT.

(a) **AUTHORITY.**—Subsection (d) of section 1452 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and
(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) **DEDUCTION FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT ADEQUATE.**—In the case of a person who has elected to participate in the Plan and who has been awarded both retired pay and combat-related special compensation under section 1413a of this title, if a deduction from the person’s retired pay for any period cannot be made in the full amount required, there shall be deducted from the person’s combat-related special compensation in lieu of deduction from the person’s retired pay the amount that would otherwise have been deducted from the person’s retired pay for that period.”

(b) **CONFORMING AMENDMENTS TO SECTION 1452.**—

(1) Subsection (d) of such section is further amended—

(A) in the subsection heading, by inserting “OR NOT SUFFICIENT” after “NOT PAID”;

(B) in paragraph (1), by inserting before the period at the end the following: “, except to the extent that the required deduction is made pursuant to paragraph (2)”; and

(C) in paragraph (3), as redesignated by subsection (a)(1), by striking “Paragraph (1) does not” and inserting “Paragraphs (1) and (2) do not”.

(2) Subsection (f)(1) of such section is amended by inserting “or combat-related special compensation” after “from retired pay”.

(3) Subsection (g)(4) of such section is amended—

(A) in the paragraph heading, by inserting “OR CRSC” after “RETIRED PAY”; and

(B) by inserting “or combat-related special compensation” after “from the retired pay”.

(c) **CONFORMING AMENDMENTS TO OTHER PROVISIONS OF SBP STATUTE.**—

(1) Section 1449(b)(2) of such title is amended—

(A) in the paragraph heading, by inserting “OR CRSC” after “RETIRED PAY”; and

(B) by inserting “or combat-related special compensation” after “from retired pay”.

(2) Section 1450(e) of such title is amended—

(A) in the subsection heading, by inserting “OR CRSC” after “RETIRED PAY”; and

(B) in paragraph (1), by inserting “or combat-related special compensation” after “from the retired pay”.

SEC. 644. EXTENSION OF ALLOWANCE COVERING MONTHLY PREMIUM FOR SERVICEMEMBERS’ GROUP LIFE INSURANCE WHILE IN CERTAIN OVERSEAS AREAS TO COVER MEMBERS IN ANY COMBAT ZONE OR OVERSEAS DIRECT SUPPORT AREA.

(a) **EXPANSION OF COVERAGE.**—Subsection (a) of section 437 of title 37, United States Code, is amended—

- (1) by inserting “(1)” before “In the case of”;
 - (2) by striking “who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom” and inserting “who serves in a designated duty assignment”; and
 - (3) by adding at the end the following new paragraph:
 - “(2) In this subsection, the term ‘designated duty assignment’ means a permanent or temporary duty assignment outside the United States or its possessions in support of a contingency operation in an area that—
 - “(A) has been designated a combat zone; or
 - “(B) is in direct support of an area that has been designated a combat zone.”.
- (b) CONFORMING AMENDMENTS.—
- (1) CROSS-REFERENCE.—Subsection (b) of such section is amended by striking “theater of operations” and inserting “designated duty assignment”.
 - (2) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 437. Allowance to cover monthly premiums for Servicemembers’ Group Life Insurance: members serving in a designated duty assignment”.

(3) TABLE OF SECTIONS.—The item relating to section 437 in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

“437. Allowance to cover monthly premium for Servicemembers’ Group Life Insurance: members serving in a designated duty assignment.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to service by members of the Armed Forces in a designated duty assignment (as defined in subsection (a)(2) of section 437 of title 37, United States Code) for any month beginning on or after the date of the enactment of this Act.

SEC. 645. AUTHORITY FOR PAYMENT OF PAY AND ALLOWANCES AND RETIRED AND RETAINER PAY PURSUANT TO POWER OF ATTORNEY.

Section 602 of title 37, United States Code, is amended—

- (1) in subsection (a)—
 - (A) by striking “, in the opinion of a board of medical officers or physicians,”; and
 - (B) by striking “use or benefit” and all that follows through “any person designated” and inserting the following: “use or benefit to—
 - “(1) a legal committee, guardian, or other representative that has been appointed by a court of competent jurisdiction;
 - “(2) an individual to whom the member has granted authority to manage such funds pursuant to a valid and legally executed durable power of attorney; or
 - “(3) any person designated”;
- (2) in subsection (b)—
 - (A) by striking “The board shall consist” and inserting “An individual may not be designated under subsection (a)(3) to receive payments unless a board consisting”; and
 - (B) by inserting “determines that the member is mentally incapable of managing the member’s affairs. Any such board shall be” after “treatment of mental disorders,”;

(3) in subsection (c), by striking “designated” and inserting “authorized to receive payments”;

(4) in subsection (d), by inserting “, unless a court of competent jurisdiction orders payment of such fee, commission, or other charge” before the period;

(5) by striking subsection (e);

(6) by redesignating subsection (f) as subsection (e); and

(7) in subsection (e), as redesignated by paragraph (6)—

(A) by inserting “under subsection (a)(3)” after “who is designated”; and

(B) by striking “\$1,000” and inserting “\$25,000”.

SEC. 646. EXTENSION OF AUTHORITY TO PAY SPECIAL SURVIVOR INDEMNITY ALLOWANCE UNDER THE SURVIVOR BENEFIT PLAN.

Section 1450(m) of title 10, United States Code, is amended—

(1) in paragraph (2)(I), by striking “fiscal year 2017” and inserting “each of fiscal years 2017 and 2018”; and

(2) in paragraph (6)—

(A) by striking “September 30, 2017” and inserting “May 31, 2018”; and

(B) by striking “October 1, 2017” both places it appears and inserting “June 1, 2018”.

SEC. 647. REPEAL OF OBSOLETE AUTHORITY FOR COMBAT-RELATED INJURY REHABILITATION PAY.

(a) **REPEAL.**—Section 328 of title 37, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 328.

SEC. 648. INDEPENDENT ASSESSMENT OF THE SURVIVOR BENEFIT PLAN.

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall provide for an independent assessment of the Survivor Benefit Plan (SBP) under subchapter II of chapter 73 of title 10, United States Code, by a Federally-funded research and development center (FFRDC).

(b) **ASSESSMENT ELEMENTS.**—The assessment conducted pursuant to subsection (a) shall include, but not be limited to, the following:

(1) The purposes of the Survivor Benefit Plan, the manner in which the Plan interacts with other Federal programs to provide financial stability and resources for survivors of members of the Armed Forces and military retirees, and a comparison between the benefits available under the Plan, on the one hand, and benefits available to Government and private sector employees, on the other hand, intended to provide financial stability and resources for spouses and other dependents when a primary family earner dies.

(2) The effectiveness of the Survivor Benefit Plan in providing survivors with intended benefits, including the provision of survivor benefits for survivors of members of the Armed Forces dying on active duty and members dying while in reserve active-status.

(3) The feasibility and advisability of providing survivor benefits through alternative insurance products available com-

mercially for similar purposes, the extent to which the Government could subsidize such products at no cost in excess of the costs of the Survivor Benefit Plan, and the extent to which such products might meet the needs of survivors, especially those on fixed incomes, to maintain financial stability.

(c) *REPORT.*—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of the assessment conducted pursuant to subsection (a), together with such recommendations as the Secretary considers appropriate for legislative or administration action in light of the results of the assessment.

**Subtitle E—Commissary and Nonappropriated Fund
Instrumentality Benefits and Operations**

SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO AND SAVINGS AT COMMISSARIES AND EXCHANGES.

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

“(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduce reliance of those systems on appropriated funding without reducing benefits to the patrons of those systems or the revenue generated by nonappropriated fund entities or instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

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

“(C) If the Secretary determines that the reduced reliance on appropriated funding pursuant to subparagraph (A) is insufficient to maintain the benefits to the patrons of the defense commissary system, and if the Secretary converts the defense commissary system to a nonappropriated fund entity or instrumentality pursuant to paragraph (1) of section 2484(j) of this title, the Secretary shall transfer appropriated funds pursuant to paragraph (2) of such section to ensure the maintenance of such benefits.

“(4) On not less than a quarterly basis, the Secretary shall provide to the congressional defense committees a briefing on the defense commissary system, including—

“(A) an assessment of the savings the system provides patrons;

“(B) the status of implementing section 2484(i) of this title;

“(C) the status of implementing section 2484(j) of this title, including whether the system requires any appropriated funds pursuant to paragraph (2) of such section;

“(D) the status of carrying out a program for such system to sell private label merchandise; and

“(E) any other matters the Secretary considers appropriate.”.

(b) *AUTHORIZATION TO SUPPLEMENT APPROPRIATIONS THROUGH BUSINESS OPTIMIZATION.*—Section 2483(c) of such title is amended by adding at the end the following new sentence: “Such appropriated amounts may also be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title and the variable pricing program implemented pursuant to section 2484(i) of this title.”

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

“(i) *VARIABLE PRICING PROGRAM.*—(1) Notwithstanding subsection (e), and subject to subsection (k), the Secretary of Defense may establish a variable pricing program pursuant to which prices may be established in response to market conditions and customer demand, in accordance with the requirements of this subsection. Notwithstanding the amount of the uniform surcharge assessed in subsection (d), the Secretary may provide for an alternative surcharge of not more than five percent of sales proceeds under the variable pricing program to be made available for the purposes specified in subsection (h).

“(2) Subject to subsection (k), before establishing a variable pricing program under this subsection, the Secretary shall establish the following:

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

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

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

“(j) *CONVERSION TO NONAPPROPRIATED FUND ENTITY OR INSTRUMENTALITY.*—(1) Subject to subsection (k), if the Secretary of Defense determines that the variable pricing program has met the benchmarks for success established pursuant to paragraph (2)(A) of subsection (i) and the savings requirements established pursuant to paragraph (3) of such subsection over a period of at least six months, the Secretary may convert the defense commissary system to a nonappropriated fund entity or instrumentality, with operating expenses financed in whole or in part by receipts from the sale of products and the sale of services. Upon such conversion, appropriated funds shall be transferred to the defense commissary system only in accordance with paragraph (2) or section 2491 of this title. The requirements of section 2483 of this title shall not apply to the defense commissary system operating as a nonappropriated fund entity or instrumentality.

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

“(3)(A) The Secretary may identify positions of employees in the defense commissary system who are paid with appropriated funds whose status may be converted to the status of an employee of a nonappropriated fund entity or instrumentality.

“(B) The status and conversion of employees in a position identified by the Secretary under subparagraph (A) shall be addressed as provided in section 2491(c) of this title for employees in morale, welfare, and recreation programs, including with respect to requiring the consent of such employee to be so converted.

“(C) No individual who is an employee of the defense commissary system as of the date of the enactment of this subsection shall suffer any loss of or decrease in pay as a result of a conversion made under this paragraph.

“(k) OVERSIGHT REQUIRED TO ENSURE CONTINUED BENEFIT TO PATRONS.—(1) With respect to each action described in paragraph (2), the Secretary of Defense may not carry out such action until—

“(A) the Secretary provides to the congressional defense committees a briefing on such action, including a justification for such action; and

“(B) a period of 30 days has elapsed following such briefing.

“(2) The actions described in this paragraph are the following:

“(A) Establishing the representative market basket of goods pursuant to subsection (i)(2)(B).

“(B) Establishing the variable pricing program under subsection (i)(1).

“(C) Converting the defense commissary system to a nonappropriated fund entity or instrumentality under subsection (j)(1).”

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

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

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

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

“(A) to exploit synergies between the defense commissary system and the exchange system; and

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

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

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

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

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

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

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

(e) **AUTHORITY FOR EXPERT COMMERCIAL ADVICE.**—Section 2485 of such title is amended by adding at the end the following new subsection:

“(i) **EXPERT COMMERCIAL ADVICE.**—The Secretary of Defense may enter into a contract with an entity to obtain expert commercial advice, commercial assistance, or other similar services not otherwise carried out by the Defense Commissary Agency, to implement section 2481(c), subsections (i) and (j) of section 2484, and section 2487(c) of this title.”.

(f) **CLARIFICATION OF REFERENCES TO “THE EXCHANGE SYSTEM”.**—Section 2481(a) of such title is amended by adding at the end the following new sentence: “Any reference in this chapter to ‘the exchange system’ shall be treated as referring to each separate administrative entity within the Department of Defense through which the Secretary has implemented the requirement under this subsection for a world-wide system of exchange stores.”.

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

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

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

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

SEC. 662. ACCEPTANCE OF MILITARY STAR CARD AT COMMISSARIES.

(a) **IN GENERAL.**—The Secretary of Defense shall ensure that—

(1) commissary stores accept as payment the Military Star Card; and

(2) any financial liability of the United States relating to such acceptance as payment be assumed by the Army and Air Force Exchange Service.

(b) *MILITARY STAR CARD DEFINED.*—In this section, the term “Military Star Card” means a credit card administered under the Exchange Credit Program by the Army and Air Force Exchange Service.

Subtitle F—Other Matters

SEC. 671. RECOVERY OF AMOUNTS OWED TO THE UNITED STATES BY MEMBERS OF THE UNIFORMED SERVICES.

(a) *STATUTE OF LIMITATIONS.*—Section 1007(c)(3) of title 37, United States Code, is amended by adding at the end the following new subparagraphs:

“(C)(i) In accordance with clause (ii), if the indebtedness of a member of the uniformed services to the United States occurs, through no fault of the member, as a result of the overpayment of pay or allowances to the member or upon the settlement of the member’s accounts, the Secretary concerned may not recover the indebtedness from the member, including a retired or former member, using deductions from the pay of the member, deductions from retired or separation pay, or any other collection method unless recovery of the indebtedness commences before the end of the 10-year period beginning on the date on which the indebtedness was incurred.

“(ii) Clause (i) applies with respect to indebtedness incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

“(D)(i) Not later than January 1 of each of 2017 through 2027, the Director of the Defense Finance and Accounting Service shall review all cases occurring during the 10-year period prior to the date of the review of indebtedness of a member of the uniformed services, including a retired or former member, to the United States in which—

“(I) the recovery of the indebtedness commenced after the end of the 10-year period beginning on the date on which the indebtedness was incurred; or

“(II) the Director did not otherwise notify the member of such indebtedness during such 10-year period.

“(ii) The Director shall submit to the congressional defense committees and the Committees on Veterans’ Affairs of the House of Representatives and the Senate each review conducted under clause (i), including the amounts owed to the United States by the members included in such review.”.

(b) *REMISSION OR CANCELLATION OF INDEBTEDNESS OF RESERVES NOT ON ACTIVE DUTY.*—

(1) *ARMY.*—Section 4837(a) of title 10, United States Code, is amended by striking “on active duty as a member of the Army” and inserting “as a member of the Army, whether as a regular or a reserve in active status”.

(2) *NAVY.*—Section 6161(a) of such title is amended by striking “on active duty as a member of the naval service” and inserting “as a member of the naval service, whether as a regular or a reserve in active status”.

(3) *AIR FORCE.*—Section 9837(a) of such title is amended by striking “on active duty as a member of the Air Force” and inserting “as a member of the Air Force, whether as a regular or a reserve in active status”.

(4) *COAST GUARD.*—Section 461(1) of title 14, United States Code, is amended by striking “on active duty as a member of the Coast Guard” and inserting “as a member of the Coast Guard, whether as a regular or a reserve in active status”.

(5) *EFFECTIVE DATE.*—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to debt incurred on or after October 7, 2001.

(c) *BENEFITS PAID TO MEMBERS OF CALIFORNIA NATIONAL GUARD.*—

(1) *REVIEW OF CERTAIN BENEFITS PAID.*—

(A) *IN GENERAL.*—The Secretary of Defense shall conduct a review of all bonus pays, special pays, student loan repayments, and similar special payments that were paid to members of the National Guard of the State of California during the period beginning on January 1, 2004, and ending on December 31, 2015.

(B) *EXCEPTION.*—A review is not required under this paragraph for benefits paid as described in subparagraph (A) that were reviewed before the date of the enactment of this Act and in which fraud or other ineligibility was identified in connection with payment.

(C) *CONDUCT OF REVIEW.*—The Secretary shall establish a process to expedite the review required by this paragraph. The Secretary shall allocate appropriate personnel and other resources of the Department of Defense for the process, and for such other purposes as the Secretary considers appropriate, in order to achieve the completion of the review by the date specified in subparagraph (D).

(D) *COMPLETION.*—The review required by this paragraph shall be completed by not later than July 30, 2017.

(2) *REVIEW.*—

(A) *IN GENERAL.*—In conducting the review of benefits paid to members of the National Guard of the State of California pursuant to paragraph (1), the board of review concerned shall—

(i) carry out a complete review of all bonus pay and special pay contracts awarded to such members during the period described in paragraph (1)(A) for which the Department has reason to believe a recoupment of pay may be warranted in order to determine whether such members were eligible for the contracts so awarded and whether the contracts so awarded accurately specified the amounts of pay for which members were eligible;

(ii) carry out a complete review of all student loan repayment contracts awarded to such members during the period for which the Department has reason to believe a recoupment of payment may be warranted in order to determine whether such members were eligible for the contracts so awarded and whether the contracts so awarded accurately specified the amounts of payment for which members were eligible;

(iii) carry out a complete review of any other similar special payments paid to such members during the

period for which the Department has reason to believe a recoupment of payments may be warranted in order to determine whether such members were eligible for payment and in such amount;

(iv) if any member is determined not to have been eligible for a bonus pay, special pay, student loan repayment, or other special payment paid, determine whether waiver of recoupment is warranted; and

(v) if any bonus pay, special pay, student loan repayment, or other special payment paid to any such member during the period has been recouped, determine whether the recoupment was unwarranted.

(B) **WAIVER OF RECOUPMENT.**—For purposes of clause (iv) of subparagraph (A), the board of review shall determine that waiver of recoupment is warranted with respect to a particular member unless the board makes an affirmative determination, by a preponderance of the evidence, that the member knew or reasonably should have known that the member was ineligible for the bonus pay, special pay, student loan repayment, or other special payment otherwise subject to recoupment.

(C) **PROPRIETY OF RECOUPMENT.**—For purposes of clause (v) of subparagraph (A), the board of review shall determine that recoupment was unwarranted with respect to a particular member unless the board makes an affirmative determination, by a preponderance of the evidence, that the member knew or reasonably should have known that the member was ineligible for the bonus pay, special pay, student loan repayment, or other special payment recouped.

(D) **STANDARD OF REVIEW.**—In applying subparagraph (B) or (C) in making a determination under clause (iv) or (v) of subparagraph (A), as applicable, with respect to a member, the board of review shall evaluate the evidence in a light most favorable to the member.

(3) **PARTICIPATION OF MEMBERS.**—

(A) **IN GENERAL.**—A member subject to a determination under clause (iv) or (v) of paragraph (2)(A) may submit to the board of review concerned such documentary and other evidence as the member considers appropriate to assist the board of review in the determination.

(B) **NOTICE.**—The Secretary shall notify, in writing, each member subject to a determination under clause (iv) or (v) of paragraph (2)(A) of the review under paragraph (1) and the applicability of the determination process under such clause to such member. The notice shall be provided at a time designed to give each member a reasonable opportunity to submit documentary and other evidence as authorized by subparagraph (A). The notice shall provide each member the following:

(i) Notice of the opportunity for such member to submit evidence to assist the board of review.

(ii) A description of resources available to such member to submit such evidence.

(C) **CONSIDERATION.**—In making a determination under clause (iv) or (v) of paragraph (2)(A) with respect to

a member, the board of review shall undertake a comprehensive review of any submissions made by the member pursuant to this paragraph.

(4) ACTIONS FOLLOWING REVIEW.—

(A) WAIVER OF RECOUPMENT.—Upon completion of a review pursuant to paragraph (2)(A)(iv) with respect to a member—

(i) the board of review shall submit to the Secretary concerned a notice setting forth—

(I) the determination of the board pursuant to that paragraph with respect to the member; and

(II) the recommendation of the board whether or not the recoupment of the bonus pay, special pay, student loan repayment, or other special payment covered by the determination should be waived; and

(ii) the Secretary may waive recoupment of the pay, repayment, or other payment from the member.

(B) REPAYMENT OF AMOUNT RECOUPED.—Upon completion of a review pursuant to paragraph (2)(A)(v) with respect to a member—

(i) the board of review shall submit to the Secretary concerned a notice setting forth—

(I) the determination of the board pursuant to that paragraph with respect to the member; and

(II) the recommendation of the board whether or not the recouped bonus pay, special pay, student loan repayment, or other special payment covered by the determination should be repaid the member; and

(ii) the Secretary may repay the member the amount so recouped.

(C) CONSUMER CREDIT AND RELATED MATTERS.—If the Secretary concerned waives recoupment of a bonus pay, special pay, student loan repayment, or other special payment paid a member pursuant to paragraph (4)(A)(ii), or repays a member an amount of a bonus pay, special pay, student loan repayment, or other special payment recouped pursuant to paragraph (4)(B)(ii), the Secretary shall—

(i) in the event the Secretary had previously notified a consumer reporting agency of the existence of the debt subject to the relief granted the member pursuant to this paragraph, notify such consumer reporting agency that such debt was never valid; and

(ii) if the member is experiencing or has experienced financial hardship as a result of the actions of the United States to obtain recoupment of such debt, assist the member, to the extent practicable, in addressing such financial hardship in accordance with such mechanisms as the Secretary shall develop for purposes of this clause.

(D) EFFECT OF CONSUMER CREDIT NOTIFICATION.—A consumer reporting agency notified of the invalidity of a debt pursuant to subparagraph (C)(i) may not, after the

date of the notice, make any consumer report containing any information relating to the debt.

(E) *DEFINITIONS.*—In this paragraph, the terms “consumer reporting agency” and “consumer report” have the meaning given such terms in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

(5) *FUNDING.*—Amounts for activities under this subsection, including for the conduct of the review required by paragraph (1), for activities in connection with the review, for repayments pursuant to paragraph (4)(B), and for activities under paragraph (4)(C), shall be derived from amounts available for the National Guard of the United States for the State of California.

(6) *SECRETARY OF DEFENSE REPORT.*—

(A) *IN GENERAL.*—Not later than August 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted pursuant to paragraph (1).

(B) *ELEMENTS.*—The report under this paragraph shall include the following:

(i) The total amount of bonus pays, special pays, student loan repayments, and other special pays paid to members of the National Guard of the State of California during the period beginning on September 1, 2001, and ending on December 31, 2015.

(ii) The number of bonus pay and special pay contracts reviewed pursuant to paragraph (2)(A)(i), and the amounts of such pays paid under each such contract.

(iii) The number of student loan repayment contracts reviewed pursuant to paragraph (2)(A)(ii), and the amounts of such payments made pursuant to each such contract.

(iv) The number of other special pay payments reviewed pursuant to paragraph (2)(A)(iii), and the amounts of such payments made to each particular member so paid.

(v) The number of bonus pay and special pay contracts, student loan repayments, and other special pay payments that were determined pursuant to the review to be paid in error, and the total amount, if any, recouped from each member concerned.

(vi) Any additional fraud or other ineligibility identified in the course of the review in the payment of bonus pays, special pays, student loan repayments, and other special pays paid to the members of the National Guard of the State of California during the period beginning on September 1, 2001, and ending on December 31, 2015.

(7) *COMPTROLLER GENERAL REPORT.*—

(A) *IN GENERAL.*—Not later than one year after the date of the enactment of this Act, 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 actions of the National Guard of the

State of California relating to the payment of bonus pays, special pays, student loan repayments, and other special pays from 2004 through 2015.

(B) ELEMENTS.—The report under this paragraph shall include the following:

(i) An assessment whether the National Guard of the State of California and the National Guard Bureau have established policies and procedures that will minimize the chance of improper payment of such pays and repayments and of managerial abuse in the payment of such pays and repayments.

(ii) An assessment whether the procedures, processes, and resources of the Defense Finance and Accounting Service and the Defense Office of Hearings and Appeals were appropriate to identify and respond to fraud or other ineligibility in connection with the payment of such pays and repayments, and to do so in a timely manner.

(iii) Any recommendations the Comptroller General considers appropriate to streamline the procedures and processes for the waiver of recoupment of the payment of such pays and repayments by the United States when recoupment is unwarranted.

SEC. 672. MODIFICATION OF FLAT RATE PER DIEM REQUIREMENT FOR PERSONNEL ON LONG-TERM TEMPORARY DUTY ASSIGNMENTS.

(a) MODIFICATION OF FLAT RATE.—

(1) IN GENERAL.—The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

(2) APPLICABILITY.—The Secretary concerned may exercise the authority provided pursuant to paragraph (1) with respect to per diem payable for any day on or after the date of the enactment of this Act.

(b) DELEGATION OF AUTHORITY.—The authority pursuant to subsection (a) may be delegated by the Secretary concerned to an officer at the level of lieutenant general or vice admiral, or above. Such authority may not be delegated to an officer below that level.

(c) WAIVER OF COLLECTION OF RECEIPTS.—The Secretary concerned or an officer to whom the authority pursuant to subsection (a) is delegated pursuant to subsection (b) may waive any requirement for the submittal of receipts by travelers on long-term temporary duty assignments for the purpose of receiving the full per diem rate pursuant to subsection (a) if the Secretary concerned or officer, as described in subsection (b), personally certifies that re-

quiring travelers to submit receipts for that purpose will negatively affect mission performance or create an undue administrative burden.

(d) *SECRETARY CONCERNED DEFINED.*—In this section, the term “Secretary concerned” has the meaning given that term in section 101 of title 37, United States Code.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Reform of TRICARE and Military Health System

- Sec. 701. TRICARE Select and other TRICARE reform.*
- Sec. 702. Reform of administration of the Defense Health Agency and military medical treatment facilities.*
- Sec. 703. Military medical treatment facilities.*
- Sec. 704. Access to urgent and primary care under TRICARE program.*
- Sec. 705. Value-based purchasing and acquisition of managed care support contracts for TRICARE program.*
- Sec. 706. Establishment of high performance military-civilian integrated health delivery systems.*
- Sec. 707. Joint Trauma System.*
- Sec. 708. Joint Trauma Education and Training Directorate.*
- Sec. 709. Standardized system for scheduling medical appointments at military treatment facilities.*

Subtitle B—Other Health Care Benefits

- Sec. 711. Extended TRICARE program coverage for certain members of the National Guard and dependents during certain disaster response duty.*
- Sec. 712. Continuity of health care coverage for Reserve Components.*
- Sec. 713. Provision of hearing aids to dependents of retired members.*
- Sec. 714. Coverage of medically necessary food and vitamins for certain conditions under the TRICARE program.*
- Sec. 715. Eligibility of certain beneficiaries under the TRICARE program for participation in the Federal Employees Dental and Vision Insurance Program.*
- Sec. 716. Applied behavior analysis.*
- Sec. 717. Evaluation and treatment of veterans and civilians at military treatment facilities.*
- Sec. 718. Enhancement of use of telehealth services in military health system.*
- Sec. 719. Authorization of reimbursement by Department of Defense to entities carrying out State vaccination programs for costs of vaccines provided to covered beneficiaries.*

Subtitle C—Health Care Administration

- Sec. 721. Authority to convert military medical and dental positions to civilian medical and dental positions.*
- Sec. 722. Prospective payment of funds necessary to provide medical care for the Coast Guard.*
- Sec. 723. Reduction of administrative requirements relating to automatic renewal of enrollments in TRICARE Prime.*
- Sec. 724. Modification of authority of Uniformed Services University of the Health Sciences to include undergraduate and other medical education and training programs.*
- Sec. 725. Adjustment of medical services, personnel authorized strengths, and infrastructure in military health system to maintain readiness and core competencies of health care providers.*
- Sec. 726. Program to eliminate variability in health outcomes and improve quality of health care services delivered in military medical treatment facilities.*
- Sec. 727. Acquisition strategy for health care professional staffing services.*
- Sec. 728. Adoption of core quality performance metrics.*
- Sec. 729. Improvement of health outcomes and control of costs of health care under TRICARE program through programs to involve covered beneficiaries.*
- Sec. 730. Accountability for the performance of the military health system of certain leaders within the system.*
- Sec. 731. Establishment of advisory committees for military treatment facilities.*

Subtitle D—Reports and Other Matters

- Sec. 741. Extension of authority for joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund and report on implementation of information technology capabilities.
- Sec. 742. Pilot program on expansion of use of physician assistants to provide mental health care to members of the Armed Forces.
- Sec. 743. Pilot program for prescription drug acquisition cost parity in the TRICARE pharmacy benefits program.
- Sec. 744. Pilot program on display of wait times at urgent care clinics and pharmacies of military medical treatment facilities.
- Sec. 745. Requirement to review and monitor prescribing practices at military treatment facilities of pharmaceutical agents for treatment of post-traumatic stress.
- Sec. 746. Department of Defense study on preventing the diversion of opioid medications.
- Sec. 747. Incorporation into survey by Department of Defense of questions on experiences of members of the Armed Forces with family planning services and counseling.
- Sec. 748. Assessment of transition to TRICARE program by families of members of reserve components called to active duty and elimination of certain charges for such families.
- Sec. 749. Oversight of graduate medical education programs of military departments.
- Sec. 750. Study on health of helicopter and tiltrotor pilots.
- Sec. 751. Comptroller General reports on health care delivery and waste in military health system.

Subtitle A—Reform of TRICARE and Military Health System**SEC. 701. TRICARE SELECT AND OTHER TRICARE REFORM.****(a) ESTABLISHMENT OF TRICARE SELECT.—**

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following new section:

“§ 1075. TRICARE Select

“(a) ESTABLISHMENT.—(1) Not later than January 1, 2018, the Secretary of Defense shall establish a self-managed, preferred-provider network option under the TRICARE program. Such option shall be known as ‘TRICARE Select’.

“(2) The Secretary shall establish TRICARE Select in all areas. Under TRICARE Select, eligible beneficiaries will not have restrictions on the freedom of choice of the beneficiary with respect to health care providers.

“(b) ENROLLMENT ELIGIBILITY.—(1) The beneficiary categories for purposes of eligibility to enroll in TRICARE Select and cost-sharing requirements applicable to such category are as follows:

“(A) An ‘active-duty family member’ category that consists of beneficiaries who are covered by section 1079 of this title (as dependents of active duty members).

“(B) A ‘retired’ category that consists of beneficiaries covered by subsection (c) of section 1086 of this title, other than Medicare-eligible beneficiaries described in subsection (d)(2) of such section.

“(C) A ‘reserve and young adult’ category that consists of beneficiaries who are covered by—

“(i) section 1076d of this title;

“(ii) section 1076e; or

“(iii) section 1110b.

“(2) A covered beneficiary who elects to participate in *TRICARE Select* shall enroll in such option under section 1099 of this title.

“(c) *COST-SHARING REQUIREMENTS.*—The cost-sharing requirements under *TRICARE Select* are as follows:

“(1) With respect to beneficiaries in the active-duty family member category or the retired category by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services on or after January 1, 2018, or by reason of being a dependent of such a member, the cost-sharing requirements shall be calculated pursuant to subsection (d)(1).

“(2)(A) Except as provided by subsection (e), with respect to beneficiaries described in subparagraph (B) in the active-duty family member category or the retired category, the cost-sharing requirements shall be calculated as if the beneficiary were enrolled in *TRICARE Extra* or *TRICARE Standard* as if *TRICARE Extra* or *TRICARE Standard*, as the case may be, were still being carried out by the Secretary.

“(B) Beneficiaries described in this subparagraph are beneficiaries who are eligible to enroll in the *TRICARE* program by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services before January 1, 2018, or by reason of being a dependent of such a member.

“(3) With respect to beneficiaries in the reserve and young adult category, the cost-sharing requirements shall be calculated pursuant to subsection (d)(1) as if the beneficiary were in the active-duty family member category or the retired category, as applicable, except that the premiums calculated pursuant to section 1076d, 1076e, or 1110b of this title, as the case may be, shall apply instead of any enrollment fee required under this section.

“(d) *COST-SHARING AMOUNTS FOR CERTAIN BENEFICIARIES.*—(1) Beneficiaries described in subsection (c)(1) enrolled in *TRICARE Select* shall be subject to cost-sharing requirements in accordance with the amounts and percentages under the following table during calendar year 2018 and as such amounts are adjusted under paragraph (2) for subsequent years:

“TRICARE Select	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Annual Enrollment	\$0	\$450 / \$900
Annual deductible	E4 & below: \$50 / \$100 E5 & above: \$150 / \$300	\$150 / \$300 Network \$300 / \$600 out of network
Annual catastrophic cap	\$1,000	\$3,500
Outpatient visit civilian network	\$15 primary care	\$25 primary care
	\$25 specialty care	\$40 specialty care
	Out of network: 20%	25% of out of network

“TRICARE Select	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
ER visit civilian network	\$40 network 20% out of network	\$80 network 25% out of network
Urgent care civilian network	\$20 network 20% out of network	\$40 network 25% out of network
Ambulatory surgery civilian network	\$25 network 20% out of network	\$95 network 25% out of network
Ambulance civilian network	\$15	\$60
Durable medical equipment civilian network	10% of negotiated fee	20% network
Inpatient visit civilian network	\$60 per network admission 20% out of network	\$175 per admission network 25% out of network
Inpatient skilled nursing/rehab civilian	\$25 per day network \$50 per day out of network	\$50 per day network Lesser of \$300 per day or 20% of billed charges out of network

“(2) Each dollar amount expressed as a fixed dollar amount in the table set forth in paragraph (1), and the amounts specified under paragraphs (1) and (2) of subsection (e), shall be annually indexed to the amount by which retired pay is increased under section 1401a of this title, rounded to the next lower multiple of \$1. The remaining amount above such multiple of \$1 shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is \$1 or more.

“(3) Enrollment fees, deductible amounts, and catastrophic caps under this section are on a calendar-year basis.

“(e) **EXCEPTIONS TO CERTAIN COST-SHARING AMOUNTS FOR CERTAIN BENEFICIARIES ELIGIBLE PRIOR TO 2018.**—(1) Subject to paragraph (4), and in accordance with subsection (d)(2), the Secretary shall establish an annual enrollment fee for beneficiaries described in subsection (c)(2)(B) in the retired category who enroll in TRICARE Select (other than such beneficiaries covered by paragraph (3)). Such enrollment fee shall be \$150 for an individual and \$300 for a family.

“(2) For the calendar year for which the Secretary first establishes the annual enrollment fee under paragraph (1), the Secretary shall adjust the catastrophic cap amount to be \$3,500 for beneficiaries described in subsection (c)(2)(B) in the retired category who are enrolled in TRICARE Select (other than such beneficiaries covered by paragraph (3)).

“(3) The enrollment fee established pursuant to paragraph (1) and the catastrophic cap adjusted under paragraph (2) for beneficiaries described in subsection (c)(2)(B) in the retired category shall not apply with respect to the following beneficiaries:

“(A) Retired members and the family members of such members covered by paragraph (1) of section 1086(c) of this title by reason of being retired under chapter 61 of this title or being a dependent of such a member.

“(B) Survivors covered by paragraph (2) of such section 1086(c).

“(4) The Secretary may not establish an annual enrollment fee under paragraph (1) until 90 days has elapsed following the date on which the Comptroller General of the United States is required to submit the review under paragraph (5).

“(5) Not later than February 1, 2020, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the following:

“(A) Whether health care coverage for covered beneficiaries has changed since the enactment of this section.

“(B) Whether covered beneficiaries are able to obtain appointments for health care according to the access standards established by the Secretary of Defense.

“(C) The percent of network providers that accept new patients under the TRICARE program.

“(D) The satisfaction of beneficiaries under TRICARE Select.

“(f) EXCEPTION TO COST-SHARING REQUIREMENTS FOR TRICARE FOR LIFE BENEFICIARIES.—A beneficiary enrolled in TRICARE for Life is subject to cost-sharing requirements pursuant to section 1086(d)(3) of this title and calculated as if the beneficiary were enrolled in TRICARE Standard as if TRICARE Standard were still being carried out by the Secretary.

“(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the availability of TRICARE Prime and TRICARE for Life or the cost-sharing requirements for TRICARE for Life under section 1086(d)(3) of this title.

“(h) DEFINITIONS.—In this section:

“(1) The terms ‘active-duty family member category’, ‘retired category’, and ‘reserve and young adult category’ mean the respective categories of TRICARE Select enrollment described in subsection (b).

“(2) The term ‘network’ means—

“(A) with respect to health care services, such services provided to beneficiaries by TRICARE-authorized civilian health care providers who have entered into a contract under this chapter with a contractor under the TRICARE program; and

“(B) with respect to providers, civilian health care providers who have agreed to accept a pre-negotiated rate as the total charge for services provided by the provider and to file claims for beneficiaries.

“(3) The term ‘out-of-network’ means, with respect to health care services, such services provided by TRICARE-authorized

civilian providers who have not entered into a contract under this chapter with a contractor under the TRICARE program.”.

(2) **CLERICAL AMENDMENT.**—*The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by inserting after the item relating to section 1074n, the following new item:*

“1075. TRICARE Select.”.

(b) **TRICARE PRIME COST SHARING.**—

(1) **IN GENERAL.**—*Chapter 55 of title 10, United States Code, is amended by inserting after section 1075, as added by subsection (a), the following new section:*

“§ 1075a. TRICARE Prime: cost sharing

*“(a) **COST-SHARING REQUIREMENTS.**—The cost-sharing requirements under TRICARE Prime are as follows:*

“(1) There are no cost-sharing requirements for beneficiaries who are covered by section 1074(a) of this title.

“(2) With respect to beneficiaries in the active-duty family member category or the retired category (as described in section 1075(b)(1) of this title) by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services on or after January 1, 2018, or by reason of being a dependent of such a member, the cost-sharing requirements shall be calculated pursuant to subsection (b)(1).

“(3)(A) With respect to beneficiaries described in subparagraph (B) in the active-duty family member category or the retired category (as described in section 1075(b)(1) of this title), the cost-sharing requirements shall be calculated in accordance with the other provisions of this chapter without regard to subsection (b).

“(B) Beneficiaries described in this subparagraph are beneficiaries who are eligible to enroll in the TRICARE program by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services before January 1, 2018, or by reason of being a dependent of such a member.

*“(b) **COST-SHARING AMOUNTS.**—(1) Beneficiaries described in subsection (a)(2) enrolled in TRICARE Prime shall be subject to cost-sharing requirements in accordance with the amounts and percentages under the following table during calendar year 2018 and as such amounts are adjusted under paragraph (2) for subsequent years:*

“TRICARE Prime	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
<i>Annual Enrollment</i>	<i>\$0</i>	<i>\$350 / \$700</i>
<i>Annual deductible</i>	<i>No</i>	<i>No</i>
<i>Annual catastrophic cap.</i>	<i>\$1,000</i>	<i>\$3,500</i>

“TRICARE Prime	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Outpatient visit civilian network.	\$0	\$20 primary care
.....	\$30 specialty care
ER visit civilian network.	\$0	\$60 network
Urgent care civilian network.	\$0	\$30 network
Ambulatory surgery civilian network.	\$0	\$60 network
Ambulance civilian network.	\$0	\$40
Durable medical equipment civilian network.	\$0	20% of negotiated fee, network
Inpatient visit civilian network.	\$0	\$150 per admission
Inpatient skilled nursing/rehab civilian.	\$0	\$30 per day network

“(2) Each dollar amount expressed as a fixed dollar amount in the table set forth in paragraph (1) shall be annually indexed to the amount by which retired pay is increased under section 1401a of this title, rounded to the next lower multiple of \$1. The remaining amount above such multiple of \$1 shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is \$1 or more.

“(3) Enrollment fees, deductible amounts, and catastrophic caps under this section are on a calendar-year basis.

“(c) **SPECIAL RULE FOR AMOUNTS WITHOUT REFERRALS.**—Notwithstanding subsection (b)(1), the cost-sharing amount for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care under paragraph (1) of section 1075f(a) of this title (or a waiver pursuant to paragraph (2) of such section for such care) shall be an amount equal to 50 percent of the allowed point-of-service charge for such care.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by inserting after the item relating to section 1075, as added by subsection (a), the following new item:

“1075a. TRICARE Prime: cost sharing.”.

(c) **REFERRALS AND PREAUTHORIZATION FOR TRICARE PRIME.**—Section 1095f of title 10, United States Code, is amended to read as follows:

“§ 1095f. TRICARE program: referrals and preauthorizations under TRICARE Prime

“(a) REFERRALS.—(1) Except as provided by paragraph (2), a beneficiary enrolled in TRICARE Prime shall be required to obtain a referral for care through a designated primary care manager (or other care coordinator) prior to obtaining care under the TRICARE program.

“(2) The Secretary may waive the referral requirement in paragraph (1) in such circumstances as the Secretary may establish for purposes of this subsection.

“(3) The cost-sharing amounts for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care under paragraph (1) (or a waiver pursuant to paragraph (2) for such care) shall be determined under section 1075a(c) of this title.

“(b) PREAUTHORIZATION.—A beneficiary enrolled in TRICARE Prime shall be required to obtain preauthorization only with respect to a referral for the following:

“(1) Inpatient hospitalization.

“(2) Inpatient care at a skilled nursing facility.

“(3) Inpatient care at a rehabilitation facility.

“(c) PROHIBITION REGARDING PRIOR AUTHORIZATION FOR CERTAIN REFERRALS.—The Secretary of Defense shall ensure that no contract for managed care support under the TRICARE program includes any requirement that a managed care support contractor require a primary care or specialty care provider to obtain prior authorization before referring a patient to a specialty care provider that is part of the network of health care providers or institutions of the contractor.”

(d) ENROLLMENT PERIODS.—

(1) ANNUAL PERIODS AND QUALIFYING EVENTS.—Section 1099(b) of title 10, United States Code, is amended by amending paragraph (1) to read as follows:

“(1) allow covered beneficiaries to elect to enroll in a health care plan, or modify a previous election, from eligible health care plans designated by the Secretary of Defense during—

“(A) an annual open enrollment period; and

“(B) any period based on a qualifying event experienced by the beneficiary, as determined appropriate by the Secretary; or”.

(2) APPLICATION.—The Secretary of Defense shall implement the initial annual open enrollment period pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1), during 2018.

(3) GRACE PERIOD DURING FIRST YEAR.—

(A) At any time during the one-year period beginning on the date on which the initial annual open enrollment period begins pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1), a covered beneficiary may make an election, or modify such an election, described in such section.

(B) If during such one-year period an individual who is eligible to enroll in the TRICARE program, but does not elect to enroll in such program, receives health care services for an episode of care that would be covered under the

TRICARE program if such individual were enrolled in the TRICARE program, the Secretary—

(i) shall pay the out-of-network fees only for the first episode of care and inform the individual of the opportunity to enroll in the TRICARE program; and

(ii) may not pay any costs relating to any subsequent episode of care if such individual is not enrolled in the TRICARE program.

(4) TRANSITION PLAN.—Not later than March 1, 2017, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the transition plan of the Department of Defense for implementing an annual enrollment period for TRICARE Prime and TRICARE Select pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1). Such plan shall include strategies to notify each beneficiary of the changes to the TRICARE options and the changes to the enrollment process.

(e) TERMINATION OF TRICARE STANDARD AND TRICARE EXTRA.—Beginning on January 1, 2018, the Secretary of Defense may not carry out TRICARE Standard and TRICARE Extra under the TRICARE program. The Secretary shall ensure that any individual who is covered under TRICARE Standard or TRICARE Extra as of December 31, 2017, enrolls in TRICARE Prime or TRICARE Select, as the case may be, as of January 1, 2018, for the individual to continue coverage under the TRICARE program.

(f) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than June 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to improve access to health care for TRICARE beneficiaries pursuant to the amendments made by this section.

(2) ELEMENTS.—The plan under paragraph (1) shall—

(A) ensure that at least 85 percent of the beneficiary population under TRICARE Select is covered by the network by January 1, 2018;

(B) ensure access standards for appointments for health care that meet or exceed those of high-performing health care systems in the United States, as determined by the Secretary;

(C) establish mechanisms for monitoring compliance with access standards;

(D) establish health care provider-to-beneficiary ratios;

(E) monitor on a monthly basis complaints by beneficiaries with respect to network adequacy and the availability of health care providers;

(F) establish requirements for mechanisms to monitor the responses to complaints by beneficiaries;

(G) establish mechanisms to evaluate the quality metrics of the network providers established under section 728;

(H) include any recommendations for legislative action the Secretary determines necessary to carry out the plan; and

(I) include any other elements the Secretary determines appropriate.

(g) GAO REVIEWS.—

(1) IMPLEMENTATION PLAN.—Not later than December 1, 2017, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the implementation plan of the Secretary under paragraph (1) of subsection (f), including an assessment of the adequacy of the plan in meeting the elements specified in paragraph (2) of such subsection.

(2) NETWORK.—Not later than September 1, 2017, the Comptroller General shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the network established under TRICARE Extra, including the following:

(A) An identification of the percent of beneficiaries who are covered by the network.

(B) An assessment of the extent to which beneficiaries are able to obtain appointments under TRICARE Extra.

(C) The percent of network providers under TRICARE Extra that accept new patients under the TRICARE program.

(D) An assessment of the satisfaction of beneficiaries under TRICARE Extra.

(h) PILOT PROGRAM ON INCORPORATION OF VALUE-BASED HEALTH CARE IN PURCHASED CARE COMPONENT OF TRICARE PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall carry out a pilot program to demonstrate and assess the feasibility of incorporating value-based health care methodology in the purchased care component of the TRICARE program by reducing copayments or cost shares for targeted populations of covered beneficiaries in the receipt of high-value medications and services and the use of high-value providers under such purchased care component, including by exempting certain services from deductible requirements.

(2) REQUIREMENTS.—In carrying out the pilot program under paragraph (1), the Secretary shall—

(A) identify each high-value medication and service that is covered under the purchased care component of the TRICARE program for which a reduction or elimination of the copayment or cost share for such medication or service would encourage covered beneficiaries to use the medication or service;

(B) reduce or eliminate copayments or cost shares for covered beneficiaries to receive high-value medications and services;

(C) reduce or eliminate copayments or cost shares for covered beneficiaries to receive health care services from high-value providers;

(D) credit the amount of any reduction or elimination of a copayment or cost share under subparagraph (B) or (C) for a covered beneficiary towards meeting a deductible applicable to the covered beneficiary in the purchased care

component of the *TRICARE* program to the same extent as if such reduction or elimination had not applied; and

(E) develop a process to reimburse high-value providers at rates higher than those rates for health care providers that are not high-value providers.

(3) *REPORT ON VALUE-BASED HEALTH CARE METHODOLOGY.*—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the following:

(A) A list of each high-value medication and service identified under paragraph (2)(A) for which the copayment or cost share amount will be reduced or eliminated under the pilot program to encourage covered beneficiaries to use such medications and services through the purchased care component of the *TRICARE* program.

(B) For each high-value medication and service identified under paragraph (2)(A), the amount of the copayment or cost share required under the purchased care component of the *TRICARE* program and the amount of any reduction or elimination of such copayment or cost share pursuant to the pilot program.

(C) A description of a plan to identify and communicate to covered beneficiaries, through multiple communication media—

(i) the list of high-value medications and services described in subparagraph (A); and

(ii) a list of high-value providers.

(D) A description of modifications, if any, to existing health care contracts that may be required to implement value-based health care methodology in the purchased care component of the *TRICARE* program under the pilot program and the estimated costs of those contract modifications.

(4) *COMPTROLLER GENERAL PRELIMINARY REVIEW AND ASSESSMENT.*—

(A) Not later than March 1, 2021, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review and assessment of the preliminary results of the pilot program.

(B) The review and assessment required under subparagraph (A) shall include the following:

(i) An assessment of the extent of the use of value-based health care methodology in the purchased care component of the *TRICARE* program under the pilot program.

(ii) An analysis demonstrating how reducing or eliminating the copayment or cost share for each high-value medication and service identified under paragraph (2)(A) resulted in—

(I) increased adherence to medication regimens;

(II) improvement of quality measures;

(III) improvement of health outcomes;

(IV) reduction of number of emergency room visits or hospitalizations; and

(V) enhancement of experience of care for covered beneficiaries.

(iii) Such recommendations for incentivizing the use of high-value medications and services to improve health outcomes and the experience of care for beneficiaries as the Comptroller General considers appropriate.

(5) *REVIEW AND ASSESSMENT OF PILOT PROGRAM.—*

(A) Not later than January 1, 2023, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review and assessment of the pilot program.

(B) The review and assessment required under subparagraph (A) shall include the following:

(i) An assessment of the extent of the use of value-based health care methodology in the purchased care component of the TRICARE program under the pilot program.

(ii) An analysis demonstrating how reducing or eliminating the copayment or cost share for each high-value medication and service identified under paragraph (2)(A) resulted in—

(I) increased adherence to medication regimens;

(II) improvement of quality measures;

(III) improvement of health outcomes; and

(IV) enhancement of experience of care for covered beneficiaries.

(iii) A cost-benefit analysis of the implementation of value-based health care methodology in the purchased care component of the TRICARE program under the pilot program.

(iv) Such recommendations for incentivizing the use of high-value medications and services to improve health outcomes and the experience of care for covered beneficiaries as the Secretary considers appropriate.

(6) *TERMINATION.—*The Secretary may not carry out the pilot program after December 31, 2022.

(i) *DEFINITIONS.—*In this section:

(1) The terms “uniformed services”, “covered beneficiary”, “TRICARE Extra”, “TRICARE for Life”, “TRICARE Prime”, and “TRICARE Standard”, have the meaning given those terms in section 1072 of title 10, United States Code, as amended by subsection (j).

(2) The term “TRICARE Select” means the self-managed, preferred-provider network option under the TRICARE program established by section 1075 of such title, as added by subsection (a).

(3) The term “chronic conditions” includes diabetes, chronic obstructive pulmonary disease, asthma, congestive heart failure, hypertension, history of stroke, coronary artery disease, mood disorders, and such other diseases or conditions as the Secretary considers appropriate.

(4) The term “high-value medications and services” means prescription medications and clinical services for the management of chronic conditions that the Secretary determines would improve health outcomes and create health value for covered beneficiaries (such as preventive care, primary and specialty care, diagnostic tests, procedures, and durable medical equipment).

(5) The term “high-value provider” means an individual or institutional health care provider that provides health care under the purchased care component of the TRICARE program and that consistently improves the experience of care, meets established quality of care and effectiveness metrics, and reduces the per capita costs of health care.

(6) The term “value-based health care methodology” means a methodology for identifying specific prescription medications and clinical services provided under the TRICARE program for which reduction of copayments, cost shares, or both, would improve the management of specific chronic conditions because of the high value and clinical effectiveness of such medications and services for such chronic conditions.

(j) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 10, United States Code, is amended as follows:

(A) Section 1072 is amended—

(i) by striking paragraph (7) and inserting the following:

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

“(A) TRICARE Prime.

“(B) TRICARE Select.

“(C) TRICARE for Life.”; and

(ii) by adding at the end the following new paragraphs:

“(11) The term ‘TRICARE Extra’ means the preferred-provider option of the TRICARE program made available prior to January 1, 2018, under which TRICARE Standard beneficiaries may obtain discounts on cost sharing as a result of using TRICARE network providers.

“(12) The term ‘TRICARE Select’ means the self-managed, preferred-provider network option under the TRICARE program established by section 1075 of this title.

“(13) The term ‘TRICARE for Life’ means the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of this title.

“(14) The term ‘TRICARE Prime’ means the managed care option of the TRICARE program.

“(15) The term ‘TRICARE Standard’ means the TRICARE program made available prior to January 1, 2018, covering—

“(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.”.

(B) Section 1076d is amended—

(i) in subsection (d)(1), by inserting after “coverage.” the following: “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”; and

(ii) in subsection (f), by striking paragraph (2) and inserting the following new paragraph:

“(2) The term ‘TRICARE Reserve Select’ means the TRICARE Select self-managed, preferred-provider network option under section 1075 made available to beneficiaries by reason of this section and in accordance with subsection (d)(1).”; and

(iii) by striking “TRICARE Standard” each place it appears (including in the heading of such section) and inserting “TRICARE Reserve Select”.

(C) Section 1076e is amended—

(i) in subsection (d)(1), by inserting after “coverage.” the following: “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”; and

(ii) in subsection (f), by striking paragraph (2) and inserting the following new paragraph:

“(2) The term ‘TRICARE Retired Reserve’ means the TRICARE Select self-managed, preferred-provider network option under section 1075 made available to beneficiaries by reason of this section and in accordance with subsection (d)(1).”; and

(iii) in subsection (b), by striking “TRICARE Standard coverage at” and inserting “TRICARE coverage at”; and

(iv) by striking “TRICARE Standard” each place it appears (including in the heading of such section) and inserting “TRICARE Retired Reserve”.

(D) Section 1079a is amended—

(i) in the section heading, by striking “CHAMPUS” and inserting “TRICARE program”; and

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

(E) Section 1099(c) is amended by striking paragraph (2) and inserting the following new paragraph:

“(2) A plan under the TRICARE program.”.

(F) Section 1110b(c)(1) is amended by inserting after “(b).” the following: “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”.

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

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

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

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

(D) in the item relating to section 1095f, by striking “for specialty health care” and inserting “and preauthorizations under TRICARE Prime”.

(3) CONFORMING STYLE.—Any new language inserted or added to title 10, United States Code, by an amendment made by this subsection shall conform to the typeface and typestyle of the matter in which the language is so inserted or added.

(k) APPLICATION.—The amendments made by this section shall apply with respect to the provision of health care under the TRICARE program beginning on January 1, 2018.

SEC. 702. REFORM OF ADMINISTRATION OF THE DEFENSE HEALTH AGENCY AND MILITARY MEDICAL TREATMENT FACILITIES.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073b the following new section:

“§ 1073c. Administration of Defense Health Agency and military medical treatment facilities

“(a) ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.—(1) Beginning October 1, 2018, the Director of the Defense Health Agency shall be responsible for the administration of each military medical treatment facility, including with respect to—

“(A) budgetary matters;

“(B) information technology;

“(C) health care administration and management;

“(D) administrative policy and procedure;

“(E) military medical construction; and

“(F) any other matters the Secretary of Defense determines appropriate.

“(2) The commander of each military medical treatment facility shall be responsible for—

“(A) ensuring the readiness of the members of the armed forces and civilian employees at such facility; and

“(B) furnishing the health care and medical treatment provided at such facility.

“(3) The Secretary of Defense shall establish within the Defense Health Agency a professional staff to provide policy, oversight, and direction to carry out subsection (a). The Secretary shall carry out this paragraph by appointing the positions specified in subsections (b) and (c).

“(b) DHA ASSISTANT DIRECTOR.—(1) There is in the Defense Health Agency an Assistant Director for Health Care Administration. The Assistant Director shall—

“(A) be a career appointee within the Department; and

“(B) report directly to the Director of the Defense Health Agency.

“(2) The Assistant Director shall be appointed from among individuals who have equivalent education and experience as a chief executive officer leading a large, civilian health care system.

“(3) The Assistant Director shall be responsible for the following:

“(A) Establishing priorities for health care administration and management.

“(B) Establishing policies, procedures, and direction for the provision of direct care at military medical treatment facilities.

“(C) Establishing priorities for budgeting matters with respect to the provision of direct care at military medical treatment facilities.

“(D) Establishing policies, procedures, and direction for clinic management and operations at military medical treatment facilities.

“(E) Establishing priorities for information technology at and between the military medical treatment facilities.

“(c) DHA DEPUTY ASSISTANT DIRECTORS.—(1)(A) There is in the Defense Health Agency a Deputy Assistant Director for Information Operations.

“(B) The Deputy Assistant Director for Information Operations shall be responsible for policies, management, and execution of information technology operations at and between the military medical treatment facilities.

“(2)(A) There is in the Defense Health Agency a Deputy Assistant Director for Financial Operations.

“(B) The Deputy Assistant Director for Financial Operations shall be responsible for the policy, procedures, and direction of budgeting matters and financial management with respect to the provision of direct care across the military health system.

“(3)(A) There is in the Defense Health Agency a Deputy Assistant Director for Health Care Operations.

“(B) The Deputy Assistant Director for Health Care Operations shall be responsible for the policy, procedures, and direction of health care administration in the military medical treatment facilities.

“(4)(A) There is in the Defense Health Agency a Deputy Assistant Director for Medical Affairs.

“(B) The Deputy Assistant Director for Medical Affairs shall be responsible for policy, procedures, and direction of clinical quality and process improvement, patient safety, infection control, graduate medical education, clinical integration, utilization review, risk management, patient experience, and civilian physician recruiting.

“(5) Each Deputy Assistant Director appointed under paragraphs (1) through (4) shall report directly to the Assistant Director for Health Care Administration.

“(d) CERTAIN RESPONSIBILITIES OF DHA DIRECTOR.—(1) In addition to the other duties of the Director of the Defense Health Agency, the Director shall coordinate with the Joint Staff Surgeon to ensure that the Director most effectively carries out the responsibilities of the Defense Health Agency as a combat support agency under section 193 of this title.

“(2) *The responsibilities of the Director shall include the following:*

“(A) *Ensuring that the Defense Health Agency meets the operational needs of the commanders of the combatant commands.*

“(B) *Coordinating with the military departments to ensure that the staffing at the military medical treatment facilities supports readiness requirements for members of the armed forces and health care personnel.*

“(e) *DEFINITIONS.—In this section:*

“(1) *The term ‘career appointee’ has the meaning given that term in section 3132(a)(4) of title 5.*

“(2) *The term ‘Defense Health Agency’ means the Defense Agency established pursuant to Department of Defense Directive 5136.13, or such successor Defense Agency.”.*

(2) *CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073b the following new item:*

“1073c. *Administration of Defense Health Agency and military medical treatment facilities.”.*

(b) *POSITIONS OF SURGEON GENERAL IN THE ARMED FORCES.—*

(1) *SURGEON GENERAL OF THE ARMY.—Section 3036 of title 10, United States Code, is amended—*

(A) *in subsection (d), by striking “(1)”;*

(B) *by redesignating subsection (e) as subsection (g);*

(C) *by inserting after subsection (d) a new subsection (e);*

(D) *by transferring paragraphs (2) and (3) of subsection (d) to subsection (e), as added by subparagraph (C), and redesignating such paragraphs as paragraphs (1) and (2), respectively; and*

(E) *by adding after subsection (e), as added by subparagraph (C), the following new subsection (f):*

“(f)(1) *The Surgeon General serves as the principal advisor to the Secretary of the Army and the Chief of Staff of the Army on all health and medical matters of the Army, including strategic planning and policy development relating to such matters.*

“(2) *The Surgeon General serves as the chief medical advisor of the Army to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Army.*

“(3) *The Surgeon General, acting under the authority, direction, and control of the Secretary of the Army, shall recruit, organize, train, and equip, medical personnel of the Army.”.*

(2) *SURGEON GENERAL OF THE NAVY.—*

(A) *IN GENERAL.—Section 5137 of title 10, United States Code, is amended to read as follows:*

“§ 5137. Surgeon General: appointment; duties

“(a) *APPOINTMENT.—The Surgeon General of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active-duty list of the Navy in any corps of the Navy Medical Department.*

“(b) *DUTIES.—(1) The Surgeon General serves as the Chief of the Bureau of Medicine and Surgery and serves as the principal ad-*

visor to the Secretary of the Navy and the Chief of Naval Operations on all health and medical matters of the Navy and the Marine Corps, including strategic planning and policy development relating to such matters.

“(2) The Surgeon General serves as the chief medical advisor of the Navy and the Marine Corps to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Navy and the Marine Corps.

“(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Navy, shall recruit, organize, train, and equip, medical personnel of the Navy and the Marine Corps.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5137 and inserting the following new item:

“5137. Surgeon General: appointment; duties.”.

(3) SURGEON GENERAL OF THE AIR FORCE.—

(A) IN GENERAL.—Section 8036 of title 10, United States Code, is amended to read as follows:

“§ 8036. Surgeon General: appointment; duties

“(a) APPOINTMENT.—The Surgeon General of the Air Force shall be appointed by the President, by and with the advice and consent of the Senate from officers of the Air Force who are in the Air Force medical department.

“(b) DUTIES.—(1) The Surgeon General serves as the principal advisor to the Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force, including strategic planning and policy development relating to such matters.

“(2) The Surgeon General serves as the chief medical advisor of the Air Force to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Air Force.

“(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Air Force, shall recruit, organize, train, and equip, medical personnel of the Air Force.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such title is amended by striking the item relating to section 8036 and inserting the following new item:

“8036. Surgeon General: appointment; duties.”.

(c) APPOINTMENTS.—The Secretary of Defense shall make appointments of the positions under section 1073c of title 10, United States Code, as added by subsection (a)—

(1) by not later than October 1, 2018; and

(2) by not increasing the number of full-time equivalent employees of the Defense Health Agency.

(d) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to implement section 1073c of title 10, United States Code, as added by subsection (a).

(2) *ELEMENTS.*—*The plan developed under paragraph (1) shall include the following:*

(A) *How the Secretary will carry out subsection (a) of such section 1073c.*

(B) *Efforts to eliminate duplicative activities carried out by the elements of the Defense Health Agency and the military departments.*

(C) *Efforts to maximize efficiencies in the activities carried out by the Defense Health Agency.*

(D) *How the Secretary will implement such section 1073c in a manner that reduces the number of members of the Armed Forces, civilian employees who are full-time equivalent employees, and contractors relating to the headquarters activities of the military health system, as of the date of the enactment of this Act.*

(e) *REPORTS.*—

(1) *INTERIM REPORT.*—*Not later than March 1, 2017, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing—*

(A) *a preliminary draft of the plan developed under subsection (d)(1); and*

(B) *any recommendations for legislative actions the Secretary determines necessary to carry out the plan.*

(2) *FINAL REPORT.*—*Not later than March 1, 2018, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the final version of the plan developed under subsection (d)(1).*

(3) *COMPTROLLER GENERAL REVIEWS.*—

(A) *The Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate—*

(i) *a review of the preliminary draft of the plan submitted under paragraph (1) by not later than September 1, 2017; and*

(ii) *a review of the final version of the plan submitted under paragraph (2) by not later than September 1, 2018.*

(B) *Each review of the plan conducted under subparagraph (A) shall determine whether the Secretary has addressed the required elements for the plan under subsection (d)(2).*

SEC. 703. MILITARY MEDICAL TREATMENT FACILITIES.

(a) *ADMINISTRATION.*—

(1) *IN GENERAL.*—*Chapter 55 of title 10, United States Code, as amended by section 702, is further amended by inserting after section 1073c the following new section:*

“§ 1073d. Military medical treatment facilities

“(a) IN GENERAL.—To support the medical readiness of the armed forces and the readiness of medical personnel, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall maintain the military medical treatment facilities described in subsections (b), (c), and (d).

“(b) MEDICAL CENTERS.—(1) The Secretary of Defense shall maintain medical centers in areas with a large population of members of the armed forces and covered beneficiaries.”

“(2) Medical centers shall serve as referral facilities for members and covered beneficiaries who require comprehensive health care services that support medical readiness.”

“(3) Medical centers shall consist of the following:

“(A) Inpatient and outpatient tertiary care facilities that incorporate specialty and subspecialty care.”

“(B) Graduate medical education programs.”

“(C) Residency training programs.”

“(D) Level one or level two trauma care capabilities.”

“(4) The Secretary may designate a medical center as a regional center of excellence for unique and highly specialized health care services, including with respect to polytrauma, organ transplantation, and burn care.”

“(c) HOSPITALS.—(1) The Secretary of Defense shall maintain hospitals in areas where civilian health care facilities are unable to support the health care needs of members of the armed forces and covered beneficiaries.”

“(2) Hospitals shall provide—

“(A) inpatient and outpatient health services to maintain medical readiness; and

“(B) such other programs and functions as the Secretary determines appropriate.”

“(3) Hospitals shall consist of inpatient and outpatient care facilities with limited specialty care that the Secretary determines—

“(A) is cost effective; or

“(B) is not available at civilian health care facilities in the area of the hospital.”

“(d) AMBULATORY CARE CENTERS.—(1) The Secretary of Defense shall maintain ambulatory care centers in areas where civilian health care facilities are able to support the health care needs of members of the armed forces and covered beneficiaries.”

“(2) Ambulatory care centers shall provide the outpatient health services required to maintain medical readiness, including with respect to partnerships established pursuant to section 706 of the National Defense Authorization Act for Fiscal Year 2017.”

“(3) Ambulatory care centers shall consist of outpatient care facilities with limited specialty care that the Secretary determines—

“(A) is cost effective; or

“(B) is not available at civilian health care facilities in the area of the ambulatory care center.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 702, is further amended by inserting after the item relating to section 1073c the following new item:

“1073d. Military medical treatment facilities.”.

(3) SATELLITE CENTERS.—In addition to the centers of excellence designated under section 1073d(b)(4) of title 10, United States Code, as added by paragraph (1), the Secretary of Defense may establish satellite centers of excellence to provide specialty care for certain conditions, including with respect to—

(A) post-traumatic stress;

(B) traumatic brain injury; and

(C) such other conditions as the Secretary considers appropriate.

(b) **EXCEPTION.**—In carrying out section 1073d of title 10, United States Code, as added by subsection (a)(1), the Secretary of Defense may not restructure or realign the infrastructure of, or modify the health care services provided by, a military medical treatment facility unless the Secretary determines that, if such a restructure, realignment, or modification will eliminate the ability of a covered beneficiary to access health care services at a military medical treatment facility, the covered beneficiary will be able to access such health care services through the purchased care component of the TRICARE program.

(c) **UPDATE OF STUDY.**—

(1) **IN GENERAL.**—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall update the report described in paragraph (2) to address the restructuring or realignment of military medical treatment facilities pursuant to section 1073d of title 10, United States Code, as added by subsection (a), including with respect to any expansions or consolidations of such facilities.

(2) **REPORT DESCRIBED.**—The report described in this paragraph is the Military Health System Modernization Study dated May 29th, 2015, required by section 713(a)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3414).

(3) **SUBMISSION.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the updated report under paragraph (1).

(d) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an implementation plan to restructure or realign the military medical treatment facilities pursuant to section 1073d of title 10, United States Code, as added by subsection (a).

(2) **ELEMENTS.**—The implementation plan under paragraph (1) shall include the following:

(A) With respect to each military medical treatment facility—

(i) whether the facility will be realigned or restructured under the plan;

(ii) whether the functions of such facility will be expanded or consolidated;

(iii) the costs of such realignment or restructuring;

(iv) a description of any changes to the military and civilian personnel assigned to such facility as of the date of the plan;

(v) a timeline for such realignment or restructuring;

(vi) the justifications for such realignment or restructuring, including an assessment of the capacity of the civilian health care facilities located near such facility;

(vii) a comprehensive assessment of the health care services provided at the facility;

(viii) a description of the current accessibility of covered beneficiaries to health care services provided at the facility and proposed modifications to that accessibility, including with respect to types of services provided;

(ix) a description of the current availability of urgent care, emergent care, and specialty care at the facility and in the TRICARE provider network in the area in which the facility is located, and proposed modifications to the availability of such care;

(x) a description of the current level of coordination between the facility and local health care providers in the area in which the facility is located and proposed modifications to such level of coordination; and

(xi) a description of any unique challenges to providing health care at the facility, with a focus on challenges relating to rural, remote, and insular areas, as appropriate.

(B) A description of the relocation of the graduate medical education programs and the residency programs.

(C) A description of the plans to assist members of the Armed Forces and covered beneficiaries with travel and lodging, if necessary, in connection with the receipt of specialty care services at regional centers of excellence designated under subsection (b)(4) of such section 1073d.

(D) A description of how the Secretary will carry out subsection (b).

(3) GAO REPORT.—Not later than 60 days after the date on which the Secretary of Defense submits the report under paragraph (1), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review of such report.

(e) DEFINITIONS.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 704. ACCESS TO URGENT AND PRIMARY CARE UNDER TRICARE PROGRAM.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

“§ 1077a. Access to military medical treatment facilities and other facilities

“(a) URGENT CARE.—(1) The Secretary of Defense shall ensure that military medical treatment facilities, at locations the Secretary determines appropriate, provide urgent care services for members of the armed forces and covered beneficiaries until 11:00 p.m. each day.

“(2) With respect to areas in which a military medical treatment facility covered by paragraph (1) is not located, the Secretary shall ensure that members of the armed forces and covered beneficiaries may access urgent care clinics through the health care provider network under the TRICARE program.

“(3) A covered beneficiary may access urgent care services without the need for preauthorization for such services.

“(4) The Secretary shall—

“(A) publish information about changes in access to urgent care under the TRICARE program—

“(i) on the primary publicly available Internet website of the Department; and

“(ii) on the primary publicly available Internet website of each military medical treatment facility; and

“(B) ensure that such information is made available on the publicly available Internet website of each current managed care support contractor that has established a health care provider network under the TRICARE program.

“(b) NURSE ADVICE LINE.—The Secretary shall ensure that the nurse advice line of the Department directs covered beneficiaries seeking access to care to the source of the most appropriate level of health care required to treat the medical conditions of the beneficiaries, including urgent care services described in subsection (a).

“(c) PRIMARY CARE CLINICS.—(1) The Secretary shall ensure that primary care clinics at military medical treatment facilities are available for members of the armed forces and covered beneficiaries between the hours determined appropriate under paragraph (2), including with respect to expanded hours described in subparagraph (B) of such paragraph.

“(2)(A) The Secretary shall determine the hours that each primary care clinic at a military medical treatment facility is available for members of the armed forces and covered beneficiaries based on—

“(i) the needs of the military medical treatment facility to meet the access standards under the TRICARE Prime program; and

“(ii) the primary care utilization patterns of members and covered beneficiaries at such military medical treatment facility.

“(B) The primary care clinic hours at a military medical treatment facility determined under subparagraph (A) shall include expanded hours beyond regular business hours during weekdays and the weekend if the Secretary determines under such subparagraph that sufficient demand exists at the military medical treatment facility for such expanded primary care clinic hours.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Access to military medical treatment facilities and other facilities”.

(c) IMPLEMENTATION.—The Secretary of Defense shall implement—

(1) subsection (a) of section 1077a of title 10, United States Code, as added by subsection (a) of this section, by not later than one year after the date of the enactment of this Act; and

(2) subsection (c) of such section by not later than 180 days after the date of the enactment of this Act.

SEC. 705. VALUE-BASED PURCHASING AND ACQUISITION OF MANAGED CARE SUPPORT CONTRACTS FOR TRICARE PROGRAM.

(a) VALUE-BASED HEALTH CARE.—

(1) *IN GENERAL.*—The Secretary of Defense shall develop and implement value-based incentive programs as part of any contract awarded under chapter 55 of title 10, United States Code, for the provision of health care services to covered beneficiaries to encourage health care providers under the TRICARE program (including physicians, hospitals, and other persons and facilities involved in providing such health care services) to improve the following:

(A) The quality of health care provided to covered beneficiaries under the TRICARE program.

(B) The experience of covered beneficiaries in receiving health care under the TRICARE program.

(C) The health of covered beneficiaries.

(2) *VALUE-BASED INCENTIVE PROGRAMS.*—

(A) *DEVELOPMENT.*—In developing value-based incentive programs under paragraph (1), the Secretary shall—

(i) link payments to health care providers under the TRICARE program to improved performance with respect to quality, cost, and reducing the provision of inappropriate care;

(ii) consider the characteristics of the population of covered beneficiaries affected by the value-based incentive program;

(iii) consider how the value-based incentive program would affect the receipt of health care under the TRICARE program by such covered beneficiaries;

(iv) establish or maintain an assurance that such covered beneficiaries will have timely access to health care during the operation of the value-based incentive program;

(v) ensure that such covered beneficiaries do not incur any additional costs by reason of the value-based incentive program; and

(vi) consider such other factors as the Secretary considers appropriate.

(B) *SCOPE AND METRICS.*—With respect to a value-based incentive program developed and implemented under paragraph (1), the Secretary shall ensure that—

(i) the size, scope, and duration of the value-based incentive program is reasonable in relation to the purpose of the value-based incentive program; and

(ii) the value-based incentive program relies on the core quality performance metrics adopted pursuant to section 728.

(3) *USE OF EXISTING MODELS.*—In developing a value-based incentive program under paragraph (1), the Secretary may adapt a value-based incentive program conducted by a TRICARE managed care support contractor, the Centers for Medicare & Medicaid Services, or any other Federal Government, State government, or commercial health care program.

(b) *TRANSFER OF CONTRACTING RESPONSIBILITY.*—With respect to the acquisition of any managed care support contracts under the TRICARE program initiated after the date of the enactment of this Act, the Secretary of Defense shall transfer contracting responsibility for the solicitation and award of such contracts from the De-

fense Health Agency to the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) ACQUISITION OF CONTRACTS.—

(1) STRATEGY.—Not later than January 1, 2018, the Secretary of Defense shall develop and implement a strategy to ensure that managed care support contracts under the TRICARE program entered into with private sector entities, other than overseas medical support contracts—

(A) improve access to health care for covered beneficiaries;

(B) improve health outcomes for covered beneficiaries;

(C) improve the quality of health care received by covered beneficiaries;

(D) enhance the experience of covered beneficiaries in receiving health care; and

(E) lower per capita costs to the Department of Defense of health care provided to covered beneficiaries.

(2) APPLICABILITY OF STRATEGY.—

(A) IN GENERAL.—The strategy required by paragraph (1) shall apply to all managed care support contracts under the TRICARE program entered into with private sector entities.

(B) MODIFICATION OF CONTRACTS.—Contracts entered into prior to the implementation of the strategy required by paragraph (1) shall be modified to ensure consistency with such strategy.

(3) LOCAL, REGIONAL, AND NATIONAL HEALTH PLANS.—In developing and implementing the strategy required by paragraph (1), the Secretary shall ensure that local, regional, and national health plans have an opportunity to participate in the competition for managed care support contracts under the TRICARE program.

(4) CONTINUOUS INNOVATION.—The strategy required by paragraph (1) shall include incentives for the incorporation of innovative ideas and solutions into managed care support contracts under the TRICARE program through the use of teaming agreements, subcontracts, and other contracting mechanisms that can be used to develop and continuously refresh high-performing networks of health care providers at the national, regional, and local level.

(5) ELEMENTS OF STRATEGY.—The strategy required by paragraph (1) shall provide for the following with respect to managed care support contracts under the TRICARE program:

(A) The maximization of flexibility in the design and configuration of networks of individual and institutional health care providers, including a focus on the development of high-performing networks of health care providers.

(B) The establishment of an integrated medical management system between military medical treatment facilities and health care providers in the private sector that, when appropriate, effectively coordinates and integrates health care across the continuum of care.

(C) With respect to telehealth services—

(i) the maximization of the use of such services to provide real-time interactive communications between

patients and health care providers and remote patient monitoring; and

(ii) the use of standardized payment methods to reimburse health care providers for the provision of such services.

(D) The use of value-based reimbursement methodologies, including through the use of value-based incentive programs under subsection (a), that transfer financial risk to health care providers and managed care support contractors.

(E) The use of financial incentives for contractors and health care providers to receive an equitable share in the cost savings to the Department resulting from improvement in health outcomes for covered beneficiaries and the experience of covered beneficiaries in receiving health care.

(F) The use of incentives that emphasize prevention and wellness for covered beneficiaries receiving health care services from private sector entities to seek such services from high-value health care providers.

(G) The adoption of a streamlined process for enrollment of covered beneficiaries to receive health care and timely assignment of primary care managers to covered beneficiaries.

(H) The elimination of the requirement for a referral to be authorized prior receiving specialty care services at a facility of the Department of Defense or through the TRICARE program.

(I) The use of incentives to encourage covered beneficiaries to participate in medical and lifestyle intervention programs.

(6) *RURAL, REMOTE, AND ISOLATED AREAS.*—In developing and implementing the strategy required by paragraph (1), the Secretary shall—

(A) assess the unique characteristics of providing health care services in Alaska, Hawaii, and the territories and possessions of the United States, and in rural, remote, or isolated locations in the contiguous 48 States;

(B) consider the various challenges inherent in developing robust networks of health care providers in those locations;

(C) develop a provider reimbursement rate structure in those locations that ensures—

(i) timely access of covered beneficiaries to health care services;

(ii) the delivery of high-quality primary and specialty care;

(iii) improvement in health outcomes for covered beneficiaries; and

(iv) an enhanced experience of care for covered beneficiaries; and

(D) ensure that managed care support contracts under the TRICARE program in those locations will—

(i) establish individual and institutional provider networks that will provide timely access to care for covered beneficiaries, including pursuant to such networks

relating to an Indian tribe or tribal organization that is party to the Alaska Native Health Compact with the Indian Health Service or has entered into a contract with the Indian Health Service to provide health care in rural Alaska or other locations in the United States; and

(ii) deliver high-quality care, better health outcomes, and a better experience of care for covered beneficiaries.

(d) REPORT PRIOR TO CERTAIN CONTRACT MODIFICATIONS.—Not later than 60 days before the date on which the Secretary of Defense first modifies a contract awarded under chapter 55 of title 10, United States Code, to implement a value-based incentive program under subsection (a), or the managed care support contract acquisition strategy under subsection (c), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any implementation plan of the Secretary with respect to such value-based incentive program or managed care support contract acquisition strategy.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report under subsection (d), 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 that assesses the compliance of the Secretary of Defense with the requirements of subsection (a) and subsection (c).

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

(A) Whether the approach of the Department of Defense for acquiring managed care support contracts under the TRICARE program—

- (i) improves access to care;*
- (ii) improves health outcomes;*
- (iii) improves the experience of care for covered beneficiaries; and*
- (iv) lowers per capita health care costs.*

(B) Whether the Department has, in its requirements for managed care support contracts under the TRICARE program, allowed for—

- (i) maximum flexibility in network design and development;*
- (ii) integrated medical management between military medical treatment facilities and network providers;*
- (iii) the maximum use of the full range of telehealth services;*
- (iv) the use of value-based reimbursement methods that transfer financial risk to health care providers and managed care support contractors;*
- (v) the use of prevention and wellness incentives to encourage covered beneficiaries to seek health care services from high-value providers;*
- (vi) a streamlined enrollment process and timely assignment of primary care managers;*

(vii) the elimination of the requirement to seek authorization for referrals for specialty care services;

(viii) the use of incentives to encourage covered beneficiaries to engage in medical and lifestyle intervention programs; and

(ix) the use of financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvements in health outcomes and the experience of care for covered beneficiaries.

(C) Whether the Department has considered, in developing requirements for managed care support contracts under the TRICARE program, the following:

(i) The unique characteristics of providing health care services in Alaska, Hawaii, and the territories and possessions of the United States, and in rural, remote, or isolated locations in the contiguous 48 States;

(ii) The various challenges inherent in developing robust networks of health care providers in those locations.

(iii) A provider reimbursement rate structure in those locations that ensures—

(I) timely access of covered beneficiaries to health care services;

(II) the delivery of high-quality primary and specialty care;

(III) improvement in health outcomes for covered beneficiaries; and

(IV) an enhanced experience of care for covered beneficiaries.

(f) **DEFINITIONS.**—In this section:

(1) The terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.

(2) The term “high-performing networks of health care providers” means networks of health care providers that, in addition to such other requirements as the Secretary of Defense may specify for purposes of this section, do the following:

(A) Deliver high quality health care as measured by leading health quality measurement organizations such as the National Committee for Quality Assurance and the Agency for Healthcare Research and Quality.

(B) Achieve greater efficiency in the delivery of health care by identifying and implementing within such network improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services.

(C) Improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients.

(D) Focus on preventive care that emphasizes—

(i) early detection and timely treatment of disease;

(ii) periodic health screenings; and

(iii) education regarding healthy lifestyle behaviors.

(E) Coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team.

(F) Facilitate access to health care providers, including—

(i) after-hours care;

(ii) urgent care; and

(iii) through telehealth appointments, when appropriate.

(G) Encourage patients to participate in making health care decisions.

(H) Use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices.

SEC. 706. ESTABLISHMENT OF HIGH PERFORMANCE MILITARY-CIVILIAN INTEGRATED HEALTH DELIVERY SYSTEMS.

(a) *IN GENERAL.*—Not later than January 1, 2018, the Secretary of Defense shall establish military-civilian integrated health delivery systems through partnerships with other health systems, including local or regional health systems in the private sector—

(1) to improve access to health care for covered beneficiaries;

(2) to enhance the experience of covered beneficiaries in receiving health care;

(3) to improve health outcomes for covered beneficiaries;

(4) to share resources between the Department of Defense and the private sector, including such staff, equipment, and training assets as may be required to carry out such integrated health delivery systems;

(5) to maintain services within military treatment facilities that are essential for the maintenance of operational medical force readiness skills of health care providers of the Department; and

(6) to provide members of the Armed Forces with additional training opportunities to maintain such readiness skills.

(b) *ELEMENTS OF SYSTEMS.*—Each military-civilian integrated health delivery system established under subsection (a) shall—

(1) deliver high quality health care as measured by leading national health quality measurement organizations;

(2) achieve greater efficiency in the delivery of health care by identifying and implementing within each such system improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services;

(3) improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients;

(4) focus on preventive care that emphasizes—

(A) early detection and timely treatment of disease;

(B) periodic health screenings; and

(C) education regarding healthy lifestyle behaviors;

(5) coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team;

(6) facilitate access to health care providers, including—

(A) after-hours care;

(B) urgent care; and

(C) through telehealth appointments, when appropriate;

(7) encourage patients to participate in making health care decisions;

(8) use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices; and

(9) improve coordination of behavioral health services with primary health care.

(c) AGREEMENTS.—

(1) *IN GENERAL.*—In establishing military-civilian integrated health delivery systems through partnerships under subsection (a), the Secretary shall seek to enter into memoranda of understanding or contracts between military treatment facilities and health maintenance organizations, health care centers of excellence, public or private academic medical institutions, regional health organizations, integrated health systems, accountable care organizations, and such other health systems as the Secretary considers appropriate.

(2) *PRIVATE SECTOR CARE.*—Memoranda of understanding and contracts entered into under paragraph (1) shall ensure that covered beneficiaries are eligible to enroll in and receive medical services under the private sector components of military-civilian integrated health delivery systems established under subsection (a).

(3) *VALUE-BASED REIMBURSEMENT METHODOLOGIES.*—The Secretary shall incorporate value-based reimbursement methodologies, such as capitated payments, bundled payments, or pay for performance, into memoranda of understanding and contracts entered into under paragraph (1) to reimburse entities for medical services provided to covered beneficiaries under such memoranda of understanding and contracts.

(4) *QUALITY OF CARE.*—Each memorandum of understanding or contract entered into under paragraph (1) shall ensure that the quality of services received by covered beneficiaries through a military-civilian integrated health delivery system under such memorandum of understanding or contract is at least comparable to the quality of services received by covered beneficiaries from a military treatment facility.

(d) *COVERED BENEFICIARY DEFINED.*—In this section, the term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 707. JOINT TRAUMA SYSTEM.

(a) *PLAN.*—

(1) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to establish a Joint Trauma System within the Defense Health Agency that

promotes improved trauma care to members of the Armed Forces and other individuals who are eligible to be treated for trauma at a military medical treatment facility.

(2) *IMPLEMENTATION.*—*The Secretary shall implement the plan under paragraph (1) after a 90-day period has elapsed following the date on which the Comptroller General of the United States is required to submit to the Committees on Armed Services of the House of Representatives and the Senate the review under subsection (c). In implementing such plan, the Secretary shall take into account any recommendation made by the Comptroller General under such review.*

(b) *ELEMENTS.*—*The Joint Trauma System described in subsection (a)(1) shall include the following elements:*

(1) *Serve as the reference body for all trauma care provided across the military health system.*

(2) *Establish standards of care for trauma services provided at military medical treatment facilities.*

(3) *Coordinate the translation of research from the centers of excellence of the Department of Defense into standards of clinical trauma care.*

(4) *Coordinate the incorporation of lessons learned from the trauma education and training partnerships pursuant to section 709 into clinical practice.*

(c) *REVIEW.*—*Not later than 180 days after the date on which the Secretary submits to the Committees on Armed Services of the House of Representatives and the Senate the implementation plan under subsection (a)(1), the Comptroller General of the United States shall submit to such committees a review of such plan to determine if each element under subsection (b) is included in such plan.*

(d) *REVIEW OF MILITARY TRAUMA SYSTEM.*—*In establishing a Joint Trauma System, the Secretary of Defense may seek to enter into an agreement with a non-governmental entity with subject matter experts to—*

(1) *conduct a system-wide review of the military trauma system, including a comprehensive review of combat casualty care and wartime trauma systems during the period beginning on January 1, 2001, and ending on the date of the review, including an assessment of lessons learned to improve combat casualty care in future conflicts; and*

(2) *make publicly available a report containing such review and recommendations to establish a comprehensive trauma system for the Armed Forces.*

SEC. 708. JOINT TRAUMA EDUCATION AND TRAINING DIRECTORATE.

(a) *ESTABLISHMENT.*—*The Secretary of Defense shall establish a Joint Trauma Education and Training Directorate (in this section referred to as the “Directorate”) to ensure that the traumatologists of the Armed Forces maintain readiness and are able to be rapidly deployed for future armed conflicts. The Secretary shall carry out this section in collaboration with the Secretaries of the military departments.*

(b) *DUTIES.*—*The duties of the Directorate are as follows:*

(1) *To enter into and coordinate the partnerships under subsection (c).*

(2) *To establish the goals of such partnerships necessary for trauma teams led by traumatologists to maintain professional competency in trauma care.*

(3) *To establish metrics for measuring the performance of such partnerships in achieving such goals.*

(4) *To develop methods of data collection and analysis for carrying out paragraph (3).*

(5) *To communicate and coordinate lessons learned from such partnerships with the Joint Trauma System established under section 707.*

(6) *To develop standardized combat casualty care instruction for all members of the Armed Forces, including the use of standardized trauma training platforms.*

(7) *To develop a comprehensive trauma care registry to compile relevant data from point of injury through rehabilitation of members of the Armed Forces.*

(8) *To develop quality of care outcome measures for combat casualty care.*

(9) *To direct the conduct of research on the leading causes of morbidity and mortality of members of the Armed Forces in combat.*

(c) *PARTNERSHIPS.—*

(1) *IN GENERAL.—The Secretary may enter into partnerships with civilian academic medical centers and large metropolitan teaching hospitals that have level I civilian trauma centers to provide integrated combat trauma teams, including forward surgical teams, with maximum exposure to a high volume of patients with critical injuries.*

(2) *TRAUMA TEAMS.—Under the partnerships entered into with civilian academic medical centers and large metropolitan teaching hospitals under paragraph (1), trauma teams of the Armed Forces led by traumatologists of the Armed Forces shall embed within the trauma centers of the medical centers and hospitals on an enduring basis.*

(3) *SELECTION.—The Secretary shall select civilian academic medical centers and large metropolitan teaching hospitals to enter into partnerships under paragraph (1) based on patient volume, acuity, and other factors the Secretary determines necessary to ensure that the traumatologists of the Armed Forces and the associated clinical support teams have adequate and continuous exposure to critically injured patients.*

(4) *CONSIDERATION.—In entering into partnerships under paragraph (1), the Secretary may consider the experiences and lessons learned by the military departments that have entered into memoranda of understanding with civilian medical centers for trauma care.*

(d) *PERSONNEL MANAGEMENT PLAN.—*

(1) *PLAN.—The Secretary shall establish a personnel management plan for the following wartime medical specialties:*

(A) *Emergency medical services and prehospital care.*

(B) *Trauma surgery.*

(C) *Critical care.*

(D) *Anesthesiology.*

(E) *Emergency medicine.*

(F) Other wartime medical specialties the Secretary determines appropriate for purposes of the plan.

(2) **ELEMENTS.**—The elements of the plan established under paragraph (1) shall include, at a minimum, the following:

(A) An accession plan for the number of qualified medical personnel to maintain wartime medical specialties on an annual basis in order to maintain the required number of trauma teams as determined by the Secretary.

(B) The number of positions required in each such medical specialty.

(C) Crucial organizational and operational assignments for personnel in each such medical specialty.

(D) Career pathways for personnel in each such medical specialty.

(3) **IMPLEMENTATION.**—The Secretaries of the military departments shall carry out the plan established under paragraph (1).

(e) **IMPLEMENTATION PLAN.**—Not later than July 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for establishing the Joint Trauma Education and Training Directorate under subsection (a), entering into partnerships under subsection (c), and establishing the plan under subsection (d).

(f) **LEVEL I CIVILIAN TRAUMA CENTER DEFINED.**—In this section, the term “level I civilian trauma center” means a comprehensive regional resource that is a tertiary care facility central to the trauma system and is capable of providing total care for every aspect of injury from prevention through rehabilitation.

SEC. 709. STANDARDIZED SYSTEM FOR SCHEDULING MEDICAL APPOINTMENTS AT MILITARY TREATMENT FACILITIES.

(a) **STANDARDIZED SYSTEM.**—

(1) **IN GENERAL.**—Not later than January 1, 2018, the Secretary of Defense shall implement a system for scheduling medical appointments at military treatment facilities that is standardized throughout the military health system to enable timely access to care for covered beneficiaries.

(2) **LACK OF VARIANCE.**—The system implemented under paragraph (1) shall ensure that the appointment scheduling processes and procedures used within the military health system do not vary among military treatment facilities.

(b) **SOLE SYSTEM.**—Upon implementation of the system under subsection (a), no military treatment facility may use an appointment scheduling process other than such system.

(c) **SCHEDULING OF APPOINTMENTS.**—

(1) **IN GENERAL.**—Under the system implemented under subsection (a), each military treatment facility shall use a centralized appointment scheduling capability for covered beneficiaries that includes the ability to schedule appointments manually via telephone as described in paragraph (2) or automatically via a device that is connected to the Internet through an online scheduling system described in paragraph (3).

(2) **TELEPHONE APPOINTMENT PROCESS.**—

(A) **IN GENERAL.**—In the case of a covered beneficiary who contacts a military treatment facility via telephone to schedule an appointment under the system implemented

under subsection (a), the Secretary shall implement standard processes to ensure that the needs of the covered beneficiary are met during the first such telephone call.

(B) *MATTERS INCLUDED.*—The standard processes implemented under subparagraph (A) shall include the following:

(i) The ability of a covered beneficiary, during the telephone call to schedule an appointment, to also schedule wellness visits or follow-up appointments during the 180-day period beginning on the date of the request for the visit or appointment.

(ii) The ability of a covered beneficiary to indicate the process through which the covered beneficiary prefers to be reminded of future appointments, which may include reminder telephone calls, emails, or cellular text messages to the covered beneficiary at specified intervals prior to appointments.

(3) *ONLINE SYSTEM.*—

(A) *IN GENERAL.*—The Secretary shall implement an online scheduling system that is available 24 hours per day, seven days per week, for purposes of scheduling appointments under the system implemented under subsection (a).

(B) *CAPABILITIES OF ONLINE SYSTEM.*—The online scheduling system implemented under subparagraph (A) shall have the following capabilities:

(i) An ability to send automated email and text message reminders, including repeat reminders, to patients regarding upcoming appointments.

(ii) An ability to store appointment records to ensure rapid access by medical personnel to appointment data.

(d) *STANDARDS FOR PRODUCTIVITY OF HEALTH CARE PROVIDERS.*—

(1) *IN GENERAL.*—The Secretary shall implement standards for the productivity of health care providers at military treatment facilities.

(2) *MATTERS CONSIDERED.*—In developing standards under paragraph (1), the Secretary shall consider—

(A) civilian benchmarks for measuring the productivity of health care providers;

(B) the optimal number of medical appointments for each health care provider that would be required, as determined by the Secretary, to maintain access of covered beneficiaries to health care from the Department; and

(C) the readiness requirements of the Armed Forces.

(e) *PLAN.*—

(1) *IN GENERAL.*—Not later than January 1, 2017, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan to implement the system required under subsection (a).

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