

to law, as the Secretary considers appropriate to implement the plan; and

(D) any other matters that the Secretary considers appropriate.

SEC. 902. RESPONSIBILITIES AND REPORTING OF THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) *IN GENERAL.*—Section 142(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

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

“(E) exercises authority, direction, and control over the Defense Information Systems Agency, or any successor organization;

“(F) has the responsibilities for policy, oversight, guidance, and coordination for all Department of Defense matters related to electromagnetic spectrum, including coordination with other Federal and industry agencies, coordination for classified programs, and in coordination with the Under Secretary for Personnel and Readiness, policies related to spectrum management workforce;

“(G) has the responsibilities for policy, oversight, guidance, and coordination for nuclear command and control systems;

“(H) has the responsibilities for policy, oversight, and guidance for matters related to precision navigation and timing; and

“(I) has the responsibilities for policy, oversight, and guidance for the architecture and programs related to the networking and cyber defense architecture of the Department.”.

(b) *DIRECT REPORTING.*—Section 151(b)(5) of such title is amended by inserting before the period at the end the following: “, who reports directly to the Secretary and Deputy Secretary without intervening authority”.

SEC. 903. MAXIMUM NUMBER OF PERSONNEL IN THE OFFICE OF THE SECRETARY OF DEFENSE AND OTHER DEPARTMENT OF DEFENSE HEADQUARTERS OFFICES.

(a) *OFFICE OF THE SECRETARY OF DEFENSE.*—Section 143(b) of title 10, United States Code, is amended by striking “and civilian personnel” and inserting “, civilian, and detailed personnel”.

(b) *JOINT STAFF.*—

(1) *IN GENERAL.*—Section 155 of such title is amended by adding at the end the following new subsection:

“(h) *PERSONNEL LIMITATIONS.*—(1) The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty for the Joint Staff may not exceed 2,069.

“(2) Not more than 1,500 members of the armed forces on the active-duty list may be assigned or detailed to permanent duty for the Joint Staff.

“(3) The limitations in paragraphs (1) and (2) do not apply in time of war.

“(4) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(2) *EFFECTIVE DATE.*—The amendment made by paragraph (1) shall take effect on December 31, 2019.

(c) *OFFICE OF THE SECRETARY OF THE ARMY.*—Section 3014(f) of such title is amended—

(1) in paragraph (4), by striking “time of war” and all that follows and inserting “time of war.”; and

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

“(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(d) *OFFICE OF THE SECRETARY OF THE NAVY.*—Section 5014(f) of such title is amended—

(1) in paragraph (4), by striking “time of war” and all that follows and inserting “time of war.”; and

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

“(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(e) *OFFICE OF THE SECRETARY OF THE AIR FORCE.*—Section 8014(f) of such title is amended—

(1) in paragraph (4), by striking “time of war” and all that follows and inserting “time of war.”; and

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

“(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

SEC. 904. REPEAL OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.

(a) *REPEAL.*—Section 185 of title 10, United States Code, is repealed.

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 185.

Subtitle B—Organization and Management of the Department of Defense Generally

SEC. 911. ORGANIZATIONAL STRATEGY FOR THE DEPARTMENT OF DEFENSE.

(a) *ORGANIZATIONAL STRATEGY REQUIRED.*—

(1) *IN GENERAL.*—Not later than September 1, 2017, the Secretary of Defense shall formulate and issue to the Department of Defense an organizational strategy for the Department that—

(A) identifies the critical objectives and other organizational outputs for the Department that span multiple functional boundaries and would benefit from the use of cross-functional teams under this section to ensure collaboration and integration across organizations within the Department;

(B) improves the manner in which the Department integrates the expertise and capacities of the functional components of the Department for effective and efficient achievement of such objectives and outputs;

(C) improves the management of relationships and processes involving the Office of the Secretary of Defense,

the Joint Staff, the combatant commands, the military departments, and the Defense Agencies with regard to such objectives and outputs;

(D) improves the ability of the Department to work effectively in interagency processes with regard to such objectives and outputs in order to better serve the President; and

(E) achieves an organizational structure that enhances performance with regard to such objectives and outputs.

(2) ELEMENTS.—The strategy shall provide for the following:

(A) The appropriate use of cross-functional teams to manage critical objectives and outputs of the Department described in paragraph (1)(A).

(B) The furtherance and advancement of a collaborative, team-oriented, results-driven, and innovative culture within the Department that fosters an open debate of ideas and alternative courses of action, and supports cross-functional teaming and integration.

(b) ACTIONS IN SUPPORT OF STRATEGY.—

(1) STUDY.—The Department of Defense shall conduct a study of the following in order to determine how best to implement effective cross-functional teams in the Department to achieve the strategic objectives of the Secretary of Defense:

(A) Lessons learned, as reflected in academic literature, business and management school case studies, and the work of leading management consultant firms, on the successful and failed application of cross-functional teams in the private sector and government, and on the cultural factors necessary to support effective cross-functional teams.

(B) The historical and current use by the Department of cross-functional working groups, integrated process teams, councils, and committees, and the reasons why such entities have or have not achieved high levels of teamwork or effectiveness.

(2) CONDUCT OF STUDY.—The study required by paragraph (1) shall be conducted by an independent organization with widely acknowledged expertise in modern organizational management and teaming selected by the Secretary for purposes of the study.

(3) SCHEDULE.—The Secretary shall award any necessary contract for the study required by paragraph (1) pursuant to paragraph (2) by not later than March 15, 2017, and shall provide the results of the study to the congressional defense committees by not later than July 15, 2017.

(c) CROSS-FUNCTIONAL TEAMS.—In support of the strategy required by subsection (a):

(1) IN GENERAL.—The Secretary of Defense shall establish cross-functional teams to address critical objectives and outputs for such teams as are determined to be appropriate in accordance with the organizational strategy issued under subsection (a), with initial teams established by not later than September 30, 2017.

(2) PURPOSES.—The purposes of cross-functional teams established pursuant to this subsection shall be, as determined appropriate by the Secretary—

(A) to provide for effective collaboration and integration across organizational and functional boundaries in the Department of Defense;

(B) to develop, at the direction of the Secretary, recommendations for comprehensive and fully integrated policies, strategies, plans, and resourcing decisions;

(C) to make decisions on cross-functional issues, to the extent authorized by the Secretary and within parameters established by the Secretary; and

(D) to provide oversight for and, as directed by the Secretary, supervise the implementation of approved policies, strategies, plans, and resourcing decisions approved by the Secretary.

(3) **GUIDANCE ON TEAMS.**—Not later than September 30, 2017, the Secretary shall issue guidance—

(A) addressing the role, authorities, reporting relationships, resourcing, manning, training, and operations of cross-functional teams established pursuant to this subsection;

(B) delineating decision-making authority of such teams;

(C) providing that the leaders of functional components of the Department that provide personnel to such teams respect and respond to team needs and activities; and

(D) emphasizing that personnel selected for assignment to such teams shall faithfully represent the views and expertise of their functional components while contributing to the best of their ability to the success of the team concerned.

(4) **PARTICIPANTS.**—In establishing a cross-functional team pursuant to this subsection, the Secretary shall consider personnel from the Office of the Secretary of Defense, the Joint Staff, the military departments, and the Defense Agencies in all functional areas that the Secretary considers appropriate.

(5) **TEAM PERSONNEL.**—For each cross-functional team established by the Secretary pursuant to this subsection, the Secretary shall—

(A) assign as leader of such team a senior qualified and experienced individual, who shall report directly to the Secretary regarding the activities of such team;

(B) delegate to the team leader designated pursuant to subparagraph (A) authority to select members of such team from among civilian employees of the Department and members of the Armed Forces in any grade who are recommended for membership on such team by the head of a functional component of the Department within the Office of the Secretary of Defense, the Joint Staff, and the military departments, by the commander of a combatant command, or by the director of a Defense Agency;

(C) provide the team leader with necessary full time support from team members, and the means to co-locate team members;

(D) ensure that team members and all leaders in functional organizations that are in the supervisory chain for personnel serving on such team receive training in elements of successful cross-functional teams, including teamwork,

collaboration, conflict resolution, and appropriately representing the views and expertise of their functional components; and

(E) ensure that the congressional defense committees are provided information on the progress and results of such team upon request.

(6) **TEAM STRATEGIES AND DECISION-MAKING AUTHORITY.**—

(A) **IN GENERAL.**—The Secretary shall ensure that the objectives of each cross-functional team established pursuant to this subsection are clearly established in writing, through a memorandum, statement, charter, or similar document.

(B) **METRICS.**—To improve team performance and accountability, the Secretary shall task each team, as appropriate, to establish a strategy to achieve the objectives specified by the Secretary, metrics for evaluation of the achievement of such objectives by such team, and the alignment of individual and team goals for the achievement of such objectives by such team.

(C) **DELEGATION OF AUTHORITY.**—The Secretary may delegate to a team any decision-making authority that, and shall delegate such authority as, the Secretary considers appropriate to permit such team to achieve the objectives established by the Secretary.

(7) **REVIEW OF TEAMS.**—Not later than 18 months after the date on which the first cross-functional team is established pursuant to this subsection, the Secretary shall complete an analysis, with support from external experts in organizational and management sciences, of the successes and failures of teams established pursuant to this subsection, and determine how to apply the lessons learned from that analysis.

(8) **REPORT ON ESTABLISHMENT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of cross-functional teams under this subsection, including descriptions from the leaders of teams established prior to the date on which this report is submitted of the manner in which the teams were designed and how they functioned.

(d) **DIRECTIVE ON COLLABORATIVE CULTURE AND BEHAVIOR.**—The guidance issued by the Secretary of Defense pursuant to subsection (c)(3) shall also—

(1) articulate the shared purposes, values, and principles for the operation of the Office of the Secretary of Defense that are required to promote a team-oriented, collaborative, results-driven culture within the Office to support the primary objectives of the Department of Defense;

(2) ensure that collaboration across functional and organizational boundaries is an important factor in the performance review of leaders of cross-functional teams established pursuant to subsection (c), members of teams, and other appropriate leaders of the Department; and

(3) identify key practices that senior leaders of the Department should follow with regard to leadership, organizational practice, collaboration, and the functioning of cross-functional

teams, and the types of personnel behavior that senior leaders should encourage and discourage.

(e) **STREAMLINING OF ORGANIZATIONAL STRUCTURE AND PROCESSES OF OSD.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall take such actions as the Secretary considers appropriate to streamline the organizational structure and processes of the Office of the Secretary of Defense in order to increase spans of control, achieve a reduction in layers of management, eliminate unnecessary duplication between the Office and the Joint Staff, and reduce the time required to complete standard processes and activities.

(f) **TRAINING FOR INDIVIDUALS NOMINATED FOR APPOINTMENT FOR OSD POSITIONS CONFIRMED BY THE SENATE.**—

(1) **IN GENERAL.**—Within three months of the appointment of an individual to a position in the Office of the Secretary of Defense appointable by and with the advice and consent of the Senate, the individual shall complete a course of instruction in leadership, modern organizational practice, collaboration, and the operation of teams described in subsection (c).

(2) **WAIVER.**—The President may waive the requirement in paragraph (1) with respect to an individual if the Secretary determines in writing that the individual possesses, through training and experience, the skill and knowledge otherwise to be provided through a course of instruction as described in that paragraph.

(g) **COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENTS.**—

(1) **BIANNUAL REPORT ON ASSESSMENTS.**—Not later than six months after the date of the enactment of this Act, and every six months thereafter through December 31, 2019, 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 comprehensive assessment of the actions taken under this section during the six-month period ending on the date of such report and cumulatively since the date of the enactment of this Act.

(2) **ASSESSMENT TEAM.**—The Comptroller General may establish within the Government Accountability Office a team of analysts to assist the Comptroller General in the performance assessments required by this subsection.

SEC. 912. POLICY, ORGANIZATION, AND MANAGEMENT GOALS AND PRIORITIES OF THE SECRETARY OF DEFENSE FOR THE DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—A Secretary of Defense serving in that position pursuant to an appointment to that position after January 20, 2017, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than each of the deadlines specified in subsection (b), a report on the policy, organization, and management goals and priorities of the Secretary for the Department of Defense. Each report shall include, current as of the date of such report, an identification of the following:

(1) Policy goals and priorities, including specific and measurable performance and implementation targets.

(2) *Organization and management goals and priorities, including specific and measurable performance and implementation targets that address, but are not limited to, the following:*

(A) *The elimination or consolidation of any unnecessary or redundant functions within the Department.*

(B) *Force management and shaping, including recommendations for such legislative action as is required to meet force management and shaping goals and priorities.*

(C) *The layering or reorganization of headquarters organizations across the Department.*

(3) *Any other goals or priorities for the Department the Secretary considers appropriate.*

(b) **DEADLINES.**—*The deadlines for the submittal of reports under subsection (a) are April 1, 2017, and February 1 of each year thereafter though 2022.*

(c) **BRIEFINGS SATISFY LATER REPORTING REQUIREMENTS.**—*Any report required under subsection (a) after the initial report may be provided in the form of a briefing.*

SEC. 913. SECRETARY OF DEFENSE DELIVERY UNIT.

(a) **IN GENERAL.**—*The Secretary of Defense serving in that position as of March 1, 2017, may establish within the Office of the Secretary of Defense a unit of personnel that shall be responsible for providing expertise and support throughout the Department of Defense in an effort to improve the implementation of policies and priorities across the Department. The unit may be known as the “delivery unit”.*

(b) **COMPOSITION.**—*The unit established pursuant to subsection (a) shall consist of not more than 30 individuals selected by the Secretary primarily from among individuals outside the Government who have significant experience and expertise in management consulting, organizational architecture, relationship management, or data analytics.*

(c) **DUTIES.**—*The unit established pursuant to subsection (a) shall have the duties as follows:*

(1) *To advise the Secretary on improving the implementation and delivery of policies and priorities of the Department, including making recommendations on establishing performance or implementation targets, assisting in the development of delivery plans to achieve targets, and monitoring and measuring progress.*

(2) *To work across organizations, missions, and functions of the Department in order to identify obstacles to improving the implementation of policies and priorities of the Department, including organization, culture, and incentives, and to recommend options to the Secretary for addressing such obstacles.*

(d) **SUNSET.**—*The unit established pursuant to subsection (a) shall sunset on January 31, 2021.*

SEC. 914. PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.

Section 129a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) **PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.**—(1) *Functions performed by civilian personnel should not be performed by military personnel except—*

“(A) if the Secretary of the military department concerned determines in writing based on mission requirements that the performance of such functions by military personnel, including a permanent conversion of such functions to performance by military personnel, is cost-effective or required by a mission; or

“(B) if the performance of such functions by military personnel is required to address critical staffing needs resulting from a reduction in personnel or budgetary resources by reason of an Act of Congress, in which case such functions may not be performed by military personnel for a period in excess of one year.

“(2) In determining the workforce mix between civilian and military personnel, the Secretary of a military department shall reserve military personnel for the performance of the functions that, in the estimation of the Secretary, are required to be performed by military personnel in order to achieve national defense goals or in order to enable the proper functioning of the military department. In making workforce decisions, the Secretary shall account for the relative budgetary impact of military versus civilian personnel in determining the functions required to be performed by military personnel.”.

SEC. 915. REPEAL OF REQUIREMENTS RELATING TO EFFICIENCIES PLAN FOR THE CIVILIAN PERSONNEL WORKFORCE AND SERVICE CONTRACTOR WORKFORCE OF THE DEPARTMENT OF DEFENSE.

Section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1896; 10 U.S.C. 129a note) is repealed.

Subtitle C—Joint Chiefs of Staff and Combatant Command Matters

SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBATANT COMMAND MATTERS.

(a) **FUNCTIONS OF JOINT CHIEFS OF STAFF.—**

(1) **CONSULTATION BY CHAIRMAN.**—Subsection (c)(1) of section 151 of title 10, United States Code, is amended by striking “as he considers appropriate” and inserting “as necessary”.

(2) **MODIFICATION OF ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.**—Such section is further amended—

(A) in subsection (b)(2), by striking “subsections (d) and (e)” and inserting “subsection (d)”;

(B) in subsection (d)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(ii) by inserting before paragraph (1), as redesignated by clause (i), the following new paragraph (1):

“(1) After first informing the Secretary of Defense and the Chairman, the members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisors, may provide advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense on a particular matter on the judgment of the military member.”; and

(C) by striking subsection (e).

(b) **TERM AND REAPPOINTMENT OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—**

(1) *IN GENERAL.*—Section 152(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “two years, beginning on October 1 of odd-numbered years” and all that follows and inserting “four years, beginning on October 1 of an odd-numbered year. The limitation does not apply in time of war.”; and

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

“(3) The President may extend to eight years the combined period of service of an officer as Chairman and Vice Chairman if the President determines that such action is in the national interest. The limitation in this paragraph does not apply in time of war.”.

(2) *EFFECTIVE DATE.*—The amendments made by paragraph (1) shall take effect on January 1, 2019, and shall apply to individuals appointed as Chairman of the Joint Chiefs of Staff on or after that date.

(c) *FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.*—The text of section 153 of title 10, United States Code, is amended to read as follows:

“Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall be responsible for the following

“(1) *STRATEGIC DIRECTION.*—Assisting the President and the Secretary in providing for the strategic direction of the armed forces.

“(2) *STRATEGIC AND CONTINGENCY PLANNING.*—In matters relating to strategic and contingency planning—

“(A) developing strategic frameworks and preparing strategic plans, as required, to guide the use and employment of military force and related activities across all geographic regions and military functions and domains, and to sustain military efforts over different durations of time, as necessary;

“(B) advising the Secretary on the production of the national defense strategy required by section 113(g) of this title and the national security strategy required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

“(C) preparing military analysis, options, and plans, as the Chairman considers appropriate, to recommend to the President and the Secretary;

“(D) providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary; and

“(E) preparing joint logistic and mobility plans to support national defense strategies and recommending the assignment of responsibilities to the armed forces in accordance with such plans.

“(3) *GLOBAL MILITARY INTEGRATION.*—In matters relating to global military strategic and operational integration—

“(A) providing advice to the President and the Secretary on ongoing military operations; and

“(B) advising the Secretary on the allocation and transfer of forces among geographic and functional combatant

commands, as necessary, to address transregional, multi-domain, and multifunctional threats.

“(4) *COMPREHENSIVE JOINT READINESS.*—In matters relating to comprehensive joint readiness—

“(A) evaluating the overall preparedness of the joint force to perform the responsibilities of that force under national defense strategies and to respond to significant contingencies worldwide;

“(B) assessing the risks to United States missions, strategies, and military personnel that stem from shortfalls in military readiness across the armed forces, and developing risk mitigation options;

“(C) advising the Secretary on critical deficiencies and strengths in joint force capabilities (including manpower, logistics, and mobility support) identified during the preparation and review of national defense strategies and contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans;

“(D) advising the Secretary on the missions and functions that are likely to require contractor or other external support to meet national security objectives and policy and strategy, and the risks associated with such support; and

“(E) establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command, and groups of commands collectively, to carry out missions assigned to the command or commands.

“(5) *JOINT CAPABILITY DEVELOPMENT.*—In matters relating to joint capability development—

“(A) identifying new joint military capabilities based on advances in technology and concepts of operation needed to maintain the technological and operational superiority of the armed forces, and recommending investments and experiments in such capabilities to the Secretary;

“(B) performing military net assessments of the joint capabilities of the armed forces of the United States and its allies in comparison with the capabilities of potential adversaries;

“(C) advising the Secretary under section 163(b)(2) of this title on the priorities of the requirements identified by the commanders of the unified and specified combatant commands;

“(D) advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in national defense strategies and with the priorities established for the requirements of the unified and specified combatant commands;

“(E) advising the Secretary on new and alternative joint military capabilities, and alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in

order to achieve greater conformance with the priorities referred to in subparagraph (D);

“(F) assessing joint military capabilities and identifying, approving, and prioritizing gaps in such capabilities to meet national defense strategies, pursuant to section 181 of this title; and

“(G) recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, performance, and procurement quantity objectives in the acquisition of materiel and equipment to support the strategic and contingency plans required by this paragraph in the most effective and efficient manner.

“(6) *JOINT FORCE DEVELOPMENT ACTIVITIES.*—In matters relating to joint force development activities—

“(A) developing doctrine for the joint employment of the armed forces;

“(B) formulating policies and technical standards, and executing actions, for the joint training of the armed forces;

“(C) formulating policies for coordinating the military education of members of the armed forces;

“(D) formulating policies for concept development and experimentation for the joint employment of the armed forces;

“(E) formulating policies for gathering, developing, and disseminating joint lessons learned for the armed forces; and

“(F) advising the Secretary on development of joint command, control, communications, and cybercapability, including integration and interoperability of such capability, through requirements, integrated architectures, data standards, and assessments.

“(7) *OTHER MATTERS.*—In other matters—

“(A) recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command;

“(B) providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

“(C) performing such other duties as may be prescribed by law or by the President or the Secretary.”

(d) *VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF MATTERS.*—

(1) *TERM OF SERVICE.*—Paragraph (3) of section 154(a) of title 10, United States Code, is amended by striking “for a term of two years” and all that follows and inserting “for a single term of four years, beginning on October 1 of an odd-numbered year, except that the term may not begin in the same year as the term of a Chairman. In time of war, there is no limit on the number of reappointments.”

(2) *INELIGIBILITY FOR SERVICE AS CHAIRMAN OR ANY OTHER POSITION IN THE ARMED FORCES.*—Such section is further amended by adding at the end the following new paragraph:

“(4)(A) The Vice Chairman shall not be eligible for promotion to the position of Chairman or any other position in the armed forces.

“(B) The President may waive subparagraph (A) if the President determines such action is necessary in the national interest.”.

(3) *EFFECTIVE DATE.*—The amendments made by this subsection shall take effect on January 1, 2021, and shall apply to individuals appointed as Vice Chairman of the Joint Chiefs of Staff on or after that date.

(e) *COMMANDERS OF THE COMBATANT COMMANDS.*—Section 164 of title 10, United States Code, is amended—

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

“(3) Among the full range of command responsibilities specified in subsection (c) and as provided for in section 161 of this title, the primary duties of the commander of a combatant command shall be as follows:

“(A) To produce plans for the employment of the armed forces to execute national defense strategies and respond to significant military contingencies.

“(B) To take actions, as necessary, to deter conflict.

“(C) To command United States armed forces as directed by the Secretary and approved by the President.”; and

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

“(h) *SUPPORT TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF.*—The commander of a combatant command shall provide such information to the Chairman of the Joint Chiefs of Staff as may be necessary for the Chairman to perform the duties of the Chairman under section 153 of this title.”.

SEC. 922. ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

(a) *RESPONSIBILITY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.*—Section 138(b)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: “Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary shall do the following:

“(A) Exercise authority, direction, and control of all special-operations peculiar administrative matters relating to the organization, training, and equipping of special operations forces.

“(B) Assist the Secretary and the Under Secretary of Defense for Policy in the development and supervision of policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for the following:

“(i) Irregular warfare, combating terrorism, and the special operations activities specified by section 167(k) of this title.

“(ii) Integrating the functional activities of the headquarters of the Department to most efficiently and effectively provide for required special operations forces and capabilities.

“(iii) Such other matters as may be specified by the Secretary and the Under Secretary.”.

(b) *SPECIAL OPERATIONS POLICY AND OVERSIGHT COUNCIL.*—

(1) *IN GENERAL.*—Chapter 4 of title 10, United States Code, as amended by section 901(e)(2) of this Act, is further amended by inserting after section 139a the following new section:

“§ 139b. Special Operations Policy and Oversight Council

“(a) *IN GENERAL.*—In order to fulfill the responsibilities specified in section 138(b)(4) of this title, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, or the designee of the Assistant Secretary, shall establish and lead a team to be known as the ‘Special Operations Policy and Oversight Council’ (in this section referred to as the ‘Council’).

“(b) *PURPOSE.*—The purpose of the Council is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide for special operations forces and capabilities. In fulfilling this purpose, the Council shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations forces and capabilities.

“(c) *MEMBERSHIP.*—The Council shall include the following:

“(1) The Assistant Secretary, who shall act as leader of the Council.

“(2) Appropriate senior representatives of each of the following:

“(A) The Under Secretary of Defense for Research and Engineering.

“(B) The Under Secretary of Defense for Management and Support.

“(C) The Under Secretary of Defense (Comptroller).

“(D) The Under Secretary of Defense for Personnel and Readiness.

“(E) The Under Secretary of Defense for Intelligence.

“(F) The General Counsel of the Department of Defense.

“(G) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

“(H) The military departments.

“(I) The Joint Staff.

“(J) The United States Special Operations Command.

“(K) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate

“(d) *OPERATION.*—The Council shall operate continuously.”.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 4 of such title, as amended by section 901(g)(1) of this Act, is further amended by inserting after the item relating to section 139a the following new item:

“139b. Special Operations Policy and Oversight Council.”.

(c) *US SPECIAL OPERATIONS COMMAND MATTERS.*—

(1) *AUTHORITY OF COMMANDER.*—Subsection (e)(2) of section 167 of title 10, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking “The commander” and inserting “Subject to the authority, direction, and control of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the commander”; and

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

“(J) Monitoring the promotions of special operations forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.”.

(2) ADMINISTRATIVE CHAIN OF COMMAND.—Such section is further amended—

(A) by redesignating subsections (f) through (k) as subsections (g), through (l), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) ADMINISTRATIVE CHAIN OF COMMAND.—(1) Unless otherwise directed by the President, the administrative chain of command to the special operations command runs—

“(A) from the President to the Secretary of Defense;

“(B) from the Secretary of Defense to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and

“(C) from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the commander of the special operations command.

“(2) For purposes of this subsection, administrative chain of command refers to the exercise of authority, direction and control with respect to the special operations-peculiar administration and support of the special operations command, including the readiness and organization of special operations forces, resources and equipment, and civilian personnel. It does not refer to the exercise of authority, direction, and control of operational matters that are subject to the operational chain of command of the commanders of combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not special operations-peculiar that are the purview of the armed forces.”.

SEC. 923. ESTABLISHMENT OF UNIFIED COMBATANT COMMAND FOR CYBER OPERATIONS.

(a) ESTABLISHMENT OF CYBER COMMAND.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

“§ 167b. Unified combatant command for cyber operations

“(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified combatant command for cyber operations forces (hereinafter in this section referred to as the ‘cyber command’). The principal function of the command is to prepare cyber operations forces to carry out assigned missions.

“(b) ASSIGNMENT OF FORCES.—Unless otherwise directed by the Secretary of Defense, all active and reserve cyber operations forces of the armed forces stationed in the United States shall be assigned to the cyber command.

“(c) GRADE OF COMMANDER.—The commander of the cyber command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating that officer’s permanent grade. The commander of such

command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position.

“(d) *COMMAND OF ACTIVITY OR MISSION.*—(1) Unless otherwise directed by the President or the Secretary of Defense, a cyber operations activity or mission shall be conducted under the command of the commander of the unified combatant command in whose geographic area the activity or mission is to be conducted.

“(2) The commander of the cyber command shall exercise command of a selected cyber operations mission if directed to do so by the President or the Secretary of Defense.

“(e) *AUTHORITY OF COMBATANT COMMANDER.*—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the cyber command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to cyber operations activities.

“(2)(A) Subject to the authority, direction, and control of the Principal Cyber Advisor, the commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to cyber operations activities (whether or not relating to the cyber command):

“(i) Developing strategy, doctrine, and tactics.

“(ii) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for cyber operations forces and for other forces assigned to the cyber command.

“(iii) Exercising authority, direction, and control over the expenditure of funds—

“(I) for forces assigned directly to the cyber command; and

“(II) for cyber operations forces assigned to unified combatant commands other than the cyber command, with respect to all matters covered by section 807 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 114–92; 129 Stat. 886; 10 U.S.C. 2224 note) and, with respect to a matter not covered by such section, to the extent directed by the Secretary of Defense.

“(iv) Training and certification of assigned joint forces.

“(v) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(vi) Validating requirements.

“(vii) Establishing priorities for requirements.

“(viii) Ensuring the interoperability of equipment and forces.

“(ix) Formulating and submitting requirements for intelligence support.

“(x) Monitoring the promotion of cyber operation forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of cyber operation forces.

“(B) The authority, direction, and control exercised by the Principal Cyber Advisor for purposes of this section is authority, direction, and control with respect to the administration and support of the cyber command, including readiness and organization of cyber

operations forces, cyber operations-peculiar equipment and resources, and civilian personnel.

“(C) Nothing in this section shall be construed as providing the Principal Cyber Advisor authority, direction, and control of operational matters that are subject to the operational chain of command of the combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not cyber-operations peculiar and that are in the purview of the armed forces.

“(3) The commander of the cyber command shall be responsible for—

“(A) ensuring the combat readiness of forces assigned to the cyber command; and

“(B) monitoring the preparedness to carry out assigned missions of cyber forces assigned to unified combatant commands other than the cyber command.

“(C) The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the cyber operations command and such other inspector general functions as may be assigned.

“(f) INTELLIGENCE AND SPECIAL ACTIVITIES.—This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for cyber operations.”

SEC. 924. ASSIGNED FORCES OF THE COMBATANT COMMANDS.

Section 162(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “Except as provided in paragraph (2)” and inserting “As directed by the Secretary of Defense”;

(B) by striking “all forces” and inserting “specified forces”; and

(C) by striking the second sentence;

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

“(2) A force not assigned to a combatant command or to the United States element of the North American Aerospace Defense Command under paragraph (1) shall remain assigned to the military department concerned for carrying out the responsibilities of the Secretary of the military department concerned as specified in section 3013, 5013, or 8013 of this title, as applicable.”; and

(3) in paragraph (4)—

(A) by striking “operating with the geographic area” and

(B) by striking “assigned to, and”.

SEC. 925. MODIFICATIONS TO THE REQUIREMENTS PROCESS.

(a) *IN GENERAL.*—The text of section 181 of title 10, United States Code, is amended to read as follows:

“(a) *IN GENERAL.*—There is a Joint Requirements Oversight Council in the Department of Defense.

“(b) *MISSION.*—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall assist the Chairman of the Joint Chiefs of Staff in—

“(1) assessing joint military capabilities, and identifying, approving, and prioritizing gaps in such capabilities, to meet applicable requirements in the national defense strategy under section 118 of this title;

“(2) reviewing and validating whether a capability proposed by an armed force, Defense Agency, or other entity of the Department of Defense fulfills a gap in joint military capabilities;

“(3) developing recommendations, in consultation with the advisors to the Council under subsection (d), for program cost and fielding targets pursuant to section 2448a of this title that—

“(A) require a level of resources that is consistent with the level of priority assigned to the associated capability gap; and

“(B) have an estimated period of time for the delivery of an initial operational capability that is consistent with the urgency of the associated capability gap;

“(4) establishing and approving joint performance requirements that—

“(A) ensure interoperability, where appropriate, between and among joint military capabilities; and

“(B) are necessary, as designated by the Chairman of the Joint Chiefs of Staff, to fulfill capability gaps of more than one armed force, Defense Agency, or other entity of the Department;

“(5) reviewing performance requirements for any existing or proposed capability that the Chairman of the Joint Chiefs of Staff determines should be reviewed by the Council;

“(6) identifying new joint military capabilities based on advances in technology and concepts of operation; and

“(7) identifying alternatives to any acquisition program that meets approved joint military capability requirements for the purposes of sections 2366a(b), 2366b(a)(4), and 2433(e)(2) of this title.

“(c) *COMPOSITION.*—

“(1) *IN GENERAL.*—The Joint Requirements Oversight Council is composed of the following:

“(A) The Vice Chairman of the Joint Chiefs of Staff, who is the Chair of the Council and is the principal adviser to the Chairman of the Joint Chiefs of Staff for making recommendations about joint military capabilities or joint performance requirements.

“(B) An Army officer in the grade of general.

“(C) A Navy officer in the grade of admiral.

“(D) An Air Force officer in the grade of general.

“(E) A Marine Corps officer in the grade of general.

“(2) *SELECTION OF MEMBERS.*—Members of the Council under subparagraphs (B), (C), (D), and (E) of paragraph (1) shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for selection by the Secretary of the military department concerned.

“(3) *RECOMMENDATIONS.*—In making any recommendation to the Chairman of the Joint Chiefs of Staff as described in paragraph (1)(A), the Vice Chairman of the Joint Chiefs of Staff shall provide the Chairman any dissenting view of members of the Council under paragraph (1) with respect to such recommendation.

“(d) *ADVISORS.*—

“(1) *IN GENERAL.*—The following officials of the Department of Defense shall serve as advisors to the Joint Requirements Oversight Council on matters within their authority and expertise:

“(A) The Under Secretary of Defense for Policy.

“(B) The Under Secretary of Defense for Intelligence.

“(C) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(D) The Under Secretary of Defense (Comptroller).

“(E) The Director of Cost Assessment and Program Evaluation.

“(F) The Director of Operational Test and Evaluation.

“(G) The commander of a combatant command when matters related to the area of responsibility or functions of that command are under consideration by the Council.

“(2) *INPUT FROM COMBATANT COMMANDS.*—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b).

“(3) *INPUT FROM CHIEFS OF STAFF.*—The Council shall seek, and strongly consider, the views of the Chiefs of Staff of the armed forces, in their roles as customers of the acquisition system, on matters pertaining to a capability proposed by an armed force, Defense Agency, or other entity of the Department of Defense under subsection (b)(2) and joint performance requirements pursuant to subsection (b)(3).

“(e) *PERFORMANCE REQUIREMENTS AS RESPONSIBILITY OF ARMED FORCES.*—The Chief of Staff of an armed force is responsible for all performance requirements for that armed force and, except for performance requirements specified in subsections (b)(4) and (b)(5), such performance requirements do not need to be validated by the Joint Requirements Oversight Council.

“(f) *ANALYTIC SUPPORT.*—The Secretary of Defense shall ensure that analytical organizations within the Department of Defense, such as the Office of Cost Assessment and Program Evaluation, provide resources and expertise in operations research, systems analysis, and cost estimation to the Joint Requirements Oversight Council to assist the Council in performing the mission in subsection (b).

“(g) *AVAILABILITY OF OVERSIGHT INFORMATION TO CONGRESSIONAL DEFENSE COMMITTEES.*—The Secretary of Defense shall ensure that, in the case of a recommendation by the Chairman of the

Joint Chiefs of Staff to the Secretary that is approved by the Secretary, oversight information with respect to such recommendation that is produced as a result of the activities of the Joint Requirements Oversight Council is made available in a timely fashion to the congressional defense committees.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘joint military capabilities’ means the collective capabilities across the joint force, including both joint and force-specific capabilities, that are available to conduct military operations.

“(2) The term ‘performance requirement’ means a performance attribute of a particular system considered critical or essential to the development of an effective military capability.

“(3) The term ‘joint performance requirement’ means a performance requirement that is critical or essential to ensure interoperability or fulfill a capability gap of more than one armed force, Defense Agency, or other entity of the Department of Defense, or impacts the joint force in other ways such as logistics.

“(4) The term ‘oversight information’ means information and materials comprising analysis and justification that are prepared to support a recommendation that is made to, and approved by, the Secretary of Defense.”.

(b) PROGRAM COST AND FIELD TARGETS.—The Secretary of Defense shall establish a process to develop program cost and fielding targets pursuant to section 2448a of title 10, United States Code, that—

(1) is co-chaired by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff;

(2) is supported by—

(A) the Joint Staff, to provide expertise on joint military capabilities, capability gaps, and performance requirements;

(B) the Office of Cost Assessment and Program Evaluation, to provide expertise in resource allocation, operations research, systems analysis, and cost estimation; and

(C) other Department of Defense organizations determined appropriate by the Secretary; and

(3) ensures that appropriate trade-offs are made among life-cycle cost, schedule, and performance objectives and procurement quantity objectives.

SEC. 926. REVIEW OF COMBATANT COMMAND ORGANIZATION.

(a) REVIEWS REQUIRED.—

(1) IN GENERAL.—The entities specified in paragraph (2) shall each conduct a review of the organizational structures of the combatant commands, and shall develop recommendations for improving the overall effectiveness of the combatant commands, and addressing threats that span multiple regions, functions, and domains.

(2) ENTITIES.—The entities specified in this paragraph are the following:

(A) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff.

(B) An independent entity with appropriate expertise, selected by the Secretary and with which the Secretary

shall enter into a contract by not later than 30 days after the date of the enactment of this Act.

(b) **ELEMENTS.**—Each review under subsection (a) shall include an examination of the following:

(1) The evolution of combatant command mission requirements and the ability of combatant commands to satisfy those mission requirements.

(2) The evolution of the organizational structures, compositions, and sizes of the combatant commands, and how such factors may have contributed to combatant command performance in satisfying mission requirements, planning, and maintaining force readiness.

(3) The resources of combatant commands, including the degree to which combatant command force requirements are resourced.

(4) The benefits, drawbacks, and resource implications of eliminating or consolidating combatant commands, or of altering the relationships among combatant commands and their component command organizations or the command and control structures of the combatant commands.

(5) Organizational structures of the combatant commands, including Joint Task Forces or task-organized forces operating below the combatant command level, and the benefits, drawbacks, and resource implications of alternative organizational structures.

(c) **REPORT.**—Not later than September 30, 2017, the Secretary shall submit to the congressional defense committees a report on the findings and recommendations of each review required by subsection (a).

Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

SEC. 931. QUALIFICATIONS FOR APPOINTMENT OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) **SECRETARY OF THE ARMY.**—Section 3013(a)(1) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.”

(b) **SECRETARY OF THE NAVY.**—Section 5013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.”

(c) **SECRETARY OF THE AIR FORCE.**—Section 8013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.”

SEC. 932. ENHANCED PERSONNEL MANAGEMENT AUTHORITIES FOR THE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10508 of title 10, United States Code, is amended—

(1) by inserting “(a) MANPOWER REQUIREMENTS OF NATIONAL GUARD BUREAU.—” before “The manpower requirements”; and

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

“(b) PERSONNEL FOR FUNCTIONS OF NATIONAL GUARD BUREAU.—

“(1) IN GENERAL.—The Chief of the National Guard Bureau may program for, appoint, employ, administer, detail, and assign persons under sections 2103, 2105, and 3101 of title 5, or section 328 of title 32, within the National Guard Bureau and the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands to execute the functions of the National Guard Bureau and the missions of the National Guard, and missions as assigned by the Chief of the National Guard Bureau.

“(2) ADMINISTRATION THROUGH ADJUTANTS GENERAL.—The Chief of the National Guard Bureau may designate the adjutants general referred to in section 314 of title 32 to appoint, employ, and administer the National Guard employees authorized by this subsection.

“(3) ADMINISTRATIVE ACTIONS.—Notwithstanding the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and under regulations prescribed by the Chief of the National Guard Bureau, all personnel actions or conditions of employment, including adverse actions under title 5, pertaining to a person appointed, employed, or administered by an adjutant general under this subsection shall be accomplished by the adjutant general of the jurisdiction concerned. For purposes of any administrative complaint, grievance, claim, or action arising from, or relating to, such a personnel action or condition of employment:

“(A) The adjutant general of the jurisdiction concerned shall be considered the head of the agency and the National Guard of the jurisdiction concerned shall be considered the employing agency of the individual and the sole defendant or respondent in any administrative action.

“(B) The National Guard of the jurisdiction concerned shall defend any administrative complaint, grievance, claim, or action, and shall promptly implement all aspects of any final administrative order, judgment, or decision.

“(C) In any civil action or proceeding brought in any court arising from an action under this section, the United States shall be the sole defendant or respondent.

“(D) The Attorney General of the United States shall defend the United States in actions arising under this section described in subparagraph (C).

“(E) Any settlement, judgment, or costs arising from an action described in subparagraph (A) or (C) shall be paid from appropriated funds allocated to the National Guard of the jurisdiction concerned.”

SEC. 933. REORGANIZATION AND REDESIGNATION OF OFFICE OF FAMILY POLICY AND OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) **OFFICE OF FAMILY POLICY.**—

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

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

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

(2) **INCLUSION OF DIRECTOR ON MILITARY FAMILY READINESS COUNCIL.**—Subsection (b)(1)(E) of section 1781a of such title is amended by striking “Office of Community Support for Military Families with Special Needs” and inserting “Office of Military Family Readiness Policy”.

(3) **CONFORMING AMENDMENT.**—Section 131(b)(8)(G) of such title is amended by striking “Director of Family Policy” and inserting “Director of Military Family Readiness Policy”.

(4) **HEADING AND CLERICAL AMENDMENTS.**—

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

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

(B) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781 and inserting the following new item:

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

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

(1) **REDESIGNATION AS OFFICE OF SPECIAL NEEDS.**—Subsection (a) of section 1781c of title 10, United States Code, is amended by striking “Office of Community Support for Military Families with Special Needs” and inserting “Office of Special Needs”.

(2) **REORGANIZATION UNDER OFFICE OF MILITARY FAMILY READINESS POLICY.**—Such subsection is further amended by striking “Office of the Under Secretary of Defense for Personnel and Readiness” and inserting “Office of Military Family Readiness Policy”.

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

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

(A) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively;

(B) by striking “subsection (e)” each place it appears and inserting “subsection (d)”;

(C) in subsection (c), as so redesignated, by striking “subsection (f)” in paragraph (2) and inserting “subsection (e)”;

(D) in subsection (g), as so redesignated—

(i) in paragraph (2)(A), by striking “subsection (d)(3)” and inserting “subsection (c)(3)”; and

(ii) in paragraph (2)(B), by striking “subsection (d)(4)” and inserting “subsection (c)(4)”.

(5) **HEADING AND CLERICAL AMENDMENTS.**—

(A) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“§ 1781c. Office of Special Needs”.

(B) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781c and inserting the following new item:

“1781c. Office of Special Needs.”.

SEC. 934. REDESIGNATION OF ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION AS ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

(a) **REDESIGNATION.**—Section 8016(b)(4)(A) of title 10, United States Code, is amended—

(1) by striking “Assistant Secretary of the Air Force for Acquisition” and inserting “Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics”; and

(2) by inserting “, technology, and logistics” after “acquisition”.

(b) **REFERENCES.**—Any reference to the Assistant Secretary of the Air Force for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

Subtitle E—Strategies, Reports, and Related Matters

SEC. 941. NATIONAL DEFENSE STRATEGY.

(a) **NATIONAL DEFENSE STRATEGY.**—Subsection (g) of section 113 of title 10, United States Code, is amended to read as follows:

“(g)(1)(A) Except as provided in subparagraph (E), in January every four years, and intermittently otherwise as may be appropriate, the Secretary of Defense shall provide to the Secretaries of the military departments, the Chiefs of Staff of the armed forces, the commanders of the unified and specified combatant commands, and the heads of all Defense Agencies and Field Activities of the Department of Defense and other elements of the Department specified in paragraphs (1) through (10) of section 111(b) of this title, and to the congressional defense committees, a defense strategy. Each strategy shall be known as the ‘national defense strategy’, and shall support the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

“(B) Each national defense strategy shall including the following:

“(i) The priority missions of the Department of Defense, and the assumed force planning scenarios and constructs.

“(ii) The assumed strategic environment, including the most critical and enduring threats to the national security of the United States and its allies posed by state or non-state actors,

and the strategies that the Department will employ to counter such threats and provide for the national defense.

“(iii) A strategic framework prescribed by the Secretary that guides how the Department will prioritize among the threats described in clause (ii) and the missions specified pursuant to clause (i), how the Department will allocate and mitigate the resulting risks, and how the Department will make resource investments.

“(iv) The roles and missions of the armed forces to carry out the missions described in clause (i), and the assumed roles and capabilities provided by other United States Government agencies and by allies and international partners.

“(v) The force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support such strategy.

“(vi) The major investments in defense capabilities, force structure, force readiness, force posture, and technological innovation that the Department will make over the following five-year period in accordance with the strategic framework described in clause (iii).

“(C) The Secretary shall seek the military advice and assistance of the Chairman of the Joint Chiefs of Staff in preparing each national defense strategy required by this subsection.

“(D) Each national defense strategy under this subsection shall be presented to the congressional defense committees in classified form with an unclassified summary.

“(E) In a year following an election for President, which election results in the appointment by the President of a new Secretary of Defense, the Secretary shall present the national defense strategy required by this subsection as soon as possible after appointment by and with the advice and consent of the Senate.

“(F) In February of each year in which the Secretary does not submit a new defense strategy as required by paragraph (A), the Secretary shall submit to the congressional defense committees an assessment of the current national defense strategy, including an assessment of the implementation of the strategy by the Department and an assessment whether the strategy requires revision as a result of changes in assumptions, policy, or other factors.

“(2) In implementing a national defense strategy under paragraph (1), the Secretary, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the Secretaries of the military departments, the Chiefs of Staff of the armed forces, the commanders of the unified and specified combatant commands, and the heads of all Defense Agencies and Field Activities of the Department and other elements of the Department specified in paragraphs (1) through (10) of section 111(b) of this title, written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components to guide the development of forces. Such guidance shall include—

“(A) the national security interests and objectives;

“(B) the priority military missions of the Department, including the assumed force planning scenarios and constructs;

“(C) the force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support the strategy;

“(D) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective; and

“(E) a discussion of any changes in the defense strategy and assumptions underpinning the strategy, as required by paragraph (1).

“(3) In implementing the guidance under paragraph (2), the Secretary, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide, every two years or more frequently as needed, to the Chairman written policy guidance for the preparation and review of contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities. Such guidance shall include guidance on the employment of forces, including specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

“(4) Not later than February 15 in any calendar year in which any written guidance is required pursuant to paragraph (2) or (3), the Secretary shall provide to the congressional defense committees a detailed classified briefing summarizing such guidance developed pursuant to such paragraphs.”

(b) CONFORMING REPEAL.—

(1) IN GENERAL.—Section 118 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 118.

SEC. 942. COMMISSION ON THE NATIONAL DEFENSE STRATEGY FOR THE UNITED STATES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the “Commission on the National Defense Strategy for the United States” (in this section referred to as the “Commission”). The purpose of the Commission is to examine and make recommendations with respect to the national defense strategy for the United States.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The Commission shall be composed of 12 members appointed as follows:

(A) Three members appointed by the chair of the Committee on Armed Services of the House of Representatives.

(B) Three members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(C) Three members appointed by the chair of the Committee on Armed Services of the Senate.

(D) Three members appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(2) CHAIR; VICE CHAIR.—

(A) CHAIR.—*The chair of the Committee on Armed Services of the House of Representative and the chair of the Committee on Armed Services of the Senate shall jointly designate one member of the Commission to serve as chair of the Commission.*

(B) VICE CHAIR.—*The ranking minority member of the Committee on Armed Services of the House of Representative and the ranking minority member of the Committee on Armed Services of the Senate shall jointly designate one member of the Commission to serve as vice chair of the Commission.*

(3) PERIOD OF APPOINTMENT; VACANCIES.—*Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.*

(c) DUTIES.—

(1) REVIEW.—*The Commission shall review the current national defense strategy of the United States, including the assumptions, missions, force posture and structure, and strategic and military risks associated with the strategy.*

(2) ASSESSMENT AND RECOMMENDATIONS.—*The Commission shall conduct a comprehensive assessment of the strategic environment, the threats to the United States, the size and shape of the force, the readiness of the force, the posture and capabilities of the force, the allocation of resources, and strategic and military risks in order to provide recommendations on the national defense strategy for the United States.*

(d) COOPERATION FROM GOVERNMENT.—

(1) COOPERATION.—*In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.*

(2) LIAISON.—*The Secretary shall designate at least one officer or employee of the Department of Defense to serve as a liaison officer between the Department and the Commission.*

(e) REPORT.—

(1) FINAL REPORT.—*Not later than December 1, 2017, the Commission shall submit to the President, the Secretary of Defense, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report on the Commission's findings, conclusions, and recommendations. The report shall address, but not be limited to, each of the following:*

(A) *The strategic environment, including threats to the United States and the potential for conflicts arising from such threats, security challenges, and the national security interests of the United States.*

(B) *The military missions for which the Department of Defense should prepare and the force planning construct.*

(C) *The roles and missions of the Armed Forces to carry out those missions and the roles and capabilities provided by other United States Government agencies and by allies and international partners.*

(D) *The force planning construct, size and shape, posture and capabilities, readiness, infrastructure, organization, personnel, and other elements of the defense program necessary to support the strategy.*

(E) *The resources necessary to support the strategy, including budget recommendations.*

(F) *The risks associated with the strategy, including the relationships and tradeoffs between missions, risks, and resources.*

(2) *INTERIM BRIEFING.—Not later than June 1, 2017, the Commission shall provide to the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a briefing on the status of its review and assessment, and include a discussion of any interim recommendations.*

(3) *FORM.—The report submitted to Congress under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.*

(f) *FUNDING.—Of the amounts authorized to be appropriated by to this Act for the Department of Defense, \$5,000,000 is available to fund the activities of the Commission.*

(g) *TERMINATION.—The Commission shall terminate 6 months after the date on which it submits the report required by subsection (e).*

SEC. 943. REFORM OF THE NATIONAL MILITARY STRATEGY.

(a) *IN GENERAL.—Paragraph (1) of section 153(b) of title 10, United States Code, is amended to read as follows:*

“(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this paragraph or to update a strategy previously prepared in accordance with this paragraph. The Chairman shall provide such National Military Strategy or update to the Secretary of Defense in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report of the Secretary of Defense, if any, under paragraph (4).

“(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands. Each update shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of the review, that a modification is needed.

“(C) Each National Military Strategy (or update) submitted under this paragraph shall describe how the military will support the objectives of the United States as articulated in—

“(i) the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

“(ii) the most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title;

“(iii) the most recent national defense strategy presented by the Secretary of Defense pursuant to section 113 of this title;

“(iv) the most recent policy guidance provided by the Secretary of Defense pursuant to section 113(g) of this title; and

“(v) any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

“(D) At a minimum, each National Military Strategy (or update) submitted under this paragraph shall—

“(i) assess the strategic environment, threats, opportunities, and challenges that affect the national security of the United States;

“(ii) assess military ends, ways, and means to support the objectives referred to in subparagraph (C);

“(iii) provide the framework for the assessment by the Chairman of military strategic and operational risks, and for the development of risk mitigation options;

“(iv) develop military options to address threats and opportunities;

“(v) assess joint force capabilities, capacities, and resources; and

“(vi) establish military guidance for the development of the joint force and the total force building on guidance by the President and the Secretary of Defense as referred to in subparagraph (C).”.

(b) **MODIFICATION TO RISK ASSESSMENT.**—Paragraph (2) of such section is amended—

(1) in the third sentence of subparagraph (A), by striking “of the report” and inserting “in the report”; and

(2) in subparagraph (B)—

(A) by inserting “(or update)” after “National Military Strategy” each place it appears;

(B) in clause (ii), by striking “strategic risks to United States interests” and all that follows and inserting “military strategic and operational risks to United States interests and the military strategic and operational risks in executing the National Military Strategy (or update).”;

(C) in clause (iii), by striking “distinguishing between the concepts of probability and consequences”;

(D) in clause (iv)(II), by striking “most”; and

(E) in clause (v), by striking “or support of—” and all the follows and inserting “of external support, as appropriate.”.

(c) **FORM.**—Paragraph (3) of such section is amended by adding at the end the following new subparagraph:

“(C) The National Military Strategy (or update) and Risk Assessment submitted under this subsection shall be classified in form, but shall include an unclassified summary.”.

SEC. 944. FORM OF ANNUAL NATIONAL SECURITY STRATEGY REPORT.

Section 108(c) of the National Security Act of 1947 (50 U.S.C. 3043(c)) is amended by striking “in both a classified form and an unclassified form” and inserting “to Congress in classified form, but may include an unclassified summary”.

SEC. 945. MODIFICATION TO INDEPENDENT STUDY OF NATIONAL SECURITY STRATEGY FORMULATION PROCESS.

Section 1064(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 989) is amended—

(1) in subparagraph (D), by inserting “, including Congress,” after “Federal Government”; and

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

“(E) The capabilities and limitations of the Department of Defense workforce responsible for conducting strategic planning, including recommendations for improving the workforce through training, education, and career management.”.

Subtitle F—Other Matters

SEC. 951. ENHANCED SECURITY PROGRAMS FOR DEPARTMENT OF DEFENSE PERSONNEL AND INNOVATION INITIATIVES.

(a) ENHANCEMENT OF SECURITY PROGRAMS GENERALLY.—

(1) PERSONNEL BACKGROUND AND SECURITY PLAN REQUIRED.—The Secretary of Defense shall develop an implementation plan for the Defense Security Service to conduct, after October 1, 2017, background investigations for personnel of the Department of Defense whose investigations are adjudicated by the Consolidated Adjudication Facility of the Department. The Secretary shall submit the implementation plan to the congressional defense committees by not later than August 1, 2017.

(2) PLAN FOR POTENTIAL TRANSFER OF INVESTIGATIVE PERSONNEL TO DEPARTMENT OF DEFENSE.—Not later than October 1, 2017, the Secretary and the Director of the Office of Personnel Management shall develop a plan to transfer Government investigative personnel and contracted resources to the Department in proportion to the background and security investigative workload that would be assumed by the Department if the plan required by paragraph (1) were implemented.

(3) REPORT.—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a report on the number of full-time equivalent employees of the management headquarters of the Department that would be required by the Defense Security Service to carry out the plan developed under paragraph (1).

(4) COLLECTION, STORAGE, AND RETENTION OF INFORMATION BY INSIDER THREAT PROGRAMS.—In order to enable detection and mitigation of potential insider threats, the Secretary shall ensure that insider threat programs of the Department collect, store, and retain information from the following:

(A) Personnel security.

(B) Physical security.

(C) Information security.

(D) Law enforcement.

(E) Counterintelligence.

(F) User activity monitoring.

(G) Information assurance.

(H) Such other data sources as the Secretary considers necessary and appropriate.

(b) ELEMENTS OF SYSTEM.—

(1) *IN GENERAL.*—In developing a system for the performance of background investigations for personnel in carrying out subsection (a), the Secretary shall—

(A) conduct a review of security clearance business processes and, to the extent practicable, modify such processes to maximize compatibility with the security clearance information technology architecture to minimize the need for customization of the system;

(B) conduct business process mapping of the business processes described in subparagraph (A);

(C) use spiral development and incremental acquisition practices to rapidly deploy the system, including through the use of prototyping and open architecture principles;

(D) establish a process to identify and limit interfaces with legacy systems and to limit customization of any commercial information technology tools used;

(E) establish automated processes for measuring the performance goals of the system;

(F) incorporate capabilities for the continuous monitoring of network security and the mitigation of insider threats to the system;

(G) institute a program to collect and maintain data and metrics on the background investigation process; and

(H) establish a council (to be known as the “Department of Defense Background Investigations Rate Council”) to advise and advocate for rate efficiencies for background clearance investigation rates, and to negotiate rates for background investigation services provided to outside entities and agencies when requested.

(2) *COMPLETION DATE.*—The Secretary shall complete the development and implementation of the system described in paragraph (1) by not later than September 30, 2019.

(c) *ESTABLISHMENT OF ENHANCED SECURITY PROGRAM TO SUPPORT DEPARTMENT OF DEFENSE INNOVATION INITIATIVE.*—

(1) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a personnel security program, and take such other actions as the Secretary considers appropriate, to support the Innovation Initiative of the Department to better leverage commercial technology.

(2) *POLICIES AND PROCEDURES.*—In establishing the program required by paragraph (1), the Secretary shall develop policies and procedures to rapidly and inexpensively investigate and adjudicate security clearances for personnel from commercial companies with innovative technologies and solutions to enable such companies to receive relevant threat reporting and to propose solutions for a broader set of Department requirements.

(3) *ACCESS TO CLASSIFIED INFORMATION.*—The Secretary shall ensure that access to classified information under the program required by paragraph (1) is not contingent on a company already being under contract with the Department.

(4) *AWARD OF SECURITY CLEARANCES.*—The Secretary may award secret clearances under the program required by paragraph (1) for limited purposes and periods relating to the acquisition or modification of capabilities and services.

(d) UPDATED GUIDANCE AND REVIEW OF POLICIES.—

(1) REVIEW OF APPLICABLE LAWS.—The Secretary shall review laws, regulations, and executive orders relating to the maintenance of personnel security clearance information by the Federal Government, including the investigation timeline metrics established in the Intelligence Reform and Prevention of Terrorism Act of 2004 (Public Law 108–458). The review should also identify recommendations to eliminate duplicative or outdated authorities in current executive orders, regulations and guidance. Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(A) the results of the review; and

(B) recommendations, if any, for consolidating and clarifying laws, regulations, and executive orders relating to the maintenance of personnel security clearance information by the Federal Government.

(2) RECIPROCITY DIRECTIVE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall coordinate with the Security Executive Agent, in consultation with the Suitability Executive Agent, to issue an updated reciprocity directive that accounts for security policy changes associated with new position designation regulations under section 1400 of title 5, Code of Federal Regulations, new continuous evaluation policies, and new Federal investigative standards.

(3) IMPLEMENTATION DIRECTIVES.—The Secretary, working with the Security Executive Agent and the Suitability Executive Agent, shall jointly develop and issue directives on—

(A) completing the implementation of the National Security Sensitive Position designations required by section 1400 of title 5, Code of Federal Regulations; and

(B) aligning to the maximum practical extent the investigative and adjudicative standards and criteria for positions requiring access to classified information and national security sensitive positions not requiring access to classified information to ensure effective and efficient reciprocity and consistent designation of like-positions across the Federal Government.

(e) WAIVER OF CERTAIN DEADLINES.—For each of fiscal years 2017 through 2019, the Secretary may waive any background investigation timeline specified in the Intelligence Reform and Prevention of Terrorism Act of 2004 if the Secretary submits to the appropriate committees of Congress a written notification on the waiver not later than 30 days before the beginning of the fiscal year concerned.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” has the meaning given that term in section 3001(a)(8) of the Intelligence Reform and Prevention of Terrorism Act of 2004 (50 U.S.C. 3341(a)(8)).

(2) The term “business process mapping” has the meaning given that term in section 2222(i) of title 10, United States Code.

(3) The term “insider threat” means, with respect to the Department, a threat presented by a person who—

(A) has, or once had, authorized access to information, a facility, a network, a person, or a resource of the Department; and

(B) wittingly, or unwittingly, commits—

(i) an act in contravention of law or policy that resulted in, or might result in, harm through the loss or degradation of government or company information, resources, or capabilities; or

(ii) a destructive act, which may include physical harm to another in the workplace.

SEC. 952. MODIFICATION OF AUTHORITY OF THE SECRETARY OF DEFENSE RELATING TO PROTECTION OF THE PENTAGON RESERVATION AND OTHER DEPARTMENT OF DEFENSE FACILITIES IN THE NATIONAL CAPITAL REGION.

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

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

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

“(b)(1) The Secretary shall protect the buildings, grounds, and property located in the National Capital Region that are occupied by, or under the jurisdiction, custody, or control of, the Department of Defense, and the persons on that property.

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

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

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

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

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

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

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

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

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

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

(c) CODIFICATION OF AUTHORITY TO PROVIDE PHYSICAL PROTECTION AND PERSONAL SECURITY WITHIN UNITED STATES TO CERTAIN SENIOR LEADERS IN DOD AND OTHER SPECIFIED PERSONS.—

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

(A) a heading as follows:

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

(B) a text consisting of the text of subsections (a) through (d) of section 1074 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 113 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by adding at the end the following new item:

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

(3) REPEAL OF CODIFIED PROVISION.—Section 1074 of the National Defense Authorization Act for Fiscal Year 2008 is repealed.

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

(A) in subsections (a), (b)(1), and (d)(1), by striking “Armed Forces” and inserting “armed forces”;

(B) in subsection (c)—

(i) by striking “section.” and all that follows through “Forces’ and” and inserting “section, the terms ‘qualified members of the armed forces’ and”;

(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and realigning the left margin of such paragraphs, as so redesignated, two ems to the left; and

(C) in subsection (d)(2), by striking “, United States Code”.

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

(A) in subsection (a)—

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

(ii) by striking paragraph (7); and

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

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

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

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

(B) by inserting after “of the Department of Defense” the following: “or member of the armed forces”.

SEC. 953. MODIFICATIONS TO REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

(a) LIMITATION OF DEFENSE POW/MIA ACCOUNTING AGENCY TO MISSING PERSONS FROM PAST CONFLICTS.—Section 1501(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting “from past conflicts” after “matters relating to missing persons”;

(2) in paragraph (2)—

(A) by striking subparagraph (A);

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

(C) by inserting “from past conflicts” after “missing persons” each place it appears;

(3) in paragraph (4)—

(A) by striking “for personal recovery (including search, rescue, escape, and evasion) and”; and

(B) by inserting “from past conflicts” after “missing persons”; and

(4) by striking paragraph (5).

(b) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—Section 1505(c) of such title is amended by striking “designated Agency Director” in paragraphs (1), (2), and (3) and inserting “Secretary of Defense”.

(c) DEFINITION OF “ACCOUNTED FOR”.—Section 1513(3)(B) of such title is amended by inserting “to the extent practicable” after “are recovered”.

SEC. 954. MODIFICATIONS TO CORROSION REPORT.

(a) MODIFICATIONS TO REPORT TO CONGRESS.—Section 2228(e)(1) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting after “2009” the following: “and ending with the budget for fiscal year 2022”;

(2) by amending subparagraph (B) to read as follows:

“(B) The estimated composite return on investment achieved by implementing the strategy, and documented in the assessments by the Department of Defense of completed corrosion projects and activities.”;

(3) by amending subparagraph (D) to read as follows:

“(D) If the full amount of funding requirements is not requested in the budget, the reasons for not including the full amount and a description of the impact on readiness, logistics, and safety of not fully funding required corrosion prevention and mitigation activities.”; and

(4) in subparagraph (F), by striking “pilot”.

(b) *REPORT TO DIRECTOR OF CORROSION POLICY AND OVERSIGHT.*—Section 2228(e)(2) of such title is amended—

(1) by inserting “(A)” before “Each report”;

(2) by striking “a copy of” and all that follows through the period and inserting “a summary of the most recent report required by subparagraph (B).”; and

(3) by adding at the end the following new subparagraph:
 “(B) Not later than December 31 of each year, through December 31, 2020, the corrosion control and prevention executive of a military department shall submit to the Director of Corrosion Policy and Oversight a report containing recommendations pertaining to the corrosion control and prevention program of the military department. Such report shall include recommendations for the funding levels necessary for the executive to carry out the duties of the executive under this section. The report required under this subparagraph shall—

“(i) provide a summary of key accomplishments, goals, and objectives of the corrosion control and prevention program of the military department; and

“(ii) include the performance measures used to ensure that the corrosion control and prevention program achieved the goals and objectives described in clause (i).”

(c) *CONFORMING REPEAL.*—Section 903(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2228 note) is amended by striking paragraph (5).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Report on auditable financial statements.

Sec. 1003. Increased use of commercial data integration and analysis products for the purpose of preparing financial statement audits.

Sec. 1004. Sense of Congress on sequestration.

Sec. 1005. Requirement to transfer funds from Department of Defense Acquisition Workforce Development Fund to the Treasury.

Subtitle B—Counterdrug Activities

Sec. 1011. Codification and modification of authority to provide support for counterdrug activities and activities to counter transnational organized crime of civilian law enforcement agencies.

Sec. 1012. Secretary of Defense review of curricula and program structures of National Guard counterdrug schools.

Sec. 1013. Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia.

Sec. 1014. Enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense.

Subtitle C—Naval Vessels and Shipyards

Sec. 1021. Definition of short-term work with respect to overhaul, repair, or maintenance of naval vessels.

Sec. 1022. Warranty requirements for shipbuilding contracts.

Sec. 1023. National Sea-Based Deterrence Fund.

Sec. 1024. Availability of funds for retirement or inactivation of Ticonderoga-class cruisers or dock landing ships.

Subtitle D—Counterterrorism

Sec. 1031. Frequency of counterterrorism operations briefings.

Sec. 1032. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cub, to the United States.

- Sec. 1033. *Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.*
- Sec. 1034. *Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.*
- Sec. 1035. *Prohibition on use of funds for realignment of forces at or closure of United States Naval Station, Guantanamo Bay, Cuba.*
- Sec. 1036. *Congressional notification requirements for sensitive military operations.*

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. *Expanded authority for transportation by the Department of Defense of non-Department of Defense personnel and cargo.*
- Sec. 1042. *Reduction in minimum number of Navy carrier air wings and carrier air wing headquarters required to be maintained.*
- Sec. 1043. *Modification to support for non-Federal development and testing of material for chemical agent defense.*
- Sec. 1044. *Protection of certain Federal spectrum operations.*
- Sec. 1045. *Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms.*
- Sec. 1046. *Extension of authority of Secretary of Transportation to issue non-premium aviation insurance.*
- Sec. 1047. *Evaluation of Navy alternate combination cover and unisex combination cover.*
- Sec. 1048. *Independent evaluation of Department of Defense excess property program.*
- Sec. 1049. *Waiver of certain polygraph examination requirements.*
- Sec. 1050. *Use of Transportation Worker Identification Credential to gain access at Department of Defense installations.*
- Sec. 1051. *Limitation on availability of funds for destruction of certain landmines and briefing on development of replacement anti-personnel landmine munitions.*
- Sec. 1052. *Transition of Air Force to operation of remotely piloted aircraft by enlisted personnel.*
- Sec. 1053. *Prohibition on divestment of Marine Corps Search and Rescue Units.*
- Sec. 1054. *Support for the Associate Director of the Central Intelligence Agency for Military Affairs.*
- Sec. 1055. *Notification on the provision of defense sensitive support.*
- Sec. 1056. *Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member sex.*

Subtitle F—Studies and Reports

- Sec. 1061. *Temporary continuation of certain Department of Defense reporting requirements.*
- Sec. 1062. *Reports on programs managed under alternative compensatory control measures in the Department of Defense.*
- Sec. 1063. *Matters for inclusion in report on designation of countries for which rewards may be paid under Department of Defense rewards program.*
- Sec. 1064. *Annual reports on unfunded priorities of the Armed Forces and the combatant commands and annual report on combatant command requirements.*
- Sec. 1065. *Management and reviews of electromagnetic spectrum.*
- Sec. 1066. *Requirement for notice and reporting to Committees on Armed Services on certain expenditures of funds by Defense Intelligence Agency.*
- Sec. 1067. *Congressional notification of biological select agent and toxin theft, loss, or release involving the Department of Defense.*
- Sec. 1068. *Report on service-provided support and enabling capabilities to United States special operations forces.*
- Sec. 1069. *Report on citizen security responsibilities in the Northern Triangle of Central America.*
- Sec. 1070. *Report on counterproliferation activities and programs.*
- Sec. 1071. *Report on testing and integration of minehunting sonar systems to improve Littoral Combat Ship minehunting capabilities.*
- Sec. 1072. *Quarterly reports on parachute jumps conducted at Fort Bragg and Pope Army Airfield and Air Force support for such jumps.*
- Sec. 1073. *Study on military helicopter noise.*

- Sec. 1074. *Independent review of United States military strategy and force posture in the United States Pacific Command area of responsibility.*
 Sec. 1075. *Assessment of the joint ground forces of the Armed Forces.*

Subtitle G—Other Matters

- Sec. 1081. *Technical and clerical amendments.*
 Sec. 1082. *Increase in maximum amount available for equipment, services, and supplies provided for humanitarian demining assistance.*
 Sec. 1083. *Liquidation of unpaid credits accrued as a result of transactions under a cross-servicing agreement.*
 Sec. 1084. *Modification of requirements relating to management of military technicians.*
 Sec. 1085. *Streamlining of the National Security Council.*
 Sec. 1086. *National biodefense strategy.*
 Sec. 1087. *Global Cultural Knowledge Network.*
 Sec. 1088. *Sense of Congress regarding Connecticut's Submarine Century.*
 Sec. 1089. *Sense of Congress regarding the reporting of the MV-22 mishap in Marana, Arizona, on April 8, 2000.*
 Sec. 1090. *Cost of Wars.*
 Sec. 1091. *Reconnaissance Strike Group matters.*
 Sec. 1092. *Border security metrics.*
 Sec. 1093. *Program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier.*
 Sec. 1094. *Sense of Congress regarding the OCONUS basing of the KC-46A aircraft.*
 Sec. 1095. *Designation of a Department of Defense Strategic Arctic Port.*
 Sec. 1096. *Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons.*

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,500,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) *NOTICE TO CONGRESS.*—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REPORT ON AUDITABLE FINANCIAL STATEMENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law. The report should not include information otherwise available in other reports to Congress.

SEC. 1003. INCREASED USE OF COMMERCIAL DATA INTEGRATION AND ANALYSIS PRODUCTS FOR THE PURPOSE OF PREPARING FINANCIAL STATEMENT AUDITS.

(a) *DEPLOYMENT OF DATA ANALYTICS CAPABILITIES.*—The Secretary of Defense shall use competitive procedures under chapter 137 of title 10, United States Code, to procure or develop, as soon as practicable, technologies or services, including those based on commercially available information technologies and services to improve data collection and analyses to support preparation of auditable financial statements for the Department of Defense.

(b) *USE OF FUNDING AND RESOURCES.*—The Secretary of Defense may use science and technology funding, prototypes, and test and evaluation resources as appropriate in support of this deployment.

(c) *REPORT ON PERFORMANCE.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief Financial Officer and the Chief Management Officer of the Department of Defense, shall submit to the congressional defense committees a report on the capabilities procured pursuant to subsection (a), including the results of using such capabilities in connection with auditing a financial statement of the Department of Defense.

SEC. 1004. SENSE OF CONGRESS ON SEQUESTRATION.

It is the sense of the Congress that—

(1) the fiscal challenges of the Federal Government are a top priority for Congress, and sequestration—non-strategic, across-the-board budget cuts—remains an unreasonable and inadequate budgeting tool to address the deficits and debt of the Federal Government;

(2) budget caps imposed by the Budget Control Act of 2011 (Public Law 112–25) impose unacceptable limitations on the budget and increase risk to the national security of the United States; and

(3) the budget caps imposed by the Budget Control Act of 2011 must be modified or eliminated through a bipartisan legislative agreement.

SEC. 1005. REQUIREMENT TO TRANSFER FUNDS FROM DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND TO THE TREASURY.

(a) *TRANSFER REQUIRED.*—During fiscal year 2017, the Secretary of Defense shall transfer, from amounts available in the Department of Defense Acquisition Workforce Development Fund from amounts credited to the Fund pursuant to section 1705(d)(2) of title

10, United States Code, \$475,000,000 to the Secretary of the Treasury for deposit in the general fund of the Treasury.

(b) *ADDITIONAL AUTHORITY.*—The transfer authority provided by this section is in addition to any other transfer authority contained in this Act.

Subtitle B—Counterdrug Activities

SEC. 1011. CODIFICATION AND MODIFICATION OF AUTHORITY TO PROVIDE SUPPORT FOR COUNTERDRUG ACTIVITIES AND ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME OF CIVILIAN LAW ENFORCEMENT AGENCIES.

(a) *CODIFICATION AND MODIFICATION.*—

(1) *IN GENERAL.*—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 384. Support for counterdrug activities and activities to counter transnational organized crime

“(a) *SUPPORT TO OTHER AGENCIES.*—The Secretary of Defense may provide support for the counterdrug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c), as applicable, if—

“(1) in the case of support described in subsection (b), such support is requested—

“(A) by the official who has responsibility for the counterdrug activities or activities to counter transnational organized crime of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government; or

“(B) by the appropriate official of a State, local, or tribal government, in the case of support for State, local, or tribal law enforcement agencies; or

“(2) in the case of support described in subsection (c), such support is requested by an appropriate official of a department or agency of the Federal Government, in coordination with the Secretary of State, that has counterdrug responsibilities or responsibilities for countering transnational organized crime.

“(b) *TYPES OF SUPPORT FOR AGENCIES OF UNITED STATES.*—The purposes for which the Secretary may provide support under subsection (a) for other departments or agencies of the Federal Government or a State, local, or tribal law enforcement agencies, are the following:

“(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State, local, or tribal government by the Department of Defense for the purposes of—

“(A) preserving the potential future utility of such equipment for the Department of Defense; and

“(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department.

“(2) *The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—*

“(A) *ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and*

“(B) *upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department.*

“(3) *The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime within or outside the United States.*

“(4) *The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of the Department of Defense or any Federal, State, local, or tribal law enforcement agency within or outside the United States.*

“(5) *Counterdrug or counter-transnational organized crime related training of law enforcement personnel of the Federal Government, of State, local, and tribal governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.*

“(6) *The detection, monitoring, and communication of the movement of—*

“(A) *air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and*

“(B) *surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.*

“(7) *Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.*

“(8) *Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.*

“(9) *The provision of linguist and intelligence analysis services.*

“(10) *Aerial and ground reconnaissance.*

“(c) **TYPES OF SUPPORT FOR FOREIGN LAW ENFORCEMENT AGENCIES.—**

“(1) **PURPOSES.—***The purposes for which the Secretary may provide support under subsection (a) for foreign law enforcement agencies are the following:*

“(A) *The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities or activities to counter*

transnational organized crime within or outside the United States.

“(B) The establishment (including small scale construction) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of a foreign law enforcement agency outside the United States.

“(C) The detection, monitoring, and communication of the movement of—

“(i) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

“(ii) surface traffic outside the geographic boundaries of the United States.

“(D) Establishment of command, control, communications, and computer networks for improved integration of United States Federal and foreign law enforcement entities and United States Armed Forces.

“(E) The provision of linguist and intelligence analysis services.

“(F) Aerial and ground reconnaissance.

“(2) COORDINATION WITH SECRETARY OF STATE.—In providing support for a purpose described in this subsection, the Secretary shall coordinate with the Secretary of State.

“(d) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department.

“(e) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 376 of this title, the Secretary may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

“(f) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1564) for the purpose of aiding civilian law enforcement agencies.

“(g) RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.—

“(1) ADDITIONAL AUTHORITY.—The authority provided in this section for the support of counterdrug activities or activities to counter transnational organized crime by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

“(2) EXCEPTION.—Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

“(h) CONGRESSIONAL NOTIFICATION.—

“(1) IN GENERAL.—Not less than 15 days before providing support for an activity under subsection (a), the Secretary of De-

fense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

“(A) In the case of support for a purpose described in subsection (c)—

“(i) the country the capacity of which will be built or enabled through the provision of such support;

“(ii) the budget, implementation timeline with milestones, anticipated delivery schedule for support, and completion date for the purpose or project for which support is provided;

“(iii) the source and planned expenditure of funds provided for the project or purpose;

“(iv) a description of the arrangements, if any, for the sustainment of the project or purpose and the source of funds to support sustainment of the capabilities and performance outcomes achieved using such support, if applicable;

“(v) a description of the objectives for the project or purpose and evaluation framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient;

“(vi) information, including the amount, type, and purpose, about the support provided the country during the three fiscal years preceding the fiscal year for which the support covered by the notice is provided under this section under—

“(I) this section;

“(II) section 23 of the Arms Export Control Act (22 U.S.C. 2763);

“(III) peacekeeping operations;

“(IV) the International Narcotics Control and Law Enforcement program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

“(V) Nonproliferation, Anti-Terrorism, Demining, and Related Programs;

“(VI) counterdrug activities authorized by section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) and section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85); or

“(VII) any other significant program, account, or activity for the provision of security assistance that the Secretary of Defense and the Secretary of State consider appropriate;

“(vii) an evaluation of the capacity of the recipient country to absorb the support provided; and

“(viii) an evaluation of the manner in which the project or purpose for which the support is provided fits into the theater security cooperation strategy of the applicable geographic combatant command.

“(B) In the case of support for a purpose described in subsection (b) or (c), a description of any small scale construction project for which support is provided.

“(2) *COORDINATION WITH SECRETARY OF STATE.*—In providing notice under this subsection for a purpose described in subsection (c), the Secretary of Defense shall coordinate with the Secretary of State.

“(i) *DEFINITIONS.*—In this section:

“(1) The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

“(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

“(2) The term ‘Indian tribe’ means a Federally recognized Indian tribe.

“(3) The term ‘small scale construction’ means construction at a cost not to exceed \$750,000 for any project.

“(4) The term ‘tribal government’ means the governing body of an Indian tribe, the status of whose land is ‘Indian country’ as defined in section 1151 of title 18 or held in trust by the United States for the benefit of the Indian tribe.

“(5) The term ‘tribal law enforcement agency’ means the law enforcement agency of a tribal government.

“(6) The term ‘transnational organized crime’ means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.”.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 18 of such title is amended by adding at the end the following new item:

“384. Support for counterdrug activities and activities to counter transnational organized crime.”.

(b) *REPEAL OF SUPERSEDED AUTHORITY.*—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is repealed.

SEC. 1012. SECRETARY OF DEFENSE REVIEW OF CURRICULA AND PROGRAM STRUCTURES OF NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) *IN GENERAL.*—Section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 32 U.S.C. 112 note) is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively; and

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

“(e) *CURRICULUM REVIEW.*—The Secretary of Defense shall review the curriculum and program structure of each school established under this section.”.

(b) *TECHNICAL AMENDMENT.*—Subsection (d)(1) of such section is amended by striking “section 112(b) of that title 32” and inserting “section 112(b) of title 32”.

SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 962), is further amended—

(1) in subsection (a)(1), by striking “2017” and inserting “2019”; and

(2) in subsection (c), by striking “2017” and inserting “2019”.

SEC. 1014. ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

(a) *IN GENERAL.*—The Secretary of Homeland Security shall ensure that the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing of military training by the Department of Defense.

(b) *FORMAL MECHANISM OF NOTIFICATION.*—

(1) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense, shall establish a formal mechanism through which the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing military training by the Department of Defense.

(2) *DISSEMINATION TO THE ARMED FORCES.*—To the extent practicable, the Secretary of Defense shall ensure that such information needs are disseminated to the Armed Forces in a timely manner so the Armed Forces may take into account the information needs of civilian law enforcement when planning and executing training in accordance with section 371 of title 10, United States Code.

(3) *COORDINATION OF TRAINING.*—To the maximum extent practicable, the Secretary of Defense shall ensure that the planning and execution of training described in paragraph (2) is coordinated with the Department of Homeland Security.

(c) *SHARING OF CERTAIN INFORMATION.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly formulate guidance to ensure that the information relevant to civilian law enforcement matters that is collected by the Armed Forces during the normal course of military training or operations in proximity to the international borders of the United States is provided promptly to relevant officials in accordance with section 371 of title 10, United States Code.

(d) *ANNUAL REPORTS.*—

(1) *DEPARTMENT OF DEFENSE REPORT.*—

(A) *IN GENERAL.*—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on any assistance provided by the Department of Defense to the border security mission of the Department of Homeland Security at the international borders of the United States during the fiscal year preceding the fiscal year during which the report is submitted.

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

(i) A description of the military training and operational activities of each military component leveraged, pursuant to section 371 of title 10, United States Code, to support the border security mission of the Department of Homeland Security at the southern border of the United States.

(ii) For each activity described in clause (i), each of the following, identified by component:

(I) The Department of Homeland Security information need that was supported.

(II) The military training or operational activity leveraged to provide support.

(III) The duration of the support.

(IV) The cost of the support.

(iii) A description of any Department of Defense activities provided in response to a request for assistance from the Department of Homeland Security.

(iv) For each activity described in clause (iii)—

(I) The stated rationale of the Department of Homeland Security for requesting assistance from the Department of Defense.

(II) The capability provided by the Department of Defense.

(III) The duration of the assistance provided by the capability.

(IV) The statutory authority under which the assistance was provided.

(V) The cost of the assistance provided.

(VI) Whether the Department of Defense was reimbursed by the Department of Homeland Security for the assistance provided.

(VII) In the case of assistance for which the Department of Defense was not reimbursed, the justification for non-reimbursement.

(v) A description of any Department of Defense excess property provided to U. S. Customs and Border Protection.

(vi) The status of the implementation of this section.

(vii) A description of any other activity the Secretary of Defense determines relevant.

(2) *DEPARTMENT OF HOMELAND SECURITY REPORT.*—Not later than March 31 of each year, the Secretary of Homeland

Security shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(A) any activities of the Department of Homeland Security to reduce, mitigate, or eliminate the demand for Department of Defense support at the international borders of the United States; and

(B) the status of implementation of this section.

(3) TERMINATION.—The requirement to submit a report under paragraph (1) or (2) shall terminate on January 31, 2020.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. DEFINITION OF SHORT-TERM WORK WITH RESPECT TO OVERHAUL, REPAIR, OR MAINTENANCE OF NAVAL VESSELS.

Section 7299a(c)(4) of title 10, United States Code, is amended by striking “six months” and inserting “10 months”.

SEC. 1022. WARRANTY REQUIREMENTS FOR SHIPBUILDING CONTRACTS.

(a) WARRANTY REQUIREMENTS.—

(1) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7318. Warranty requirements for shipbuilding contracts

“(a) REQUIREMENT.—A contracting officer for a contract for new construction for which funds are expended from the Shipbuilding and Conversion, Navy account shall require, as a condition of the contract, that the work performed under the contract is covered by a warranty for a period of at least one year.

“(b) WAIVER.—If the contracting officer for a contract covered by the requirement under subsection (a) determines that a limited liability of warranted work is in the best interest of the Government, the contracting officer may agree to limit the liability of the work performed under the contract to a level that the contracting officer determines is sufficient to protect the interests of the Government and in keeping with historical levels of warranted work on similar vessels.”

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

“7318. Warranty requirements for shipbuilding contracts.”

(b) EFFECTIVE DATE.—Section 7318 of title 10, United States Code, as added by subsection (a), shall take effect on the later of the following dates:

(1) The date of the enactment of the National Defense Authorization for Fiscal Year 2018.

(2) September 30, 2017.

SEC. 1023. NATIONAL SEA-BASED DETERRENCE FUND.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT OF CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRODUCTION OF THE COM-

MON MISSILE COMPARTMENT.—Section 2218a of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

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

“(i) **AUTHORITY FOR MULTIYEAR PROCUREMENT OF CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRODUCTION OF THE COMMON MISSILE COMPARTMENT.**—(1) To implement the continuous production of the common missile compartment, the Secretary of the Navy may use funds deposited in the Fund, in conjunction with funds appropriated for the procurement of other nuclear-powered vessels, to enter into one or more multiyear contracts (including economic ordering quantity contracts), for the procurement of critical contractor-furnished and Government-furnished components for the common missile compartments of national sea-based deterrence vessels. The authority under this subsection extends to the procurement of equivalent critical parts, components, systems, and subsystems common with and required for other nuclear-powered vessels.

“(2) In each annual budget request submitted to Congress, the Secretary shall clearly identify funds requested for the common missile compartment and the individual ships and programs for which such funds are requested.

“(3) Any contract entered into pursuant to paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose and that the total liability to the Government for the termination of the contract shall be limited to the total amount of funding obligated for the contract as of the date of the termination.”.

(b) **DEFINITION OF NATIONAL SEA-BASED DETERRENCE VESSEL.**—Subsection (k)(2) of such section, as redesignated by subsection (b), is amended—

(1) by striking “any vessel” and inserting “any submersible vessel constructed or purchased after fiscal year 2016 that is”; and

(2) by inserting “and” before “that carries”.

SEC. 1024. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA-CLASS CRUISERS OR DOCK LANDING SHIPS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 may be obligated or expended—

(1) to retire, prepare to retire, or inactivate a cruiser or dock landing ship; or

(2) to place more than six cruisers and one dock landing ship in the modernization program under section 1026(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. 3490).

Subtitle D—Counterterrorism

SEC. 1031. FREQUENCY OF COUNTERTERRORISM OPERATIONS BRIEFINGS.

(a) *IN GENERAL.*—Subsection (a) of section 485 of title 10, United States Code is amended by striking “quarterly” and inserting “monthly”.

(b) *SECTION HEADING.*—The section heading for such section is amended by striking “Quarterly” and inserting “Monthly”.

(c) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item: “485. Monthly counterterrorism operations briefings.”.

SEC. 1032. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUB, TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1033. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) *IN GENERAL.*—No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) *EXCEPTION.*—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) *INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.*—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10 U.S. C. 801 note).

SEC. 1034. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer

or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

- (1) Libya.
- (2) Somalia.
- (3) Syria.
- (4) Yemen.

SEC. 1035. PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2017 may be used—

- (1) to close or abandon United States Naval Station, Guantanamo Bay, Cuba;
- (2) to relinquish control of Guantanamo Bay to the Republic of Cuba; or
- (3) to implement a material modification to the Treaty Between the United States of America and Cuba signed at Washington, D.C. on May 29, 1934, that constructively closes United States Naval Station, Guantanamo Bay.

SEC. 1036. CONGRESSIONAL NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY OPERATIONS.

(a) **TIMING OF NOTIFICATIONS.**—Subsection (a) of section 130f of title 10, United States Code, is amended in the first sentence, by inserting “no later than 48 hours” before “following such operation”.

(b) **PROCEDURES.**—Subsection (b) of such section is amended—

- (1) In paragraph (1), by adding at the end the following new sentence: “The Secretary shall promptly notify the congressional defense committees in writing of any changes to such procedures at least 14 days prior to the adoption of any such changes”; and

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

“(3) In the event of an unauthorized disclosure of a sensitive military operation covered by this section, the Secretary shall ensure, to the maximum extent practicable, that the congressional defense committees are notified immediately of the sensitive military operation concerned. The notification under this paragraph may be verbal or written, but in the event of a verbal notification a written notification shall be provided by not later than 48 hours after the provision of the verbal notification.”.

(c) **BRIEFING REQUIREMENTS.**—Such section is further amended—

- (1) in subsection (a), by striking the second sentence; and
- (2) in subsection (c), by inserting before the period at the end the following: “, including Department of Defense support to such operations conducted under the National Security Act of 1947 (50 U.S.C. 3001 et seq.)”.

(d) **DEFINITION OF SENSITIVE MILITARY OPERATION.**—Subsection (d) of such section is amended by striking “means” and all that follows and inserting “means the following:”

“(1) A lethal operation or capture operation—

- “(A) conducted by the armed forces outside a declared theater of active armed conflict; or

“(B) conducted by a foreign partner in coordination with the armed forces that targets a specific individual or individuals.

“(2) An operation conducted by the armed forces outside a declared theater of active armed conflict in self-defense or in defense of foreign partners, including during a cooperative operation.”

(e) **REPEAL OF EXCEPTION TO NOTIFICATION REQUIREMENT.**—Such section is further amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) **CONFORMING AMENDMENTS.**—

(1) **SECTION HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

“§ 130f. Notification requirements for sensitive military operations”.

(2) **TABLE OF SECTIONS AMENDMENT.**—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130f and inserting the following new item:

“130f. Notification requirements for sensitive military operations.”

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. EXPANDED AUTHORITY FOR TRANSPORTATION BY THE DEPARTMENT OF DEFENSE OF NON-DEPARTMENT OF DEFENSE PERSONNEL AND CARGO.

(a) **TRANSPORTATION OF ALLIED AND CIVILIAN PERSONNEL AND CARGO.**—Subsection (c) of section 2649 of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “PERSONNEL” and inserting “AND CIVILIAN PERSONNEL AND CARGO”;

(2) by striking “Until January 6, 2016, when” and inserting “When”; and

(3) by striking “allied forces or civilians”, and inserting “allied and civilian personnel and cargo”.

(b) **COMMERCIAL INSURANCE.**—Such section is further amended by adding at the end the following new subsection:

“(d) **COMMERCIAL INSURANCE.**—The Secretary may enter into a contract or other arrangement with one or more commercial providers to make insurance products available to non-Department of Defense shippers using the Defense Transportation System to insure against the loss or damage of the shipper’s cargo. Any such contract or arrangement shall provide that—

“(1) any insurance premium is collected by the commercial provider;

“(2) any claim for loss or damage is processed and paid by the commercial provider;

“(3) the commercial provider agrees to hold the United States harmless and waive any recourse against the United States for amounts paid to an insured as a result of a claim; and

“(4) the contract between the commercial provider and the insured shall contain a provision whereby the insured waives any claim against the United States for loss or damage that is

within the scope of enumerated risks covered by the insurance product.”.

(c) **CONFORMING CROSS-REFERENCE AMENDMENTS.**—Subsection (b) of such section is amended by striking “this section” both places it appears and inserting “subsection (a)”.

SEC. 1042. REDUCTION IN MINIMUM NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS REQUIRED TO BE MAINTAINED.

(a) **CODIFICATION AND REDUCTION.**—Section 5062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) The Secretary of the Navy shall ensure that—

“(1) the Navy maintains a minimum of 9 carrier air wings until the earlier of—

“(A) the date on which additional operationally deployable aircraft carriers can fully support a 10th carrier air wing; or

“(B) October 1, 2025;

“(2) after the earlier of the two dates referred to in subparagraphs (A) and (B) of paragraph (1), the Navy maintains a minimum of 10 carrier air wings; and

“(3) for each such carrier air wing, the Navy maintains a dedicated and fully staffed headquarters.”.

(b) **REPEAL OF SUPERSEDED REQUIREMENT.**—Section 1093 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606; 10 U.S.C. 5062 note) is repealed.

SEC. 1043. MODIFICATION TO SUPPORT FOR NON-FEDERAL DEVELOPMENT AND TESTING OF MATERIAL FOR CHEMICAL AGENT DEFENSE.

Section 1034 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in subsection (d)—

(A) by striking “report on the use of the authority under subsection (a)” and all that follows and inserting “report that includes—”

“(A) a description of—

“(i) each use of the authority under subsection (a); and

“(ii) for each such use, the specific material made available and to whom it was made available; and

“(B) a description of—

“(i) any instance in which the Department of Defense made available to a State, a unit of local government, or a private entity any biological select agent or toxin for the development or testing of any biodefense technology; and

“(ii) for each such instance, the specific material made available and to whom it was made available.”; and

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

“(3) The requirement to submit a report under paragraph (1) shall terminate on January 31, 2021.”; and

(2) in subsection (e), by striking “this section” and all that follows and inserting “this section.”

“(1) The terms ‘precursor’, ‘protective purposes’, and ‘toxic chemical’ have the meanings given those terms in the convention referred to in subsection (c), in paragraph 2, paragraph 9(b), and paragraph 1, respectively, of article II of that convention.

“(2) The term ‘biological select agent or toxin’ means any agent or toxin identified under any of the following:

“(A) Section 331.3 of title 7, Code of Federal Regulations.

“(B) Section 121.3 or section 121.4 of title 9, Code of Federal Regulations.

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

SEC. 1044. PROTECTION OF CERTAIN FEDERAL SPECTRUM OPERATIONS.

Section 1004 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 47 U.S.C. 921 note) is amended by adding at the end the following:

“(d) **PROTECTION OF CERTAIN FEDERAL SPECTRUM OPERATIONS.**—If the report required by subsection (a) determines that reallocation and auction of the spectrum described in the report would harm national security by impacting existing terrestrial Federal spectrum operations at the Nevada Test and Training Range, the Commission, in coordination with the Secretary shall, prior to the auction described in subsection (c)(1)(B), establish rules for licensees in such spectrum sufficient to mitigate harmful interference to such operations.

“(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect any requirement under section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (47 U.S.C. 921 note; Public Law 106–65).”.

SEC. 1045. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

(a) **PROHIBITIONS.**—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy may be obligated or expended to—

(1) retire, prepare to retire, transfer, or place in storage any AVENGER-class mine countermeasures ship or associated equipment;

(2) retire, prepare to retire, transfer, or place in storage any SEA DRAGON (MH–53) helicopter or associated equipment;

(3) make any reductions to manning levels with respect to any AVENGER-class mine countermeasures ship; or

(4) make any reductions to manning levels with respect to any SEA DRAGON (MH–53) helicopter squadron or detachment.

(b) **WAIVER.**—The Secretary of the Navy may waive the limitations under subsection (a) if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures operational requirements that are currently being met by the AVENGER-class ships and SEA DRAGON helicopters to be retired, transferred, or placed in storage;

(2) achieved initial operational capability of all systems described in paragraph (1); and

(3) deployed a sufficient quantity of systems described in paragraph (1) that have achieved initial operational capability to continue to meet or exceed all combatant commander mine countermeasures operational requirements currently being met by the AVENGER-class ships and SEA DRAGON helicopters.

SEC. 1046. EXTENSION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO ISSUE NON-PREMIUM AVIATION INSURANCE.

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

SEC. 1047. EVALUATION OF NAVY ALTERNATE COMBINATION COVER AND UNISEX COMBINATION COVER.

(a) **MANDATORY POSSESSION OR WEAR DATE.**—The Secretary of the Navy shall change the mandatory possession or wear date of the alternate combination cover or the unisex combination cover from October 31, 2016, to October 31, 2018.

(b) **EVALUATION AND REPORT.**—Not later than February 1, 2017, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation of the Navy female service dress uniforms based on surveying a representative group of female officer and enlisted service members. Such evaluation shall include each of the following:

(1) An identification of the operational need addressed by the alternate combination cover or the unisex combination cover.

(2) An assessment of the individual cost of service dress uniform items to members of the Armed Forces as a percentage of their monthly pay.

(3) The composition of each uniform item’s wear test group.

(4) An identification of the costs to the Navy and to individual members of the Armed Forces for uniform changes identified in the Navy administrative message 236/15 dated October 9, 2015.

(5) The opinions of a representative group of female officer and enlisted service members of the Navy active and reserve components.

(6) Any other rationale the Secretary determines appropriate.

SEC. 1048. INDEPENDENT EVALUATION OF DEPARTMENT OF DEFENSE EXCESS PROPERTY PROGRAM.

(a) **IN GENERAL.**—The Secretary of Defense shall enter into an agreement with a federally funded research and development center, or another appropriate independent entity, with relevant expertise to conduct an evaluation of the Department of Defense excess property program under section 2576a of title 10, United States Code. Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit such evaluation to the congressional defense committees

(b) **ELEMENTS OF EVALUATION.**—The evaluation required under paragraph (1) shall include each of the following:

(1) A review of the current listing of “authorized”, “controlled”, and “prohibited” items as defined by Executive Order

13688 and by Department of Defense policy, guidance, and instruction, as well as why each item is currently assigned to each category.

(2) A review of the preferences and any associated prioritization provided to Federal, State, and local law enforcement agency requests for excess equipment to be used in border security, counterdrug, and counterterrorism activities, pursuant to section 2576a(a)(1)(A) of title 10 United States Code, including the overall numbers and percentages of equipment provided and used under these preferential categories.

(3) Whether the Department of Defense has bought a type of equipment and declared as excess the same type of equipment during the same year, and if so, how much such equipment.

(4) The type of information being collected by State coordinators and the Defense Logistics Agency when a request for equipment is made, and whether or not that information is sufficient to demonstrate a need for the equipment requested by the law enforcement agency making the request.

(5) The extent to which State coordinators and the Defense Logistics Agency deny requests for equipment and the reasons for such denials.

(6) The extent to which law enforcement agencies have been suspended from participating in the program and the reasons for such suspensions.

(7) Any other matters the Secretary determines appropriate.

SEC. 1049. WAIVER OF CERTAIN POLYGRAPH EXAMINATION REQUIREMENTS.

The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, may waive the polygraph examination requirement under section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111-376) for any applicant who—

(1) the Commissioner determines is suitable for employment;

(2) holds a current, active Top Secret clearance and is able to access sensitive compartmented information;

(3) has a current single scope background investigation;

(4) was not granted any waivers to obtain the clearance; and

(5) is a veteran (as such term is defined in section 2108 or 2109a of title 5, United States Code).

SEC. 1050. USE OF TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL TO GAIN ACCESS AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) **ACCESS TO INSTALLATIONS FOR CREDENTIALLED TRANSPORTATION WORKERS.**—During the period that the Secretary is developing and fielding physical access standards, capabilities, processes, and electronic access control systems, the Secretary shall, to the maximum extent practicable, ensure that the Transportation Worker Identification Credential (TWIC) shall be accepted as a valid credential for unescorted access to Department of Defense installations by transportation workers.

(b) **CREDENTIALLED TRANSPORTATION WORKERS WITH SECRET CLEARANCE.**—TWIC-carrying transportation workers who also have a current Secret Level Clearance issued by the Department of De-

fense shall be considered exempt from further vetting when seeking unescorted access at Department of Defense facilities. Access security personnel shall verify such person's security clearance in a timely manner and provide them with unescorted access to complete their freight service.

SEC. 1051. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN LANDMINES AND BRIEFING ON DEVELOPMENT OF REPLACEMENT ANTI-PERSONNEL LANDMINE MUNITIONS.

(a) *LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended for the destruction of anti-personnel landmine munitions before the date on which the Secretary of Defense submits the report required by section 1058(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 986).*

(b) *EXCEPTION FOR SAFETY.—Subsection (a) shall not apply to any anti-personnel landmine munitions that the Secretary determines are unsafe or could pose a safety risk if not demilitarized or destroyed.*

(c) *BRIEFING REQUIRED.—*

(1) *IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the current state of research and development into operational alternatives to anti-personnel landmine munitions.*

(2) *FORM OF BRIEFING.—The briefing required by paragraph (1) may contain classified information.*

(d) *ANTI-PERSONNEL LANDMINE MUNITIONS DEFINED.—In this section, the term “anti-personnel landmine munitions” includes anti-personnel landmines and sub-munitions as defined by the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, as determined by the Secretary.*

SEC. 1052. TRANSITION OF AIR FORCE TO OPERATION OF REMOTELY PILOTED AIRCRAFT BY ENLISTED PERSONNEL.

(a) *TRANSITION REQUIRED.—The Secretary of the Air Force shall transition the Air Force to an organizational model for all Air Force remotely piloted aircraft that uses a significant number of enlisted personnel as operators of such aircraft rather than officers only.*

(b) *DEADLINES.—*

(1) *REGULAR COMPONENT.—For the regular component of the Air Force, the transition required by subsection (a) shall be completed not later than September 30, 2020.*

(2) *RESERVE COMPONENTS.—For the Air Force Reserve and Air National Guard, the transition required by subsection (a) shall be completed not later than September 30, 2023.*

(c) *TRANSITION MATTERS.—The transition required by subsection (a) shall account for the following:*

(1) *Training infrastructure for enlisted personnel operating Air Force remotely piloted aircraft.*

(2) *Supervisory roles for officers and senior enlisted personnel for enlisted personnel operating Air Force remotely piloted aircraft.*

(d) **REPORTS.**—

(1) **INITIAL REPORT.**—*Not later than March 1, 2017, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a detailed description of the plan for the transition required by subsection (a), including the following:*

(A) *The objectives of the transition.*

(B) *The timeline of the transition.*

(C) *The resources required to implement the transition.*

(D) *Recommendations for any legislation action required to implement the transition.*

(E) *The assumptions used to complete the transition.*

(F) *Risks associated with implementing the transition.*

(2) **REPORTS ON PROGRESS OF IMPLEMENTATION.**—*Not later than March 1, 2018, and each March 1 thereafter until the transition required by subsection (a) is completed, the Secretary shall submit to the committees referred to in paragraph (1) a report on the progress of the Air Force in implementing the plan required under that paragraph and in achieving the transition required by subsection (a).*

SEC. 1053. PROHIBITION ON DIVESTMENT OF MARINE CORPS SEARCH AND RESCUE UNITS.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy or the Marine Corps may be obligated or expended—

(1) *to retire, prepare to retire, transfer, or place in storage any Marine Corps Search and Rescue Unit (SRU) aircraft; or*

(2) *to make any change or revision to manning levels with respect to any Marine Corps Search and Rescue Unit squadron.*

SEC. 1054. SUPPORT FOR THE ASSOCIATE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY FOR MILITARY AFFAIRS.

(a) **SELECTION OF ASSOCIATE DIRECTOR.**—*The Associate Director of the Central Intelligence Agency for Military Affairs shall be selected by the Secretary of Defense, with the concurrence of the Director of the Central Intelligence Agency, from among commissioned officers of the Armed Forces who are general or flag officers.*

(b) **SUPPORT FOR ACTIVITIES.**—

(1) **IN GENERAL.**—*In order to improve the provision of support to, and the receipt of support from, the Central Intelligence Agency, and to improve deconfliction of the activities of the Central Intelligence Agency and the Department of Defense, the Secretary of Defense and the Under Secretary of Defense for Intelligence shall ensure that the Associate Director of the Central Intelligence Agency for Military Affairs has access to, and support from, offices, agencies, and programs of the Department necessary for the purposes of the Associate Director as follows:*

(A) *To facilitate and coordinate Department of Defense support for the Central Intelligence Agency requested by the Director of the Central Intelligence Agency and approved by the Secretary, including oversight of Department of Defense military and civilian personnel detailed or assigned to the Central Intelligence Agency.*

(B) To prioritize, communicate, and coordinate Department of Defense requests for, and the provision of support to, the Department of Defense from the Central Intelligence Agency, including support requested by and provided to the commanders of the combatant commands and subordinate task forces and commands.

(2) *POLICIES.*—The Under Secretary shall develop and supervise the implementation of policies to integrate and communicate Department of Defense requirements and requests for support from the Central Intelligence Agency that are coordinated by the Associate Director pursuant to paragraph (1)(B).

SEC. 1055. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

(a) *LIMITATION.*—The Secretary of Defense may provide defense sensitive support to a non-Department of Defense Federal department or agency only after the Secretary has determined that such support—

(1) is consistent with the mission and functions of the Department of Defense; and

(2) does—

(A) not significantly interfere with the mission or functions of the Department; or

(B) interfere with the mission and functions of the Department of Defense but such support is in the national security interest of the United States.

(b) *NOTICE REQUIRED.*—

(1) *IN GENERAL.*—Except as provided in paragraph (3), before providing defense sensitive support to a non-Department of Defense Federal department or agency, the Secretary of Defense shall notify the congressional defense committees, and, when the part of the Department of Defense providing the sensitive support is a member of the intelligence community, the congressional intelligence committees of the Secretary's intent to provide such support.

(2) *CONTENTS.*—Notice provided under paragraph (1) shall include the following:

(A) A description of the support to be provided.

(B) A description of how the support is consistent with the mission and functions of the Department.

(C) A description of how the support—

(i) does not significantly interfere with the mission or functions of the Department; or

(ii) significantly interferes with the mission or functions of the Department but is in the national security interest of the United States.

(3) *TIME SENSITIVE SUPPORT.*—In the event that the provision of defense sensitive support is time-sensitive, the Secretary—

(A) may provide notification under paragraph (1) after providing the support; and

(B) shall provide such notice as soon as practicable after providing such support, but not later than 48 hours after providing the support.

(c) *DEFENSE SENSITIVE SUPPORT DEFINED.*—In this section, the term “defense sensitive support” means support provided by the De-

partment of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.

SEC. 1056. PROHIBITION ON ENFORCEMENT OF MILITARY COMMISSION RULINGS PREVENTING MEMBERS OF THE ARMED FORCES FROM CARRYING OUT OTHERWISE LAWFUL DUTIES BASED ON MEMBER SEX.

(a) *PROHIBITION.*—No order, ruling, finding, or other determination of a military commission may be construed or implemented to prohibit or restrict a member of the Armed Forces from carrying out duties otherwise lawfully assigned to such member to the extent that the basis for such prohibition or restriction is the sex of such member.

(b) *APPLICABILITY TO PRIOR ORDERS, ETC.*—The prohibition or restriction described in subsection (a) shall, upon motion, apply to any order, ruling, finding, or other determination described in that subsection that was issued before the date of the enactment of this Act in a military commission and is still effective as of the date of such motion.

(c) *MILITARY COMMISSION DEFINED.*—In this section, the term “military commission” means a military commission established under chapter 47A of title 10, United States Code, and any military commission otherwise established or convened by law.

Subtitle F—Studies and Reports

SEC. 1061. TEMPORARY CONTINUATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) *EXCEPTIONS TO REPORTS TERMINATION PROVISION.*—Section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to any report required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, pursuant to a provision of law specified in this section, notwithstanding the enactment of the reporting requirement by an annual national defense authorization Act or the inclusion of the report in the list of reports prepared by the Secretary of Defense pursuant to subsection (c) of such section 1080.

(b) *FINAL TERMINATION DATE FOR SUBMITTAL OF EXEMPTED REPORTS.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), each report required pursuant to a provision of law specified in this section that is still required to be submitted to Congress as of December 31, 2021, shall no longer be required to be submitted to Congress after that date.

(2) *REPORTS EXEMPTED FROM TERMINATION.*—The termination dates specified in paragraph (1) and section 1080 of the National Defense Authorization Act for Fiscal Year 2016 do not apply to the following:

(A) The submission of the reports on the National Military Strategy and Risk Assessment under section 153(b)(3) of title 10, United States Code.

(B) The submission of the future-years defense program (including associated annexes) under section 221 of title 10, United States Code.

(C) *The submission of the future-years mission budget for the military programs of the Department of Defense under section 221 of such title.*

(D) *The submission of audits of contracting compliance by the Inspector General of the Department of Defense under section 1601(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2533a note).*

(c) *REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of title 10, United States Code:*

- (1) *Section 113(i).*
- (2) *Section 117(e).*
- (3) *118a(d).*
- (4) *Section 119(a) and (b).*
- (5) *Section 127b(f).*
- (6) *Section 139(h).*
- (7) *Section 139b(d).*
- (8) *Sections 153(c).*
- (9) *Section 171a(e) and (g)(2).*
- (10) *Section 179(f).*
- (11) *Section 196(d)(1), (d)(4), and (e)(3).*
- (12) *Section 223a(a).*
- (13) *Section 225(c)*
- (14) *Section 229.*
- (15) *Section 231.*
- (16) *Section 231a.*
- (17) *Section 238.*
- (18) *Section 341(f) of title 10, United States Code, as amended by section 1246 of this Act.*
- (19) *Section 401(d).*
- (20) *Section 407(d).*
- (21) *Section 481a(c).*
- (22) *Section 482(a).*
- (23) *Section 488(c).*
- (24) *Section 494(b).*
- (25) *Section 526(j).*
- (26) *Section 946(c) (Article 146 of the Uniform Code of Military Justice).*
- (27) *Section 981(c).*
- (28) *Section 1116(d).*
- (29) *Section 1566(c)(3).*
- (30) *Section 1557(e).*
- (31) *Section 1781a(e).*
- (32) *Section 1781c(h).*
- (33) *Section 2011(e).*
- (34) *Section 2166(i).*
- (35) *Section 2218(h).*
- (36) *Section 2228(e).*
- (37) *Section 2229(d).*
- (38) *Section 2229a.*
- (39) *Section 2249c(c).*
- (40) *Section 2275.*
- (41) *Section 2276(e).*

- (42) Section 2367(d).
- (43) Section 2399(g).
- (44) Section 2445b.
- (45) Section 2464(d).
- (46) Section 2466(d).
- (47) Section 2504.
- (48) Section 2561(c).
- (49) Section 2684a(g).
- (50) Section 2687a.
- (51) Section 2711.
- (52) Sections 2884(b) and (c).
- (53) Section 2911(a) and (b)(3).
- (54) Section 2925.
- (55) Section 2926(c)(4).
- (56) Section 4361(d)(4)(B).
- (57) Section 4721(e).
- (58) Section 6980(d)(4)(B).
- (59) Section 7310(c).
- (60) Section 9361(d)(4)(B).
- (61) Section 10216(c).
- (62) Section 10541.
- (63) Section 10543.

(d) **REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.**—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291):

- (1) Section 546(d) (10 U.S.C. 1561 note).
- (2) Section 1003 (10 U.S.C. 221 note).
- (3) Section 1026(d) (128 Stat. 3490).
- (4) Section 1055 (128 Stat. 3498).
- (5) Section 1204(b) (10 U.S.C. 2249e note).
- (6) Section 1205(e) (128 Stat. 3537).
- (7) Section 1206(e) (10 U.S.C. 2282 note).
- (8) Section 1211 (128 Stat. 3544).
- (9) Section 1225 (128 Stat. 3550).
- (10) Section 1235 (128 Stat. 3558).
- (11) Section 1245 (128 Stat. 3566).
- (12) Section 1253(b) (22 U.S.C. 2151 note).
- (13) Section 1275(b) (128 Stat. 3591).
- (14) Section 1343 (128 Stat. 3605; 50 U.S.C. 3743).
- (15) Section 1650 (128 Stat. 3653).
- (16) Section 1662(c)(2) and (d)(2) (128 Stat. 3657; 10 U.S.C. 2431 note).
- (17) Section 2821(a)(3) (10 U.S.C. 2687 note).

(e) **REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.**—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):

- (1) Section 704(e) (10 U.S.C. 1074 note).
- (2) Sections 713(f), (g), and (h) (10 U.S.C. 1071 note).
- (3) Section 904(d)(2) (10 U.S.C. 111 note).
- (4) Section 1205(f)(3) (32 U.S.C. 107 note).

(f) *REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.*—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239):

- (1) Section 524(c)(2) (10 U.S.C. 1222 note).
- (2) Section 904(h)(1) and (2) (10 U.S.C. 133 note).
- (3) Section 1009 (126 Stat. 1906).
- (4) Section 1023 (126 Stat. 1911).
- (5) Section 1052(b)(4) (126 Stat. 1936; 49 U.S.C. 40101 note).

(g) *REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.*—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383):

- (1) Section 123 (10 U.S.C. 167 note).
- (2) Section 1216(c) (124 Stat. 4392).
- (3) Section 1217(i) (22 U.S.C. 7513 note).
- (4) Section 1631(d) (10 U.S.C. 1561 note).

(h) *REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.*—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84):

- (1) Section 711(d) (10 U.S.C. 1071 note).
- (2) Section 1003(b) (10 U.S.C. 2222 note).
- (3) Section 1244(d) (22 U.S.C. 1928 note).
- (4) Section 1245 (123 Stat. 2542).
- (5) Section 1806 (10 U.S.C. 948a note).

(i) *REPORTS REQUIRED BY OTHER LAWS.*—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following provisions of law:

- (1) Sections 1412(i) and (j) of the National Defense Authorization Act, 1986 (50 U.S.C. 1521), as amended by section 1421 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).
- (2) Section 1703 of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523).
- (3) Section 717(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1073 note).
- (4) Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. 2367).
- (5) Section 1309(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 113 note).
- (6) Section 1237(b)(2) of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note).
- (7) Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note).
- (8) Section 232(h)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2431 note).

(9) *Section 366(a)(5) and (c)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 113 note).*

(10) *Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086).*

(11) *Section 1208(d) of the National Defense Authorization Act for 2006 (Public Law 109-163; 119 Stat. 3459).*

(12) *Section 1405(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 801 note).*

(13) *Section 122(f)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104).*

(14) *Section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294).*

(15) *Section 1017(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 2631 note).*

(16) *Section 1517(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2443).*

(17) *Section 911(f)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2271 note).*

(18) *Section 1034(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 309).*

(19) *Section 1107(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358).*

(20) *Section 1233(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393).*

(21) *Section 1234(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394).*

(22) *Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note).*

(23) *Section 533(i) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2010 (Public Law 110-417).*

(24) *Section 1047(d)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2010 (Public Law 110-417; 10 U.S.C. 2366b note).*

(25) *Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1619).*

(26) *Section 1236 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1641).*

(27) *Section 103A(b)(3) of the Sikes Act (16 U.S.C. 670c-1(b)(3)).*

(28) *Section 1511(h) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(h)).*

(29) *Section 901(f) of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 32 U.S.C. 112 note), as added by section 1008 of the National De-*

fense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

(30) Section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5).

(31) Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)), as added by section 586 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

(32) Section 112(f) of title 32, United States Code.

(33) Section 310b(i)(2) of title 37, United States Code.

(j) CONFORMING AMENDMENT.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) is amended—

(1) by striking “on the date that is two years after the date of the enactment of this Act” and inserting “November 25, 2017”; and

(2) by striking “effective”.

(k) REPORT TO CONGRESS.—Not later than February 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that includes each of the following:

(1) A list of all reports that are required to be submitted to Congress as of the date of the enactment of this Act that will no longer be required to be submitted to Congress as of November 25, 2017.

(2) For each such report, a citation to the provision of law under which the report is or was required to be submitted.

SEC. 1062. REPORTS ON PROGRAMS MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 119a. Programs managed under alternative compensatory control measures: congressional oversight

“(a) ANNUAL REPORT ON CURRENT PROGRAMS UNDER AACMS.—

“(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the programs being managed under alternative compensatory control measures in the Department of Defense.

“(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

“(A) The total amount requested for programs being managed under alternative compensatory control measures in the Department in the budget of the President under section 1105 of title 31 for the fiscal year beginning in the fiscal year in which such report is submitted.

“(B) For each program in that budget that is a program being managed under alternative compensatory control measures in the Department—

“(i) a brief description of the program;

“(ii) a brief discussion of the major milestones established for the program;

“(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

“(iv) the estimated total cost of the program and the estimated cost of the program for—

“(I) the current fiscal year;

“(II) the fiscal year for which that budget is submitted; and

“(III) each of the four succeeding fiscal years during which the program is expected to be conducted.

“(3) *ELEMENTS ON PROGRAMS COVERED BY MULTIYEAR BUDGETING.*—In the case of a report under paragraph (1) submitted in a year during which the budget of the President for the fiscal year concerned does not, because of multiyear budgeting for the Department, include a full budget request for the Department, the report required by paragraph (1) shall set forth—

“(A) the total amount already appropriated for the next fiscal year for programs being managed under alternative compensatory control measures in the Department, and any additional amount requested in that budget for such programs for such fiscal year; and

“(B) for each program that is a program being managed under alternative compensatory control measures in the Department, the information specified in paragraph (2)(B).

“(b) *ANNUAL REPORT ON NEW PROGRAMS UNDER AACMS.*—

“(1) *IN GENERAL.*—Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a report that, with respect to each new program being managed under alternative compensatory control measures in the Department, provides—

“(A) notice of the designation of the program as a program being managed under alternative compensatory control measures in the Department; and

“(B) a justification for such designation.

“(2) *ADDITIONAL ELEMENTS.*—A report under paragraph (1) with respect to a program shall include—

“(A) the current estimate of the total program cost for the program; and

“(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the report.

“(3) *NEW PROGRAM BEING MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES DEFINED.*—In this subsection, the term ‘new program being managed under alternative compensatory control measures’ means a program in the Department that has not previously been covered by a report under this subsection.

“(c) *REPORT ON CHANGE IN CLASSIFICATION OR DECLASSIFICATION OF PROGRAMS.*—

“(1) *IN GENERAL.*—Whenever a change in the classification of a program being managed under alternative compensatory control measures in the Department is planned to be made, or whenever classified information concerning a program being managed under alternative compensatory control measures in the Department is to be declassified and made public, the Secretary shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

“(2) *DEADLINE FOR REPORT.*—Except as provided in paragraph (3), a report required by paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement concerned is to occur.

“(3) *EXCEPTION.*—If the Secretary determines that because of exceptional circumstances the requirement in paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a program covered by paragraph (1), the Secretary may submit the report required by that paragraph regarding the proposed change or public announcement at any time before the proposed change or public announcement is made, and shall include in the report an explanation of the exceptional circumstances.

“(d) *MODIFICATION OF CRITERIA OR POLICY FOR DESIGNATING PROGRAMS UNDER ACCMS.*—Whenever there is a modification or termination of the policy or criteria used for designating a program as a program being managed under alternative compensatory control measures in the Department, the Secretary shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy or criteria as modified.

“(e) *WAIVER.*—

“(1) *IN GENERAL.*—The Secretary may waive any requirement in subsection (a), (b), or (c) that certain information be included in a report under such subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

“(2) *NOTICE TO CONGRESS.*—If the Secretary exercises the authority in paragraph (1), the Secretary shall provide the information described in the applicable subsection with respect to the program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

“(f) *LIMITATION ON INITIATION OF PROGRAMS UNDER ACCMS.*—

“(1) *NOTICE AND WAIT.*—Except as provided in paragraph (2), a program to be managed under alternative compensatory control measures in the Department may not be initiated until—

“(A) the congressional defense committees are notified of the program; and

“(B) a period of 30 days elapses after such notification is received.

“(2) *EXCEPTION.*—If the Secretary determines that waiting for the regular notification process before initiating a program as described in paragraph (1) would cause exceptionally grave damage to the national security, the Secretary may begin a program to be managed under alternative compensatory control measures in the Department before such waiting period elapses. The Secretary shall notify the congressional defense committees within 10 days of initiating a program under this paragraph, including a justification for the determination of the Secretary that waiting for the regular notification process would cause exceptionally grave damage to the national security.”.

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

“119a. Programs managed under alternative compensatory control measures: congressional oversight.”.

SEC. 1063. MATTERS FOR INCLUSION IN REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID UNDER DEPARTMENT OF DEFENSE REWARDS PROGRAM.

Section 127b(h) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting “and justification” after “reason”; and

(2) by amending paragraph (3) to read as follows:

“(3) An estimate of the amount or value of the rewards to be paid as monetary payment or payment-in-kind under this section.”.

SEC. 1064. ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS AND ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.

(a) *ANNUAL REPORTS REQUIRED.*—

(1) *IN GENERAL.*—Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

“§ 222a. Unfunded priorities of the armed forces and combatant commands: annual report

“(a) *ANNUAL REPORT.*—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, each officer specified in subsection (b) shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the armed force or forces or combatant command under the jurisdiction or command of such officer.

“(b) *OFFICERS.*—The officers specified in this subsection are the following:

“(1) The Chief of Staff of the Army.

“(2) The Chief of Naval Operations.

“(3) The Chief of Staff of the Air Force.

“(4) The Commandant of the Marine Corps.

“(5) The commanders of the combatant commands established under section 161 of this title.

“(c) *ELEMENTS.*—

“(1) IN GENERAL.—Each report under this subsection shall specify, for each unfunded priority covered by such report, the following:

“(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

“(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

“(C) Account information with respect to such priority, including the following (as applicable):

“(i) Line Item Number (LIN) for applicable procurement accounts.

“(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

“(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

“(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report in order of urgency of priority.

“(d) UNFUNDED PRIORITY DEFINED.—In this section, the term ‘unfunded priority’, in the case of a fiscal year, means a program, activity, or mission requirement that—

“(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

“(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated requirement; and

“(3) would have been recommended for funding through the budget referred to in paragraph (1) by the officer submitting the report required by subsection (a) in connection with the budget if—

“(A) additional resources been available for the budget to fund the program, activity, or mission requirement; or

“(B) the program, activity, or mission requirement has emerged since the budget was formulated.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 222 the following new item:

“222a. Unfunded priorities of the armed forces and combatant commands: annual report.”.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 113–239; 126 Stat. 1903) is repealed.

(c) SUBMITTAL OF ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.—Section 153(c)(1) of title 10, United States Code, is amended by striking “At or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31” and inserting “Not later than 25 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31”.

SEC. 1065. MANAGEMENT AND REVIEWS OF ELECTROMAGNETIC SPECTRUM.

(a) MANAGEMENT AND REVIEWS.—

(1) *IN GENERAL.*—Section 488 of title 10, United States Code, is amended to read as follows:

“§ 488. Management and review of electromagnetic spectrum

“(a) *ORGANIZATION.*—The Secretary of Defense shall—

“(1) ensure the effective organization and management of the electromagnetic spectrum used by the Department of Defense; and

“(2) establish an enduring review and evaluation process that—

“(A) considers all requirements relating to such spectrum; and

“(B) ensures that all users of such spectrum, regardless of the classification of such uses, are involved in the decision-making process of the Department concerning the potential sharing, reassigning, or reallocating of such spectrum, or the relocation of the uses by the Department of such spectrum.

“(b) *REPORTS.*—(1) From time to time as the Secretary and the Chairman of the Joint Chiefs of Staff determine useful for the effective oversight of the access by the Department to electromagnetic spectrum, but not less frequently than every two years, the Secretary and the Chairman shall jointly submit to the congressional defense committees a report on national policy plans regarding implications for such access in bands identified for study for potential reallocation, or under consideration for potential reallocation, by the Policy and Plans Steering Group established by the National Telecommunications and Information Administration.

“(2) Each report under paragraph (1) shall address, with respect to the electromagnetic spectrum used by the Department that is covered by the report, the implications to the missions of the Department resulting from sharing, reassigning, or reallocating the spectrum, or relocating the uses by the Department of such spectrum, if the Secretary and the Chairman jointly determine that such sharing, reassigning, reallocating, or relocation—

“(A) would potentially create a loss of essential military capability to the missions of the Department, as determined under feasibility assessments to ensure comparable capability; or

“(B) would not likely be possible within the 10-year period beginning on the date of the report.”.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 488 and inserting the following new item:

“488. Management and review of electromagnetic spectrum.”.

(b) *ISSUANCE OF INSTRUCTION OR DIRECTIVE.*—The Secretary of Defense shall—

(1) not later than 180 days after the date of the enactment of this Act, issue a Department of Defense Instruction or a Department of Defense Directive to carry out section 488(a) of title 10, United States Code, as amended by subsection (a); and

(2) upon the date of the issuance of the instruction or directive issued under paragraph (1), submit to the congressional defense committees such instruction or directive.

(c) *INITIAL REVIEW.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report described in section 488(b) of title 10, United States Code, as amended by subsection (a), with respect to—

(1) the plan by the National Telecommunications and Information Administration titled “Sixth Interim Progress Report on the Ten-Year Plan and Timetable” issued in June 2016; and

(2) the seventh such interim progress report issued (or to be issued) by the National Telecommunications and Information Administration.

SEC. 1066. REQUIREMENT FOR NOTICE AND REPORTING TO COMMITTEES ON ARMED SERVICES ON CERTAIN EXPENDITURES OF FUNDS BY DEFENSE INTELLIGENCE AGENCY.

Section 105(c) of the National Security Act of 1947 (50 U.S.C. 3038(c)) is amended by inserting “, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives” after “committees” each place it appears.

SEC. 1067. CONGRESSIONAL NOTIFICATION OF BIOLOGICAL SELECT AGENT AND TOXIN THEFT, LOSS, OR RELEASE INVOLVING THE DEPARTMENT OF DEFENSE.

(a) *NOTIFICATION REQUIREMENT.*—Not later than 15 days after notice of any theft, loss, or release of a biological select agent or toxin involving the Department of Defense is provided to the Centers for Disease Control and Prevention or the Animal and Plant Health Inspection Service, as specified by section 331.19 of part 7 of the Code of Federal Regulations, the Secretary of Defense shall provide to the congressional defense committees notice of such theft, loss, or release.

(b) *ELEMENTS.*—Notice of a theft, loss, or release of a biological select agent or toxin under subsection (a) shall include each of the following:

(1) The name of the agent or toxin and any identifying information, including the strain or other relevant characterization information.

(2) An estimate of the quantity of the agent or toxin stolen, lost, or released.

(3) The location or facility from which the theft, loss, or release occurred.

(4) In the case of a release, any hazards posed by the release and the number of individuals potentially exposed to the agent or toxin.

(5) Actions taken to respond to the theft, loss, or release.

SEC. 1068. REPORT ON SERVICE-PROVIDED SUPPORT AND ENABLING CAPABILITIES TO UNITED STATES SPECIAL OPERATIONS FORCES.

(a) *REPORT REQUIRED.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a written report on service-common support and enabling capabilities contributed from each of the military services to special operations forces. Such report shall include each of the following:

(1) A definition of the terms “service-common” and “special operations-peculiar”.

(2) A description of the factors and process used by the Department of Defense to determine whether combat support, combat service support, base operating support, and enabling capabilities are service-common or special operations-peculiar.

(3) A detailed accounting of the resources allocated by each military service to provide combat support, combat service support, base operating support, and enabling capabilities for special operations forces.

(4) An identification of any change in the level or type of service-common support and enabling capabilities provided by each of the military services to special operations forces in the current fiscal year when compared to the preceding fiscal year, including the rationale for any such change and any mitigating actions.

(5) An assessment of the specific effects that the budget request for the current fiscal year and any anticipated future manpower and force structure changes are likely to have on the ability of each of the military services to provide service-common support and enabling capabilities to special operations forces.

(6) Any other matters the Secretary determines relevant.

(b) ANNUAL UPDATES.—For each of fiscal years 2018 through 2020, at the same time the Secretary of Defense submits to Congress the budget request for such fiscal year, the Secretary shall submit to the congressional defense committees an update to the report required under subsection (a).

(c) FORM OF REPORT.—The report required under subsection (a) and each update provided under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1069. REPORT ON CITIZEN SECURITY RESPONSIBILITIES IN THE NORTHERN TRIANGLE OF CENTRAL AMERICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on military units that have been assigned to policing or citizen security responsibilities in Guatemala, Honduras, and El Salvador.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include each of the following:

(1) The following information, as of the date of the enactment of this Act, with respect to military units assigned to policing or citizen security responsibilities in each of Guatemala, Honduras, and El Salvador:

(A) The proportion of individuals in each such country's military who participate in policing or citizen security activities relative to the total number of individuals in that country's military.

(B) Of the military units assigned to policing or citizen security responsibilities, the types of units conducting police activities.

(C) The role of the Department of Defense and the Department of State in training individuals for purposes of participation in such military units.

(D) *The number of individuals who participated in such military units who received training by the Department of Defense, and the types of training they received.*

(2) *Any other information that the Secretary of Defense or the Secretary of State determines to be necessary to help better understand the relationships of the militaries of Guatemala, Honduras, and El Salvador to public security in such countries.*

(3) *A description of the plan of the United States to assist the militaries of Guatemala, Honduras, and El Salvador to carry out their responsibilities in a manner that adheres to democratic principles.*

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

(d) *PUBLIC AVAILABILITY.—The unclassified matter of the report required by subsection (a) shall be posted on a publicly available Internet website of the Department of Defense and a publicly available Internet website of the Department of State.*

(e) *APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.*

SEC. 1070. REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) *IN GENERAL.—Not later than July 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the counterproliferation activities and programs of the Department of Defense.*

(b) *MATTERS INCLUDED.—The report required under subsection (a) shall include each of the following:*

(1) *A complete list and assessment of existing and proposed capabilities and technologies for support of United States non-proliferation policy and counterproliferation policy, with regard to—*

- (A) *interdiction;*
- (B) *elimination;*
- (C) *threat reduction cooperation;*
- (D) *passive defenses;*
- (E) *security cooperation and partner activities;*
- (F) *offensive operations;*
- (G) *active defenses; and*
- (H) *weapons of mass destruction consequence management.*

(2) *For the existing and proposed capabilities and technologies identified under paragraph (1), an identification of goals, a description of ongoing efforts, and recommendations for further enhancements.*

(3) *A complete description of requirements and priorities for the development and deployment of highly effective capabilities and technologies, including identifying areas for capability enhancement and deficiencies in existing capabilities and technologies.*

(4) *A comprehensive discussion of the near-term, mid-term, and long-term programmatic options for meeting requirements and eliminating deficiencies, including the annual funding re-*

quirements and completion dates established for each such option.

(5) An outline of interagency activities and initiatives.

(6) Any other matters the Secretary considers appropriate.

(c) **FORMS OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1071. REPORT ON TESTING AND INTEGRATION OF MINEHUNTING SONAR SYSTEMS TO IMPROVE LITTORAL COMBAT SHIP MINEHUNTING CAPABILITIES.

(a) **REPORT TO CONGRESS.**—Not later than April 1, 2018, the Secretary of the Navy shall submit to the congressional defense committees a report that contains the findings of an assessment of all operational minehunting Synthetic Aperture Sonar (hereinafter referred to as “SAS”) technologies suitable to meet the requirements for use on the Littoral Combat Ship Mine Countermeasures Mission Package.

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

(1) an explanation of the future acquisition strategy for the minehunting mission package;

(2) specific details regarding the capabilities of all in-production SAS systems available for integration into the Littoral Combat Ship Mine Countermeasure Mission Package;

(3) an assessment of key performance parameters for the Littoral Combat Ship Mine Countermeasures Mission Package with each of the assessed SAS technologies; and

(4) a review of the Department of the Navy’s efforts to evaluate SAS technologies in operation with allied Navies for future use on the Littoral Combat Ship Mine Countermeasures Mission Package.

(c) **SYSTEM TESTING.**—The Secretary of the Navy is encouraged to perform at-sea testing and experimentation of sonar systems in order to provide data in support of the assessment required by subsection (a).

SEC. 1072. QUARTERLY REPORTS ON PARACHUTE JUMPS CONDUCTED AT FORT BRAGG AND POPE ARMY AIRFIELD AND AIR FORCE SUPPORT FOR SUCH JUMPS.

For the period beginning on January 31, 2017, and ending on January 31, 2018, the Secretary of the Air Force and the Secretary of the Army shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate quarterly reports on the parachute drop requirements for the XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command. Each such report shall include, for the calendar quarter covered by the report—

(1) the total parachute drop requirement, by month;

(2) the total parachute drops requested, by month;

(3) the total parachute drops for which the Secretary of the Air Force entered into a contract, by month;

(4) the total parachute drops executed by non-Air Force entities pursuant to contracts, by month;

(5) the total parachute drops executed by the Air Force, by month;

(6) if the total parachute drop requirement was not fulfilled for the quarter, the reasons why such requirement was not ful-

filled and the assessment of the Secretary of the Army of any effects on Army readiness caused by the unfulfilled portion of the requirement; and

(7) any other clarifying information, as appropriate, the Secretaries determine the Committees would need to understand important aspects of the Air Force implementing off-site airlift support for XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command, and the ability of the Air Force to meet the training requirements of the Army and the United States Special Operations Command.

SEC. 1073. STUDY ON MILITARY HELICOPTER NOISE.

(a) *IN GENERAL.*—The Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration, shall—

(1) conduct a study on the effects of military helicopter noise on National Capital Region communities and individuals; and

(2) develop recommendations for the reduction of the effects of military helicopter noise on individuals, structures, and property values in the National Capital Region.

(b) *FOCUS.*—In conducting the study under subsection (a), the Secretary and the Administrator shall focus on air traffic control, airspace design, airspace management, and types of aircraft to address helicopter noise problems and shall take into account the needs of law enforcement, emergency, and military operations.

(c) *CONSIDERATION OF VIEWS.*—In conducting the study under subsection (a), the Secretary shall consider the views of representatives of—

(1) members of the Armed Forces;

(2) law enforcement agencies;

(3) community stakeholders, including residents and local government officials; and

(4) organizations with an interest in reducing military helicopter noise.

(d) *REPORT.*—

(1) *IN GENERAL.*—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) *AVAILABILITY TO THE PUBLIC.*—The Secretary shall make the report required under paragraph (1) publicly available.

SEC. 1074. INDEPENDENT REVIEW OF UNITED STATES MILITARY STRATEGY AND FORCE POSTURE IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.

(a) *INDEPENDENT REVIEW.*—

(1) *IN GENERAL.*—In fiscal year 2018, the Secretary of Defense shall commission an independent review of United States policy in the Indo-Asia-Pacific region, with a focus on issues expected to be critical during the ten-year period beginning on the date of such review, including the national security interests and military strategy of the United States in the Indo-Asia-Pacific region.

(2) *CONDUCT OF REVIEW.*—The review conducted pursuant to paragraph (1) shall be conducted by an independent organization that has—

(A) recognized credentials and expertise in national security and military affairs; and

(B) access to policy experts throughout the United States and from the Indo-Asia-Pacific region.

(3) *ELEMENTS.*—Each review conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of the risks to United States national security interests in the United States Pacific Command area of responsibility during the ten-year period beginning on the date of such review as a result of changes in the security environment.

(B) An assessment of the current and planned United States force posture adjustments with respect to the Indo-Asia-Pacific region.

(C) An evaluation of any key capability gaps and shortfalls of the United States in the Indo-Asia-Pacific region, including undersea warfare (including submarines), naval and maritime, ballistic missile defense, cyber, munitions, anti-access area denial, land-force power projection, and intelligence, surveillance, and reconnaissance capabilities.

(D) An analysis of the willingness and capacity of allies, partners, and regional organizations to contribute to the security and stability of the Indo-Asia-Pacific region, including potential required adjustments to United States military strategy based on that analysis.

(E) An evaluation of theater security cooperation efforts of the United States Pacific Command in the context of current and projected threats, and desired capabilities and priorities of the United States and its allies and partners.

(F) An evaluation of the seams between United States Pacific Command and adjacent geographic combatant commands, including an appraisal of the Arctic ambitions of actors in the Indo-Asia-Pacific region in the context of current and projected capabilities, and recommendations to mitigate the effects of those seams.

(G) The views of noted policy leaders and regional experts, including military commanders, in the Indo-Asia-Pacific region.

(b) *REPORT.*—

(1) *SUBMITTAL TO SECRETARY OF DEFENSE.*—Not later than 180 days after commencing the review under subsection (a), the independent organization conducting the review shall submit to the Secretary of Defense a report containing the findings of the review. The report shall be submitted in unclassified form, but may contain an classified annex.

(2) *SUBMITTAL TO CONGRESS.*—Not later than 90 days after the date of receipt of a report required by paragraph (1), the Secretary shall submit to the congressional defense committees the report, together with any comments on the report that the Secretary considers appropriate.

SEC. 1075. ASSESSMENT OF THE JOINT GROUND FORCES OF THE ARMED FORCES.

(a) *IN GENERAL.*—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, and the Commandant of the Marine Corps, shall provide for and oversee an assessment of the joint ground forces of the Armed Forces.

(b) *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 on the assessment described in subsection (a). The report shall include the following:

(1) A description of any gaps in the capabilities and capacities of the joint ground forces that threaten the successful execution of decisive operational maneuver by the joint ground forces.

(2) Recommendations for actions to be taken to eliminate or otherwise address such gaps in capabilities or capacities.

(3) An assessment by each of the Chief of Staff of the Army and the Commandant of the Marine Corps of any specific gaps in the capability and capacity of the Army and Marine Corps, respectively, that threaten the successful execution of decisive operational maneuver.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL AND CLERICAL AMENDMENTS.

(a) *TITLE 10, UNITED STATES CODE.*—Title 10, United States Code, is amended as follows:

(1) Section 130h is amended by striking “subsection (a) and (b)” both places it appears and inserting “subsections (a) and (b)”.

(2) Section 187(a)(2)(C) is amended by striking “Acquisition, Logistics, and Technology” and inserting “Acquisition, Technology, and Logistics”.

(3) Section 196(c)(1)(A)(ii) is amended by striking “section 139(i)” and inserting “section 139(j)”.

(4) Subsection (b)(1)(B) of section 1415 is amended by adding a period at the end of clause (ii).

(5) Section 1705(g)(1) is amended by striking “of of” and inserting “of”.

(6) Section 2222 is amended—

(A) in subsection (d)(1)(B), by inserting “to” before “eliminate”;

(B) in subsection (g)(1)(E), by inserting “the system” before “is in compliance”; and

(C) in subsection (i)(5), by striking “PROGRAM” in the heading.

(7) Subsection (d) of section 2431b is amended to read as follows:

“(d) *DEFINITIONS.*—

“(1) *CONCURRENCY.*—The term ‘concurrency’ means, with respect to an acquisition strategy, the combination or overlap of program phases or activities.

“(2) *MAJOR DEFENSE ACQUISITION PROGRAM AND MAJOR SYSTEM.*—The terms ‘major defense acquisition program’ and

'major system' have the meanings provided in section 2431a of this title."

(b) AMENDMENTS RELATED TO ELIMINATION OF TITLE 50 APPENDIX.—

(1) MILITARY SELECTIVE SERVICE ACT CITATION CHANGES.—

(A) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(i) Section 101(d)(6)(B)(v) is amended by striking "(50 U.S.C. App. 460(b)(2))" and inserting "(50 U.S.C. 3809(b)(2))".

(ii) Section 513(c) is amended—

(I) by striking "(50 U.S.C. App. 451 et seq.)" and inserting "(50 U.S.C. 3801 et seq.)"; and

(II) by inserting "(50 U.S.C. 3806(c)(2)(A))" after "of that Act".

(iii) Section 523(b)(7) is amended by striking "(50 U.S.C. App. 460(b)(2))" and inserting "(50 U.S.C. 3809(b)(2))".

(iv) Section 651(a) is amended by striking "(50" and all that follows through "shall serve" and inserting "(50 U.S.C. 3806(d)(1))".

(v) Section 671(c)(1) is amended by striking "(50 U.S.C. App. 454(a))" and inserting "(50 U.S.C. 3803(a))".

(vi) Section 1475(a)(5)(B) is amended by striking "(50 U.S.C. App. 451 et seq.)" and inserting "(50 U.S.C. 3801 et seq.)".

(vii) Section 12103 is amended—

(I) in subsections (b) and (d), by striking "(50 U.S.C. App. 451 et seq.)" both places it appears and inserting "(50 U.S.C. 3801 et seq.)"; and

(II) in subsection (d), by striking "section 6(c)(2)(A)(ii) and (iii) of such Act" and inserting "clauses (ii) and (iii) of section 6(c)(2)(A) of such Act (50 U.S.C. 3806(c)(2)(A))".

(viii) Section 12104(a) is amended by striking "(50 U.S.C. App. 451 et seq.)" both places it appears and inserting "(50 U.S.C. 3801 et seq.)".

(ix) Section 12208(a) is amended by striking "(50 U.S.C. App. 451 et seq.)" both places it appears and inserting "(50 U.S.C. 3801 et seq.)".

(B) TITLE 37, UNITED STATES CODE.—Section 209(a)(1) of title 37, United States Code, is amended by striking "(50 U.S.C. App. 456(d)(1))" and inserting "(50 U.S.C. 3806(d)(1))".

(2) SERVICEMEMBERS CIVIL RELIEF ACT CITATION CHANGES.—Title 10, United States Code, is amended as follows:

(A) Section 987 is amended—

(i) in subsection (e)(2), by inserting "(50 U.S.C. 3901 et seq.)" before the semicolon; and

(ii) in subsection (g), by striking "(50 U.S.C. App. 527)" and inserting "(50 U.S.C. 3937)".

(B) Section 1408(b)(1)(D) is amended by striking "(50 U.S.C. App. 501 et seq.)" and inserting "(50 U.S.C. 3901 et seq.)".

(3) *EXPORT ADMINISTRATION ACT OF 1979 CITATION CHANGES.*—Title 10, United States Code, is amended as follows:

(A) Section 130(a) is amended by striking “(50 U.S.C. App. 2401–2420)” and inserting “(50 U.S.C. 4601 et seq.)”.

(B) Section 2249a(a)(1) is amended by striking “(50 U.S.C. App. 2405(j)(1)(A))” and inserting “(50 U.S.C. 4605(j)(1)(A))”.

(C) Section 2327 is amended—

(i) in subsection (a), by striking “(50 U.S.C. App. 2405(j)(1)(A))” and inserting “(50 U.S.C. 4605(j)(1)(A))”; and

(ii) in subsection (b)(2), by striking “(50 U.S.C. App. 2405(j)(1)(A))” and inserting “(50 U.S.C. 4605(j)(1)(A))”.

(D) Section 2410i(a) is amended by striking “(50 U.S.C. App. 2402(5)(A))” and inserting “(50 U.S.C. 4602(5)(A))”.

(E) Section 7430(e) is amended by striking “(50 U.S.C. App. 2401 et seq.)” and inserting “(50 U.S.C. 4601 et seq.)”.

(4) *DEFENSE PRODUCTION ACT OF 1950 CITATION CHANGES.*—Title 10, United States Code, is amended as follows:

(A) Section 139c is amended—

(i) in subsection (b)—

(I) in paragraph (11), by striking “(50 U.S.C. App. 2171)” and inserting “(50 U.S.C. 4567)”; and

(II) in paragraph (12)—

(aa) by striking “(50 U.S.C. App. 2062(b))” and inserting “(50 U.S.C. 4502(b))”; and

(bb) by striking “(50 U.S.C. App. 2061 et seq.)” and inserting “(50 U.S.C. 4501 et seq.)”; and

(ii) in subsection (c), by striking “(50 U.S.C. App. 2170(k))” and inserting “(50 U.S.C. 4565(k))”.

(B) Section 2537(c) is amended by striking “(50 U.S.C. App. 2170(a))” and inserting “(50 U.S.C. 4565(a))”.

(C) Section 9511(6) is amended by striking “(50 U.S.C. App. 2071)” and inserting “(50 U.S.C. 4511)”.

(D) Section 9512(e) is amended by striking “(50 U.S.C. App. 2071)” and inserting “(50 U.S.C. 4511)”.

(5) *MERCHANT SHIP SALES ACT OF 1946 CITATION CHANGES.*—Section 2218 of title 10, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “(50 U.S.C. App. 1744)” and inserting “(50 U.S.C. 4405)”; and

(B) in subsection (k)(3)(B), by striking “(50 U.S.C. App. 1744)” and inserting “(50 U.S.C. 4405)”.

(c) *NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.*—Effective as of November 25, 2015, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended as follows:

(1) Section 563(a) is amended by striking “Section 5(c)(5)” and inserting “Section 5(c)(2)”.

(2) Section 804(d)(3) is amended by inserting “within 5 business days after such transfer” before the period at the end of the first sentence.

(3) Section 809(e)(2)(A) is amended by striking “repealed” and inserting “rescinded”.

(4) Section 883(a)(2) is amended by striking “such chapter” and inserting “chapter 131 of such title”.

(5) Section 883 is amended by adding at the end the following new subsection:

“(f) CONFORMING AMENDMENTS.—

“(1) Effective on the effective date specified in subsection (a)(1) of section 901 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462; 10 U.S.C. 132a note), section 2222 of title 10, United States Code, is amended—

“(A) by striking ‘Deputy Chief Management Officer of the Department of Defense’ each place it appears in subsections (c)(2), (e)(1), (g)(2)(A), (g)(2)(B)(ii), and (i)(5)(B) and inserting ‘Under Secretary of Defense for Business Management and Information’; and

“(B) by striking ‘Deputy Chief Management Officer’ in subsection (f)(1) and inserting ‘Under Secretary of Defense for Business Management and Information’.

“(2) The second paragraph (3) of section 901(k) of such Act (Public Law 113–291; 128 Stat. 3468; 10 U.S.C. 2222 note) is repealed.”.

(6) Section 1079(a) is amended to read as follows:

“(a) ANNUAL REPORT ON PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—Section 2374a of title 10, United States Code, is amended—

“(1) by striking subsection (f); and

“(2) by redesignating subsection (g) as subsection (f).”.

(7) Section 1086(f)(11)(A) is amended by striking “Not later than one year” and inserting “Not later than one year”.

(d) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

SEC. 1082. INCREASE IN MAXIMUM AMOUNT AVAILABLE FOR EQUIPMENT, SERVICES, AND SUPPLIES PROVIDED FOR HUMANITARIAN DEMINING ASSISTANCE.

Section 407(c)(3) of title 10, United States Code, is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

SEC. 1083. LIQUIDATION OF UNPAID CREDITS ACCRUED AS A RESULT OF TRANSACTIONS UNDER A CROSS-SERVICING AGREEMENT.

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

“(c)(1) Any credits of the United States accrued as a result of the provision of logistic support, supplies, and services under the authority of this subchapter that remain unliquidated more than 18 months after the date of delivery of the logistic support, supplies, or services may, at the option of the Secretary of Defense, with the concurrence of the Secretary of State, be liquidated by offsetting the credits against any amount owed by the Department of Defense, pursuant to a transaction or transactions concluded under the au-

thority of this subchapter, to the government or international organization to which the logistic support, supplies, or services were provided by the United States.

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

(b) *EFFECTIVE DATE.*—Subsection (c) of section 2345 of title 10, United States Code, as added by subsection (a), shall apply with respect to credits accrued by the United States that—

(1) were accrued prior to, and remain unpaid as of, the date of the enactment of this Act; or

(2) are accrued after the date of the enactment of this Act.

SEC. 1084. MODIFICATION OF REQUIREMENTS RELATING TO MANAGEMENT OF MILITARY TECHNICIANS.

(a) *CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS.*—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10 U.S.C. 10216 note) is amended—

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

“(1) *IN GENERAL.*—By not later than October 1, 2017, the Secretary of Defense shall convert not fewer than 20 percent of all military technician positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, or section 1601 of title 10, United States Code, and are not military technicians. The positions to be converted are described in paragraph (2).”;

(2) in paragraph (2), by striking “in the report” and all that follows and inserting “by the Army Reserve, the Air Force Reserve, the National Guard Bureau, State adjutants general, and the Secretary of Defense in the course of reviewing all military technician positions for purposes of implementing this section.”; and

(3) in paragraph (3), by striking “may fill” and inserting “shall fill”.

(b) *CONVERSION OF ARMY RESERVE, AIR FORCE RESERVE, AND NATIONAL GUARD NON-DUAL STATUS POSITIONS.*—Subsection (e) of section 10217 of title 10, United States Code, is amended is amended to read as follows:

“(e) *CONVERSION OF POSITIONS.*—(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for purposes of this section after September 30, 2017.

“(2) By not later than October 1, 2017, the Secretary of Defense shall convert all non-dual status technicians to positions filled by individuals who are employed under section 3101 of title 5 or section 1601 of this title and are not military technicians.

“(3) In the case of a position converted under paragraph (2) for which there is an incumbent employee on October 1, 2017, the Secretary shall fill that position, as converted, with the incumbent employee without regard to any requirement concerning competition or competitive hiring procedures.

“(4) Any individual newly hired or employed, or rehired or employed, to a position required to be filled by reason of paragraph (1)

shall an individual employed in such position under section 3101 of title 5 or section 1601 of this title.”.

(c) **REPORT ON CONVERSION OF MILITARY TECHNICIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE GUARD AND RESERVE DUTY.**—

(1) **IN GENERAL.**—Not later than March 1, 2017, the Secretary of Defense, shall in consultation with the Chief of the National Guard Bureau, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of converting any remaining military technicians (dual status) to personnel performing active Guard and Reserve duty under section 328 of title 32, United States Code, or other applicable provisions of law. The report shall include the following:

(A) An analysis of the fully-burdened costs of the conversion taking into account the new modernized military retirement system.

(B) An assessment of the ratio of members of the Armed Forces performing active Guard and Reserve duty and civilian employees of the Department of Defense under title 5, United States Code, required to best contribute to the readiness of the National Guard and the Reserves.

(2) **ACTIVE GUARD AND RESERVE DUTY DEFINED.**—In this subsection, the term “active Guard and Reserve duty” has the meaning given that term in section 101(d)(6) of title 10, United States Code.

SEC. 1085. STREAMLINING OF THE NATIONAL SECURITY COUNCIL.

(a) **IN GENERAL.**—Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended to read as follows:

“SEC. 101. NATIONAL SECURITY COUNCIL.

“(a) **NATIONAL SECURITY COUNCIL.**—There is a council known as the National Security Council (in this section referred to as the ‘Council’).

“(b) **FUNCTIONS.**—Consistent with the direction of the President, the functions of the Council shall be to—

“(1) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the Armed Forces and the other departments and agencies of the United States Government to cooperate more effectively in matters involving the national security;

“(2) assess and appraise the objectives, commitments, and risks of the United States in relation to the actual and potential military power of the United States, and make recommendations thereon to the President; and

“(3) make recommendations to the President concerning policies on matters of common interest to the departments and agencies of the United States Government concerned with the national security.

“(c) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—The Council consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and such other officers of the United States Government as the President may designate.

“(2) *ATTENDANCE AND PARTICIPATION IN MEETINGS.*—The President may designate such other officers of the United States Government as the President considers appropriate, including the Director of National Intelligence, the Director of National Drug Control Policy, and the Chairman of the Joint Chiefs of Staff, to attend and participate in meetings of the Council.

“(d) *PRESIDING OFFICERS.*—At meetings of the Council, the President shall preside or, in the absence of the President, a member of the Council designated by the President shall preside.

“(e) *STAFF.*—

“(1) *IN GENERAL.*—The Council shall have a staff headed by a civilian executive secretary appointed by the President.

“(2) *STAFF.*—Consistent with the direction of the President and subject to paragraph (3), the executive secretary may, subject to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the President in connection with performance of the functions of the Council.

“(3) *NUMBER OF PROFESSIONAL STAFF.*—The professional staff for which this subsection provides shall not exceed 200 persons, including persons employed by, assigned to, detailed to, under contract to serve on, or otherwise serving or affiliated with the staff. The limitation in this paragraph does not apply to personnel serving substantially in support or administrative positions.

“(f) *SPECIAL ADVISOR TO THE PRESIDENT ON INTERNATIONAL RELIGIOUS FREEDOM.*—It is the sense of Congress that there should be within the staff of the Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations.”.

(b) *EFFECTIVE DATE OF LIMITATION ON NUMBER OF PROFESSIONAL STAFF.*—The limitation on the number of professional staff of the National Security Council specified in subsection (e)(3) of section 101 of the National Security Act of 1947, as amended by subsection (a) of this section, shall take effect on the date that is 18 months after the date of the enactment of this Act.

SEC. 1086. NATIONAL BIODEFENSE STRATEGY.

(a) *STRATEGY AND IMPLEMENTATION PLAN REQUIRED.*—The Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall jointly develop a national biodefense strategy and associated implementation plan, which shall include a review and assessment of biodefense policies, practices, programs and initiatives. Such Secretaries shall review and, as appropriate, revise the strategy biennially.

(b) *ELEMENTS.*—The strategy and associated implementation plan required under subsection (a) shall include each of the following:

(1) An inventory and assessment of all existing strategies, plans, policies, laws, and interagency agreements related to biodefense, including prevention, deterrence, preparedness, detection, response, attribution, recovery, and mitigation.

(2) A description of the biological threats, including biological warfare, bioterrorism, naturally occurring infectious diseases, and accidental exposures.

(3) A description of the current programs, efforts, or activities of the United States Government with respect to preventing the acquisition, proliferation, and use of a biological weapon, preventing an accidental or naturally occurring biological outbreak, and mitigating the effects of a biological epidemic.

(4) A description of the roles and responsibilities of the Executive Agencies, including internal and external coordination procedures, in identifying and sharing information related to, warning of, and protection against, acts of terrorism using biological agents and weapons and accidental or naturally occurring biological outbreaks.

(5) An articulation of related or required interagency capabilities and whole-of-Government activities required to support the national biodefense strategy.

(6) Recommendations for strengthening and improving the current biodefense capabilities, authorities, and command structures of the United States Government.

(7) Recommendations for improving and formalizing interagency coordination and support mechanisms with respect to providing a robust national biodefense.

(8) Any other matters the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture determine necessary.

(c) *SUBMITTAL TO CONGRESS.*—Not later than 275 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall submit to the appropriate congressional committees the strategy and associated implementation plan required by subsection (a). The strategy and implementation plan shall be submitted in unclassified form, but may include a classified annex.

(d) *BRIEFINGS.*—Not later than March 1, 2017, and annually thereafter until March 1, 2019, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall provide to the Committee on Armed Services of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Agriculture of the House of Representatives a joint briefing on the strategy developed under subsection (a) and the status of the implementation of such strategy.

(e) *GAO REVIEW.*—Not later than 180 days after the date of the submittal of the strategy and implementation plan under subsection (c), the Comptroller General of the United States shall conduct a re-

view of the strategy and implementation plan to analyze gaps and resources mapped against the requirements of the National Bio-defense Strategy and existing United States biodefense policy documents.

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

- (1) The congressional defense committees.
- (2) The Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.
- (3) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.
- (4) The Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 1087. GLOBAL CULTURAL KNOWLEDGE NETWORK.

(a) **PROGRAM AUTHORIZED.**—The Secretary of the Army shall carry out a program to support the socio-cultural understanding needs of the Department of the Army, to be known as the Global Cultural Knowledge Network.

(b) **GOALS.**—The Global Cultural Knowledge Network shall support the following goals:

- (1) Provide socio-cultural analysis support to any unit deployed, or preparing to deploy, to an exercise or operation in the assigned region of responsibility of the unit being supported.
- (2) Make recommendations or support policy or doctrine development to increase the social science expertise of military and civilian personnel of the Department of the Army.
- (3) Provide reimbursable support to other military departments or Federal agencies if requested through an operational needs request process.

(c) **ELEMENTS OF THE PROGRAM.**—The Global Cultural Knowledge Network shall include the following elements:

- (1) A center in the continental United States (referred to in this section as a “reach-back center”) to support requests for information, research, and analysis.
- (2) Outreach to academic institutions and other Federal agencies involved in social science research to increase the network of resources for the reach-back center.
- (3) Training with operational units during annual training exercises or during pre-deployment training.
- (4) The training, contracting, and human resources capacity to rapidly respond to contingencies in which social science expertise is requested by operational commanders through an operational needs request process.

(d) **DIRECTIVE REQUIRED.**—The Secretary of the Army shall issue a directive within one year after the date of the enactment of this Act for the governance of the Global Cultural Knowledge Network, including oversight and process controls for auditing the activities of personnel of the Network, the employment of the Global Cultural Knowledge Network by operational forces, and processes for requesting support by operational Army units and other Department of Defense and Federal entities.

(e) **PROHIBITION ON DEPLOYMENTS UNDER GLOBAL CULTURAL KNOWLEDGE NETWORK.**—

(1) **PROHIBITION.**—*The Secretary of the Army may not deploy social scientists of the Global Cultural Knowledge Network in a conflict zone.*

(2) **WAIVER.**—*The Secretary of the Army may waive the prohibition in paragraph (1) if the Secretary submits, at least 10 days before the deployment, to the Committees on Armed Services of the House of Representatives and the Senate—*

(A) *notice of the waiver; and*

(B) *a certification that there is a compelling national security interest for the deployment or there will be a benefit to the safety and welfare of members of the Armed Forces from the deployment.*

(3) **ELEMENTS OF WAIVER NOTICE.**—*A waiver notice under this subsection also shall include the following:*

(A) *The operational unit, or units, requesting support, including the location or locations where the social scientists are to be deployed.*

(B) *The number of Global Cultural Knowledge Network personnel to be deployed and the anticipated duration of such deployments.*

(C) *The anticipated resource needs for such deployment.*

SEC. 1088. SENSE OF CONGRESS REGARDING CONNECTICUT'S SUBMARINE CENTURY.

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

(1) *On March 2, 1867, Congress enacted a naval appropriations Act that authorized the Secretary of the Navy to “receive and accept a deed of gift, when offered by the State of Connecticut, of a tract of land with not less than one mile of shore front on the Thames River near New London, Connecticut, to be held by the United States for naval purposes”.*

(2) *The people of Connecticut and the towns and cities in the southeastern region of Connecticut subsequently gifted land to establish a military installation to fulfil the Nation’s need for a naval facility on the Atlantic coast.*

(3) *On April 11, 1868, the Navy accepted the deed of gift of land from Connecticut to establish a naval yard and storage depot along the eastern shore of the Thames River in Groton, Connecticut.*

(4) *Between 1868 and 1912, the New London Navy Yard supported a diverse range of missions, including berthing inactive Civil War era ironclad warships and serving as a coaling station for refueling naval ships traveling in New England waters.*

(5) *Congress rejected the Navy’s proposal to close New London Navy Yard in 1912, following an impassioned effort by Congressman Edwin W. Higgins, who stated that “this action proposed is not only unjust but unreasonable and unsound as a military proposition”.*

(6) *The outbreak of World War I and the enemy use of submarines to sink allied military and civilian ships in the Atlantic sparked a new focus on developing submarine capabilities in the United States.*

(7) October 18, 1915, marked the arrival at the New London Navy Yard of the submarines G-1, G-2, and G-4 under the care of the tender USS Ozark and the arrival of submarines E-1, D-1, and D-3 under the care of the tender USS Tonopah. November 1, 1915, marked the arrival of the first ship built as a submarine tender, the USS Fulton (AS-1).

(8) On June 21, 1916, Commander Yeates Stirling assumed the command of the newly designated Naval Submarine Base New London, the New London Submarine Flotilla, and the Submarine School.

(9) In the 100 years since the arrival of the first submarines to the base, Naval Submarine Base New London has grown to occupy more than 680 acres along the east side of the Thames River, with more than 160 major facilities, 15 nuclear submarines, and more than 70 tenant commands and activities, including the Submarine Learning Center, Naval Submarine School, the Naval Submarine Medical Research Laboratory, the Naval Undersea Medical Institute, and the newly established Undersea Warfighting Development Center.

(10) In addition to being the site of the first submarine base in the United States, Connecticut was home to the foremost submarine manufacturers of the time, the Lake Torpedo Boat Company in Bridgeport and the Electric Boat Company in Groton, which later became General Dynamics Electric Boat.

(11) General Dynamics Electric Boat, its talented workforce, and its Connecticut-based and nationwide network of suppliers have delivered more than 200 submarines from its current location in Groton, Connecticut, including the first nuclear-powered submarine, the USS Nautilus (SSN 571), and nearly half of the nuclear submarines ever built by the United States.

(12) The Submarine Force Museum, located adjacent to Naval Submarine Base New London in Groton, Connecticut, is the only submarine museum operated by the United States Navy and today serves as the primary repository for artifacts, documents, and photographs relating to the bold and courageous history of the Submarine Force and highlights as its core exhibit the Historic Ship Nautilus (SSN 571) following her retirement from service.

(13) Reflecting the close ties between Connecticut and the Navy that began with the gift of land that established the base, the State of Connecticut has set aside \$40,000,000 in funding for critical infrastructure investments to support the mission of the base, including construction of a new dive locker building, expansion of the Submarine Learning Center, and modernization of energy infrastructure.

(14) On September 29, 2015, Connecticut Governor Dannel Malloy designated October 2015 through October 2016 as Connecticut's Submarine Century, a year-long observance that celebrates 100 years of submarine activity in Connecticut, including the Town of Groton's distinction as the Submarine Capital of the World, to coincide with the centennial anniversary of the establishment of Naval Submarine Base New London and the Naval Submarine School.

(15) Whereas Naval Submarine Base New London still proudly proclaims its motto of "The First and Finest".

(16) *Congressman Higgins' statement before Congress in 1912 that "Connecticut stands ready, as she always has, to bear her part of the burdens of the national defense" remains true today.*

(b) *SENSE OF CONGRESS.—Congress—*

(1) *commends the longstanding dedication and contribution to the Navy and submarine force by the people of Connecticut, both through the initial deed of gift that established what would become Naval Submarine Base New London and through their ongoing commitment to support the mission of the base and the Navy personnel assigned to it;*

(2) *honors the submariners who have trained and served at Naval Submarine Base New London throughout its history in support of the Nation's security and undersea superiority;*

(3) *recognizes the contribution of the industry and workforce of Connecticut in designing, building, and sustaining the Navy's submarine fleet; and*

(4) *encourages the recognition of Connecticut's Submarine Century by Congress, the Navy, and the American people by honoring the contribution of the people of Connecticut to the defense of the United States and the important role of the submarine force in safeguarding the security of the United States for more than a century.*

SEC. 1089. SENSE OF CONGRESS REGARDING THE REPORTING OF THE MV-22 MISHAP IN MARANA, ARIZONA, ON APRIL 8, 2000.

It is the sense of Congress that—

(1) *in the report accompanying H.R. 1735 of the 114th Congress (House Report 114-102), the Committee on Armed Services of the House of Representatives encouraged the Secretary of Defense to "publicly clarify the causes of the MV-22 mishap at Marana Northwest Regional Airport, Arizona, in a way consistent with the results of all investigations as soon as possible";*

(2) *the Deputy Secretary of Defense Robert O. Work did an excellent job reviewing the investigations of such mishap and concluded that there was a misrepresentation of facts by the media which incorrectly identified pilot error as the cause of the mishap which the Deputy Secretary publicly made known in March 2016; and*

(3) *Congress is grateful for the successful conclusion to this tragic situation.*

SEC. 1090. COST OF WARS.

The Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, shall post on the public Internet website of the Department of Defense the costs to each United States taxpayer of each of the wars in Afghanistan, Iraq, and Syria.

SEC. 1091. RECONNAISSANCE STRIKE GROUP MATTERS.

(a) *MODELING OF ALTERNATIVE ARMY DESIGN AND OPERATIONAL CONCEPT.—*

(1) *ANALYSES REQUIRED.—The Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army, in consultation with the commanding general of the United States European Command, shall each conduct a separate analysis of alternative Army operational concepts and organizational designs,*

known as the Reconnaissance Strike Group, as recommended by the National Commission on the Future of the United States Army.

(2) **ASSESSMENT OF ANALYSES.**—The Chairman of the Joint Chiefs of Staff and Chief of Staff of the Army shall then each separately assess the operational merits, feasible force mix under programmed end-strength, estimated costs for assessed potential force structure changes, and strategic force sufficiency and risk of each analysis conducted under paragraph (1).

(b) **REPORTS REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army shall each submit to the Committees on Armed Services of the Senate and House of Representatives a separate report on the alternative designs and operational concepts analyzed under subsection (a)(1). Each such report shall include an assessment of the merits and sufficiency of such designs and concepts, the potential for future experimentation (such as a follow-on pilot program), and the recommendation of the Chairman and Chief of Staff, as the case may be, regarding the Reconnaissance Strike Group.

(c) **INDEPENDENT ASSESSMENTS REQUIRED.**—Before submittal of the reports required under subsection (b), the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army shall each select a Federally Funded Research and Development Center to review and evaluate each report. The review and evaluation of each report shall be submitted to the Committees on Armed Services of the Senate and House of Representatives together with the reports under subsection (b).

SEC. 1092. BORDER SECURITY METRICS.

(a) **DEFINITIONS.**—In this section:

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

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

(2) **CONSEQUENCE DELIVERY SYSTEM.**—The term “Consequence Delivery System” means the series of consequences applied by U.S. Border Patrol in collaboration with other Federal agencies to persons unlawfully entering the United States, in order to prevent unlawful border crossing recidivism.

(3) **GOT AWAY.**—The term “got away” means an unlawful border crosser who—

(A) is directly or indirectly observed making an unlawful entry into the United States;

(B) is not apprehended; and

(C) is not a turn back.

(4) **KNOWN MARITIME MIGRANT FLOW.**—The term “known maritime migrant flow” means the sum of the number of undocumented migrants—

(A) interdicted in the waters over which the United States has jurisdiction;

(B) identified at sea either directly or indirectly, but not interdicted;

(C) if not described in subparagraph (A) or (B), who were otherwise reported, with a significant degree of certainty, as having entered, or attempted to enter, the United States through the maritime border.

(5) **MAJOR VIOLATOR.**—The term “major violator” means a person or entity that has engaged in serious criminal activities at any land, air, or sea port of entry, including the following:

- (A) Possession of illicit drugs.
- (B) Smuggling of prohibited products.
- (C) Human smuggling.
- (D) Possession of illegal weapons.
- (E) Use of fraudulent documents.
- (F) Any other offense that is serious enough to result in an arrest.

(6) **SECRETARY.**—The term “the Secretary” means the Secretary of Homeland Security.

(7) **SITUATIONAL AWARENESS.**—The term “situational awareness” means knowledge and understanding of current unlawful cross-border activity, including the following:

- (A) Threats and trends concerning illicit trafficking and unlawful crossings.
- (B) The ability to forecast future shifts in such threats and trends.
- (C) The ability to evaluate such threats and trends at a level sufficient to create actionable plans.
- (D) The operational capability to conduct persistent and integrated surveillance of the international borders of the United States.

(8) **TRANSIT ZONE.**—The term “transit zone” means the sea corridors of the western Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the eastern Pacific Ocean through which undocumented migrants and illicit drugs transit, either directly or indirectly, to the United States.

(9) **TURN BACK.**—The term “turn back” means an unlawful border crosser who, after making an unlawful entry into the United States, responds to United States enforcement efforts by returning promptly to the country from which such crosser entered.

(10) **UNLAWFUL BORDER CROSSING EFFECTIVENESS RATE.**—The term “unlawful border crossing effectiveness rate” means the percentage that results from dividing the number of apprehensions and turn backs by the sum of the number of apprehensions, estimated undetected unlawful entries, turn backs, and got aways.

(11) **UNLAWFUL ENTRY.**—The term “unlawful entry” means an unlawful border crosser who enters the United States and is not apprehended by a border security component of the Department of Homeland Security.

(b) **METRICS FOR SECURING THE BORDER BETWEEN PORTS OF ENTRY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security between ports of entry. The Secretary

shall annually implement the metrics developed under this subsection, which shall include the following:

(A) Estimates, using alternative methodologies where appropriate, including recidivism data, survey data, known-flow data, and technologically-measured data, of the following:

(i) The rate of apprehension of attempted unlawful border crossers.

(ii) The number of detected unlawful entries.

(iii) The number of estimated undetected unlawful entries.

(iv) Turn backs.

(v) Got aways.

(B) A measurement of situational awareness achieved in each U.S. Border Patrol sector.

(C) An unlawful border crossing effectiveness rate in each U.S. Border Patrol sector.

(D) A probability of detection rate, which compares the estimated total unlawful border crossing attempts not detected by U.S. Border Patrol to the unlawful border crossing effectiveness rate under subparagraph (C), as informed by subparagraph (A).

(E) The number of apprehensions in each U.S. Border Patrol sector.

(F) The number of apprehensions of unaccompanied alien children, and the nationality of such children, in each U.S. Border Patrol sector.

(G) The number of apprehensions of family units, and the nationality of such family units, in each U.S. Border Patrol sector.

(H) An illicit drugs seizure rate for drugs seized by U.S. Border Patrol between ports of entry, which compares the ratio of the amount and type of illicit drugs seized between ports of entry in any fiscal year to the average of the amount and type of illicit drugs seized between ports of entry in the immediately preceding five fiscal years.

(I) Estimates of the impact of the Consequence Delivery System on the rate of recidivism of unlawful border crossers over multiple fiscal years.

(J) An examination of each consequence under the Consequence Delivery System referred to in subparagraph (I), including the following:

(i) Voluntary return.

(ii) Warrant of arrest or notice to appear.

(iii) Expedited removal.

(iv) Reinstatement of removal.

(v) Alien transfer exit program.

(vi) Criminal consequence program.

(vii) Standard prosecution.

(viii) Operation Against Smugglers Initiative on Safety and Security.

(2) METRICS CONSULTATION.—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) where appropriate, with the heads of other agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice.

(3) *MANNER OF COLLECTION.*—The data collected to inform the metrics developed in accordance with paragraph (1) shall be collected and reported in a consistent and standardized manner across all U.S. Border Patrol sectors, informed by situational awareness.

(c) *METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.*—

(1) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security at ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) Estimates, using alternative methodologies where appropriate, including recidivism data, survey data, and randomized secondary screening data, of the following:

(i) Total inadmissible travelers who attempt to, or successfully, enter the United States at a port of entry.

(ii) The rate of refusals and interdictions for travelers who attempt to, or successfully, enter the United States at a port of entry.

(iii) The number of unlawful entries at a port of entry.

(B) The amount and type of illicit drugs seized by the Office of Field Operations of U.S. Customs and Border Protection at ports of entry during the previous fiscal year.

(C) An illicit drugs seizure rate for drugs seized by the Office of Field Operations, which compares the ratio of the amount and type of illicit drugs seized by the Office of Field Operations in any fiscal year to the average of the amount and type of illicit drugs seized by the Office of Field Operations in the immediately preceding five fiscal years.

(D) The number of infractions related to travelers and cargo committed by major violators who are interdicted by the Office of Field Operations at ports of entry, and the estimated number of such infractions committed by major violators who are not so interdicted.

(E) In consultation with the heads of the Office of National Drug Control Policy and the United States Southern Command, a cocaine seizure effectiveness rate, which is the percentage resulting from dividing the amount of cocaine seized by the Office of Field Operations by the total estimated cocaine flow rate at ports of entry along the United States land border with Mexico and Canada.

(F) A measurement of how border security operations affect crossing times, including the following:

(i) A wait time ratio that compares the average wait times to total commercial and private vehicular traffic volumes at each land port of entry.

(ii) An infrastructure capacity utilization rate that measures traffic volume against the physical and staffing capacity at each land port of entry.

(iii) A secondary examination rate that measures the frequency of secondary examinations at each land port of entry.

(iv) An enforcement rate that measures the effectiveness of such secondary examinations at detecting major violators.

(G) A seaport scanning rate that includes the following:

(i) The number of all cargo containers that are considered potentially “high-risk”, as determined by the Executive Assistant Commissioner of the Office of Field Operations.

(ii) A comparison of the number of potentially high-risk cargo containers scanned by the Office of Field Operations at each sea port of entry during a fiscal year to the total number of high-risk cargo containers entering the United States at each such sea port of entry during the previous fiscal year.

(iii) The number of potentially high-risk cargo containers scanned upon arrival at a United States sea port of entry.

(iv) The number of potentially high-risk cargo containers scanned before arrival at a United States sea port of entry.

(2) **METRICS CONSULTATION.**—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) where appropriate, work with heads of other appropriate agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice.

(3) **MANNER OF COLLECTION.**—The data collected to inform the metrics developed in accordance with paragraph (1) shall be collected and reported in a consistent and standardized manner across all United States ports of entry, informed by situational awareness.

(d) **METRICS FOR SECURING THE MARITIME BORDER.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security in the maritime environment. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) Situational awareness achieved in the maritime environment.

(B) A known maritime migrant flow rate.

(C) An illicit drugs removal rate for drugs removed inside and outside of a transit zone, which compares the amount and type of illicit drugs removed, including drugs abandoned at sea, by the maritime security components of

the Department of Homeland Security in any fiscal year to the average of the amount and type of illicit drugs removed by such maritime components for the immediately preceding five fiscal years.

(D) In consultation with the heads of the Office of National Drug Control Policy and the United States Southern Command, a cocaine removal effectiveness rate for cocaine removed inside a transit zone and outside a transit zone, which compares the amount of cocaine removed by the maritime security components of the Department of Homeland Security by the total documented cocaine flow rate, as contained in Federal drug databases.

(E) A response rate, which compares the ability of the maritime security components of the Department of Homeland Security to respond to and resolve known maritime threats, whether inside or outside a transit zone, by placing assets on-scene, to the total number of events with respect to which the Department has known threat information.

(F) An intergovernmental response rate, which compares the ability of the maritime security components of the Department of Homeland Security or other United States Government entities to respond to and resolve actionable maritime threats, whether inside or outside a transit zone, with the number of such threats detected.

(2) METRICS CONSULTATION.—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) where appropriate, work with the heads of other agencies, including the Drug Enforcement Agency, the Department of Defense, and the Department of Justice.

(3) MANNER OF COLLECTION.—The data used by the Secretary shall be collected and reported in a consistent and standardized manner by the maritime security components of the Department of Homeland Security, informed by situational awareness.

(e) AIR AND MARINE SECURITY METRICS IN THE LAND DOMAIN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of the aviation assets and operations of Air and Marine Operations of U.S. Customs and Border Protection. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) A flight hour effectiveness rate, which compares Air and Marine Operations flight hours requirements to the number of flight hours flown by Air and Marine Operations.

(B) A funded flight hour effectiveness rate, which compares the number of funded flight hours appropriated to Air and Marine Operations to the number of actual flight hours flown by Air and Marine Operations.

(C) A readiness rate, which compares the number of aviation missions flown by Air and Marine Operations to the number of aviation missions cancelled by Air and Marine Operations due to maintenance, operations, or other causes.

(D) The number of missions cancelled by Air and Marine Operations due to weather compared to the total planned missions.

(E) The number of individuals detected by Air and Marine Operations through the use of unmanned aerial systems and manned aircraft.

(F) The number of apprehensions assisted by Air and Marine Operations through the use of unmanned aerial systems and manned aircraft.

(G) The number and quantity of illicit drug seizures assisted by Air and Marine Operations through the use of unmanned aerial systems and manned aircraft.

(H) The number of times that actionable intelligence related to border security was obtained through the use of unmanned aerial systems and manned aircraft.

(2) METRICS CONSULTATION.—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with the heads of other departments and agencies, including the Department of Justice.

(3) MANNER OF COLLECTION.—The data collected to inform the metrics developed in accordance with paragraph (1) shall be collected and reported in a consistent and standardized manner by Air and Marine Operations, informed by situational awareness.

(f) DATA TRANSPARENCY.—The Secretary shall—

(1) in accordance with applicable privacy laws, make data related to apprehensions, inadmissible aliens, drug seizures, and other enforcement actions available to the public, law enforcement communities, and academic research communities; and

(2) provide the Office of Immigration Statistics of the Department of Homeland Security with unfettered access to the data referred to in paragraph (1).

(g) EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE AND THE SECRETARY.—

(1) METRICS REPORT.—

(A) MANDATORY DISCLOSURES.—The Secretary shall submit to the appropriate congressional committees and the Comptroller General of the United States an annual report containing the metrics required under this section and the data and methodology used to develop such metrics.

(B) PERMISSIBLE DISCLOSURES.—The Secretary, for the purpose of validation and verification, may submit the annual report described in subparagraph (A) to—

(i) the Center for Borders, Trade, and Immigration Research of the Centers of Excellence network of the Department of Homeland Security;

(ii) the head of a national laboratory within the Department of Homeland Security laboratory network with prior expertise in border security; and

(iii) a Federally Funded Research and Development Center.

(2) GAO REPORT.—Not later than 270 days after receiving the first report under paragraph (1)(A) and biennially thereafter for the following ten years with respect to every other such report, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

(A) analyzes the suitability and statistical validity of the data and methodology contained in each such report; and

(B) includes recommendations on—

(i) the feasibility of other suitable metrics that may be used to measure the effectiveness of border security; and

(ii) improvements that need to be made to the metrics being used to measure the effectiveness of border security.

(3) STATE OF THE BORDER REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2026, the Secretary shall submit to the appropriate congressional committees a “State of the Border” report that—

(A) provides trends for each metric under this section for the last ten fiscal years, to the greatest extent possible;

(B) provides selected analysis into related aspects of illegal flow rates, including undocumented migrant flows and stock estimation techniques;

(C) provides selected analysis into related aspects of legal flow rates; and

(D) includes any other information that the Secretary determines appropriate.

(4) METRICS UPDATE.—

(A) IN GENERAL.—After submitting the tenth report to the Comptroller General under paragraph (1), the Secretary may reevaluate and update any of the metrics developed in accordance with this section to ensure that such metrics are suitable to measure the effectiveness of border security.

(B) CONGRESSIONAL NOTIFICATION.—Not later than 30 days before updating the metrics pursuant to subparagraph (A), the Secretary shall notify the appropriate congressional committees of such updates.

SEC. 1093. PROGRAM TO COMMEMORATE THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER.

(a) COMMEMORATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government and State and local governments.

(2) *WORK WITH NONGOVERNMENTAL ORGANIZATIONS.*—In conducting the commemorative program, the Secretary may work with nongovernmental organizations working to support the commemoration of the Tomb of the Unknown Soldier. No public funds may be used to undertake activities sponsored by such organizations.

(b) *SCHEDULE.*—The Secretary shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c).

(c) *COMMEMORATIVE ACTIVITIES AND OBJECTIVES.*—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) *To honor America's commitment to never forget or forsake those who served and sacrificed for our Country, including personnel who were held as prisoners of war or listed as missing in action, and to thank and honor the families of these veterans.*

(2) *To highlight the service of the Armed Forces in times of war or armed conflict and contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.*

(3) *To pay tribute to the contributions made on the home front by the people of the United States in times of war or armed conflict.*

(4) *To educate the American Public about service and sacrifice on behalf of the United States of America and the principles that define and unite us.*

(5) *To recognize the contributions and sacrifices made by the allies of the United States during times of war or armed conflict.*

(d) *NAMES AND SYMBOLS.*—The Secretary shall have the sole and exclusive right to use the name “The United States of America Tomb of the Unknown Soldier Commemoration”, and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) *COMMEMORATION FUND.*—

(1) *IN GENERAL.*—Upon the establishment of the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the “Tomb of the Unknown Soldier Commemoration Fund” (in this subsection referred to as the “Fund”). The Fund shall be administered by the Secretary of Defense.

(2) *DEPOSITS.*—There shall be deposited into the Fund the following:

(A) *Amounts appropriated to the Fund.*

(B) *Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (d).*

(C) *Donations made in support of the commemorative program by private and corporate donors.*

(D) Funds transferred to the Fund by the Secretary of Defense from funds appropriated for fiscal year 2017 and subsequent years for the Department of Defense.

(3) *USE OF FUND.*—The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program. The Secretary shall prescribe such regulations regarding the use of the Fund as the Secretary considers appropriate.

(4) *AVAILABILITY.*—Amounts deposited under paragraph (2) shall constitute the assets of the Fund and remain available until expended.

(5) *BUDGET REQUEST.*—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line (as submitted to Congress pursuant to section 1105 of title 31, United States Code), the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a summary of the fiscal status of the Fund.

(f) *ACCEPTANCE OF VOLUNTARY SERVICES.*—

(1) *AUTHORITY TO ACCEPT SERVICES.*—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) *REIMBURSEMENT OF INCIDENTAL EXPENSES.*—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) *FINAL REPORT.*—Not later than 60 days after the end of the commemorative program, if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of the following:

(1) All of the funds deposited into and expended from the Tomb of the Unknown Soldier Commemoration Fund.

(2) Any other funds expended under this section.

(3) Any unobligated funds remaining in the Fund.

SEC. 1094. SENSE OF CONGRESS REGARDING THE OCONUS BASING OF THE KC-46A AIRCRAFT.

(a) *FINDING.*—Congress finds that the Department of Defense is continuing its process of permanently stationing the KC-46A aircraft at installations in the Continental United States (in this section referred to as “CONUS”) and forward-basing outside the Continental United States (in this section referred to as “OCONUS”).

(b) *SENSE OF CONGRESS.*—It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for the KC-46A aircraft, should continue to place emphasis on and consider the benefits derived from outside the continental United States (OCONUS) locations that—

(1) support day-to-day air refueling operations, combatant commander operations plans, and flexibility for contingency ops, and have—

(A) a strategic location that is essential to the defense of the United States and its interests;

(B) receivers for boom or probe-and-drogue training opportunities with joint and international partners; and

(C) sufficient airfield and airspace availability and capacity to meet requirements; and

(2) possess facilities that—

(A) take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuels receipt, storage, and distribution for 5-day peacetime operating stock; and

(B) minimize overall construction and operational costs.

SEC. 1095. DESIGNATION OF A DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORT.

(a) *SENSE OF CONGRESS.*—It is the sense of Congress that the Arctic is a region of growing strategic importance to the national security interest of the United States and that the Department of Defense must better align its posture and capabilities to meet the growing array of challenges in the region.

(b) *ARCTIC DEFINED.*—In this section, the term “Arctic” has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(c) *REPORT REQUIRED.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report containing an assessment of the future security requirements for one or more strategic ports in the Arctic.

(d) *CONTENTS OF REPORT.*—Consistent with the updated military strategy for the protection of United States national security interests in the Arctic region set forth in the reports required under section 1068 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 992), the report required under subsection (c) shall include—

(1) the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, or a national security cutter or a heavy polar ice breaker of the Coast Guard;

(2) the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological in-

frastructure, and civil infrastructure to support military and civilian operations, including—

- (A) aerospace warning;
- (B) maritime surface and subsurface warning;
- (C) maritime control and defense;
- (D) maritime domain awareness;
- (E) homeland defense;
- (F) defense support to civil authorities;
- (G) humanitarian relief;
- (H) search and rescue;
- (I) disaster relief;
- (J) oil spill response;
- (K) medical stabilization and evacuation; and
- (L) meteorological measurements and forecasting;

(3) an identification of proximity and road access to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in paragraph (2); and

(4) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations designated in paragraph (2).

(e) DESIGNATION OF STRATEGIC ARCTIC PORTS.—

(1) DESIGNATION CRITERIA AND RECOMMENDATIONS.—Upon completion of the report required under subsection (c), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, the Administrator of the Maritime Administration, shall—

(A) establish criteria for the designation of a port as a “Department of Defense Strategic Arctic Port”; and

(B) if the report required under subsection (c) includes a determination that one or more strategic Arctic ports are necessary to fulfill future security requirements in the Arctic, not later than 18 months after the date of the completion of the report, submit to the congressional defense committees recommendations for the designation of one or more ports as Department of Defense Strategic Arctic Ports.

(2) COST ESTIMATES.—The recommendations submitted under paragraph (1)(B) shall include the estimated cost of sufficient construction necessary to initiate and sustain expected operations at the ports designated as Department of Defense Strategic Arctic Ports.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize any additional appropriations for the Department of Defense for the establishment of any port recommended pursuant to this section.

SEC. 1096. RECOVERY OF EXCESS RIFLES, AMMUNITION, AND PARTS GRANTED TO FOREIGN COUNTRIES AND TRANSFER TO CERTAIN PERSONS.

(a) RECOVERY.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after section 40728A the following new section:

“§ 40728B. Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons

“(a) *AUTHORITY TO RECOVER.*—(1) Subject to paragraph (2) and subsection (b), the Secretary of the Army may acquire from any person any rifle, ammunition, repair parts, or other supplies described in section 40731(a) of this title which were—

“(A) provided to any country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) that became excess to the needs of such country; and

“(B) lawfully acquired by such person.

“(2) The Secretary of the Army may not acquire anything under paragraph (1) except for transfer to a person in the United States under subsection (c).

“(3) The Secretary of the Army may accept rifles, ammunition, repair parts, or other supplies under paragraph (1) notwithstanding section 1342 of title 31.

“(b) *COST OF RECOVERY.*—The Secretary of the Army may not acquire anything under subsection (a) if the United States would incur any cost for such acquisition.

“(c) *AVAILABILITY FOR TRANSFER.*—Any rifles, ammunition, repair parts, or supplies acquired under subsection (a) shall be available for transfer in the United States to the person from whom acquired if such person—

“(1) is licensed as a manufacturer, importer, or dealer pursuant to section 923(a) of title 18; and

“(2) uses an ammunition depot of the Army that is an eligible facility for receipt of any rifles, ammunition, repair parts, or supplies under this paragraph.

“(d) *MARKET VALUE.*—The Secretary of the Army may only transfer an item under subsection (c) if the Secretary receives fair market value for the item.

“(e) *CONTRACTS.*—Notwithstanding subsection (k) of section 2304 of title 10, the Secretary may enter into such contracts or cooperative agreements on a sole source basis pursuant to paragraphs (4) and (5) of subsection (c) of such section to carry out this section.

“(f) *AECA.*—Transfers authorized under this section may only be made in accordance with applicable provisions of the Arms Export Control Act (22 U.S.C. 2778).

“(g) *RIFLE DEFINED.*—In this section, the term ‘rifle’ has the meaning given such term in section 921 of title 18.”

(b) *SALE.*—Section 40732 of such title is amended—

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

“(d) *SALES BY OTHER PERSONS.*—A person who receives a rifle or any ammunition, repair parts, or supplies under section 40728B(c) of this title may sell, at fair market value, such rifle, ammunition, repair parts, or supplies. With respect to rifles other than caliber .22 rimfire and caliber .30 rifles, the seller shall obtain a license as a dealer in rifles and abide by all requirements imposed on persons licensed under chapter 44 of title 18, including maintaining acquisition and disposition records, and conducting background checks.”; and

(2) in subsection (c)(1), by striking “The corporation may not” and inserting “No person acquiring a firearm under this chapter may”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728A the following new item:

“40728B. Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons.”.

(d) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the acquisition and transfer of excess rifles, ammunition, repair parts, and other supplies described in section 40731(a) of title 36, United States Code, that were provided to a country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961. The report shall include each of the following:

(A) A list of excess rifles, ammunition, repair parts, and other supplies known to the United States Army as eligible for transfer under section 40731(a) of title 36, United States Code.

(B) An assessment of whether and how the Secretary of the Army intends to use the authorities under section 40728B of title 36, United States Code, as added by this section.

(C) Any other issue that the Secretary of the Army considers appropriate.

(2) **PROHIBITION ON TRANSFERS PENDING SUBMITTAL OF REPORT.**—No rifle, ammunition, repair part, or supplies acquired under section 40728B(a) of title 36, United States Code, may be transferred until the date that is 90 days after the date of the submittal of the report required under paragraph (1).

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters Generally

- Sec. 1101. Civilian personnel management.
- Sec. 1102. Repeal of requirement for annual strategic workforce plan for the Department of Defense.
- Sec. 1103. Training for employment personnel of Department of Defense on matters relating to authorities for recruitment and retention at United States Cyber Command.
- Sec. 1104. Public-private talent exchange.
- Sec. 1105. Temporary and term appointments in the competitive service in the Department of Defense.
- Sec. 1106. Direct-hire authority for the Department of Defense for post-secondary students and recent graduates.
- Sec. 1107. Temporary increase in maximum amount of voluntary separation incentive pay authorized for civilian employees of the Department of Defense.
- Sec. 1108. Extension of rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan.
- Sec. 1109. Limitation on number of DOD SES positions.
- Sec. 1110. Direct hire authority for financial management experts in the Department of Defense workforce.
- Sec. 1111. Repeal of certain basis for appointment of a retired member of the Armed Forces to Department of Defense position within 180 days of retirement.

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

- Sec. 1121. *Permanent personnel management authority for the Department of Defense for experts in science and engineering.*
- Sec. 1122. *Codification and modification of certain authorities for certain positions at Department of Defense research and engineering laboratories.*
- Sec. 1123. *Modification to information technology personnel exchange program.*
- Sec. 1124. *Pilot program on enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense.*
- Sec. 1125. *Temporary direct hire authority for domestic defense industrial base facilities, the Major Range and Test Facilities Base, and the Office of the Director of Operational Test and Evaluation.*

Subtitle C—Governmentwide Matters

- Sec. 1131. *Elimination of two-year eligibility limitation for noncompetitive appointment of spouses of members of the Armed Forces.*
- Sec. 1132. *Temporary personnel flexibilities for domestic defense industrial base facilities and Major Range and Test Facilities Base civilian personnel.*
- Sec. 1133. *One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.*
- Sec. 1134. *Advance payments for employees relocating within the United States and its territories.*
- Sec. 1135. *Eligibility of employees in a time-limited appointment to compete for a permanent appointment at any Federal agency.*
- Sec. 1136. *Review of official personnel file of former Federal employees before rehir-*
ing.
- Sec. 1137. *One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.*
- Sec. 1138. *Administrative leave.*
- Sec. 1139. *Direct hiring for Federal wage schedule employees.*
- Sec. 1140. *Record of investigation of personnel action in separated employee's official personnel file.*

Subtitle A—Department of Defense Matters Generally

SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.

(a) **MODIFICATION OF MANAGEMENT LIMITATIONS.**—Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “solely”;

(B) in the second sentence—

(i) by striking “The management of such personnel in any fiscal year shall not be subject to any” and inserting “Any”; and

(ii) by inserting before the period the following: “shall be developed on the basis of those factors and shall be subject to adjustment solely for reasons of changed circumstances”; and

(C) in the third sentence, by striking “unless such reduction” and all that follows and inserting “except in accordance with the requirements of this section and section 129a of this title.”;

(2) by striking subsections (b), (c), (e), and (f);

(3) by redesignating subsection (d) as subsection (b); and

(4) by adding at the end the following new subsection (c): “(c)(1) Not later than February 1 of each year—

“(A) the Secretary of Defense shall submit to the congressional defense committees a report on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities; and

“(B) the Secretary of each military department shall submit to the congressional defense committees a report on the management of the civilian workforces under the jurisdiction of such Secretary.

“(2) Each report under paragraph (1) shall contain, with respect to the civilian workforce under the jurisdiction of the official submitting the report, the following:

“(A) An assessment of the projected size of such civilian workforce in the current year and for each year in the future-years defense program.

“(B) If the projected size of such civilian workforce has changed from the previous year’s projected size, an explanation of the reasons for the increase or decrease from the previous projection, including an explanation of any efforts that have been taken to identify offsetting reductions and avoid unnecessary overall growth in the size of the civilian workforce.

“(C) In the case of a transfer of functions between military, civilian, and contractor workforces, an explanation of the reasons for the transfer and the steps that have been taken to control the overall cost of the function to the Department.”.

(b) CONFORMING AMENDMENTS.—

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

“§ 129. Civilian personnel management”.

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

“129. Civilian personnel management.”.

SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRATEGIC WORKFORCE PLAN FOR THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 115b of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 115b.

SEC. 1103. TRAINING FOR EMPLOYMENT PERSONNEL OF DEPARTMENT OF DEFENSE ON MATTERS RELATING TO AUTHORITIES FOR RECRUITMENT AND RETENTION AT UNITED STATES CYBER COMMAND.

(a) TRAINING REQUIRED.—Section 1599f of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (g), (h), (i), (j), and (k), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) TRAINING.—(1) The Secretary shall provide training to covered personnel on hiring and pay matters relating to authorities under this section.

“(2) For purposes of this subsection, covered personnel are employees of the Department who—

“(A) carry out functions relating to—

“(i) the management of human resources and the civilian workforce of the Department; or

“(ii) the writing of guidance for the implementation of authorities regarding hiring and pay under this section; or
 “(B) are employed in supervisory positions or have responsibilities relating to the hiring of individuals for positions in the Department and to whom the Secretary intends to delegate authority under this section.”.

(b) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress (as defined in section 1599f of title 10, United States Code) a report on the training the Secretary intends to provide to each of the employees described in subsection (f)(2) of such section (as added by subsection (a) of this section) and the frequency with which the Secretary intends to provide such training.

(2) **ONGOING REPORTS.**—Subsection (h)(2)(E) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking “supervisors of employees in qualified positions at the Department on the use of the new authorities” and inserting “employees described in subsection (f)(2) on the use of authorities under this section”.

SEC. 1104. PUBLIC-PRIVATE TALENT EXCHANGE.

(a) **AUTHORITY.**—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1599g. Public-private talent exchange

“(a) **ASSIGNMENT AUTHORITY.**—Under regulations prescribed by the Secretary of Defense, the Secretary may, with the agreement of a private-sector organization and the consent of the employee, arrange for the temporary assignment of an employee to such private-sector organization, or from such private-sector organization to a Department of Defense organization under this section.

“(b) **AGREEMENTS.**—(1) The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee’s assignment under this section. The agreement—

“(A) shall require that the employee of the Department of Defense, upon completion of the assignment, will serve in the Department of Defense, or elsewhere in the civil service if approved by the Secretary, for a period equal to twice the length of the assignment;

“(B) shall provide that if the employee of the Department of Defense or of the private-sector organization (as the case may be) fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense; and

“(C) shall contain language ensuring that such employee of the Department does not improperly use pre-decisional or draft deliberative information that such employee may be privy to or aware of related to Department programing, budgeting, resourcing, acquisition, or procurement for the benefit or advantage of the private-sector organization.

“(2) An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

“(3) The Secretary may waive, in whole or in part, collection of a debt described in paragraph (2) based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States, after taking into account any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.

“(c) *TERMINATION.*—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private-sector organization concerned.

“(d) *DURATION.*—(1) An assignment under this section shall be for a period of not less than three months and not more than two years, renewable up to a total of four years. No employee of the Department of Defense may be assigned under this section for more than a total of 4 years inclusive of all such assignments.

“(2) An assignment under this section may be for a period in excess of two years, but not more than four years, if the Secretary determines that such assignment is necessary to meet critical mission or program requirements.

“(e) *STATUS OF FEDERAL EMPLOYEES ASSIGNED TO PRIVATE-SECTOR ORGANIZATIONS.*—(1) An employee of the Department of Defense who is assigned to a private-sector organization under this section shall be considered, during the period of assignment, to be on detail to a regular work assignment in the Department for all purposes. The written agreement established under subsection (b)(1) shall address the specific terms and conditions related to the employee’s continued status as a Federal employee.

“(2) In establishing a temporary assignment of an employee of the Department of Defense to a private-sector organization, the Secretary of Defense shall—

“(A) ensure that the normal duties and functions of such employee can be reasonably performed by other employees of the Department of Defense without the transfer or reassignment of other personnel of the Department of Defense, including members of the armed forces;

“(B) ensure that the normal duties and functions of such employees are not, as a result of and during the course of such temporary assignment, performed or augmented by contractor personnel in violation of the provisions of section 2461 of this title; and

“(C) certify that the temporary assignment of such employee shall not have an adverse or negative impact on mission attainment, warfighter support, or organizational capabilities associated with the assignment.

“(f) *TERMS AND CONDITIONS FOR PRIVATE-SECTOR EMPLOYEES.*—An employee of a private-sector organization who is assigned to a Department of Defense organization under this section—

“(1) shall continue to receive pay and benefits from the private-sector organization from which such employee is assigned and shall not receive pay or benefits from the Department of Defense, except as provided in paragraph (2);

“(2) is deemed to be an employee of the Department of Defense for the purposes of—

“(A) chapters 73 and 81 of title 5;

“(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

“(C) sections 1343, 1344, and 1349(b) of title 31;

“(D) the Federal Tort Claims Act and any other Federal tort liability statute;

“(E) the Ethics in Government Act of 1978; and

“(F) chapter 21 of title 41;

“(3) shall not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private-sector organization from which such employee is assigned;

“(4) may perform work that is considered inherently governmental in nature only when requested in writing by the Secretary of Defense; and

“(5) may not be used to circumvent the provision of section 2461 of this title nor to circumvent any limitation or restriction on the size of the Department’s workforce.

“(g) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private-sector organization may not charge the Department or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a Department organization under this section for the period of the assignment.

“(h) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

“(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5);

“(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees; and

“(3) shall take into consideration, where applicable, areas of particular private sector expertise, such as cybersecurity.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1599g. Public-private talent exchange.”.

SEC. 1105. TEMPORARY AND TERM APPOINTMENTS IN THE COMPETITIVE SERVICE IN THE DEPARTMENT OF DEFENSE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Secretary of Defense may make a temporary appointment or a term appointment in the Department when the need for the services of an employee in the Department is not permanent.

(2) EXTENSION.—The Secretary may extend a temporary appointment or a term appointment made under paragraph (1).

(b) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

(1) IN GENERAL.—If there is a critical hiring need, the Secretary of Defense may make a noncompetitive temporary appointment or a noncompetitive term appointment in the Department of Defense, without regard to the requirements of sections 3327 and 3330 of title 5, United States Code, for a period that is not more than 18 months.

(2) *NO EXTENSION AVAILABLE.*—An appointment made under paragraph (1) may not be extended.

(c) *REGULATIONS.*—The Secretary may prescribe regulations to carry out this section.

(d) *DEFINITIONS.*—In this section:

(1) The term “temporary appointment” means the appointment of an employee in the competitive service for a period that is not more than one year.

(2) The term “term appointment” means the appointment of an employee in the competitive service for a period that is more than one year and not more than five years, unless the Secretary of Defense, before the appointment of the employee, authorizes a longer period.

SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR POST-SECONDARY STUDENTS AND RECENT GRADUATES.

(a) *HIRING AUTHORITY.*—Without regard to sections 3309 through 3318, 3327, and 3330 of title 5, United States Code, the Secretary of Defense may recruit and appoint qualified recent graduates and current post-secondary students to competitive service positions in professional and administrative occupations within the Department of Defense.

(b) *LIMITATION ON APPOINTMENTS.*—Subject to subsection (c)(2), the total number of employees appointed by the Secretary under subsection (a) during a fiscal year may not exceed the number equal to 15 percent of the number of hires made into professional and administrative occupations of the Department at the GS-11 level and below (or equivalent) under competitive examining procedures during the previous fiscal year.

(c) *REGULATIONS.*—

(1) *IN GENERAL.*—The Secretary shall administer this section in accordance with regulations prescribed by the Secretary for purposes of this section.

(2) *LOWER LIMIT ON APPOINTMENTS.*—The regulations may establish a lower limit on the number of individuals appointable under subsection (a) during a fiscal year than is otherwise provided for under subsection (b), based on such factors as the Secretary considers appropriate.

(3) *PUBLIC NOTICE AND ADVERTISING.*—To the extent practical, as determined by the Secretary, the Secretary shall publicly advertise positions available under this section. In carrying out the preceding sentence, the Secretary shall—

(A) take into account merit system principles, mission requirements, costs, and organizational benefits of any advertising of positions; and

(B) advertise such positions in the manner the Secretary determines is most likely to provide diverse and qualified candidates and ensure potential applicants have appropriate information relevant to the positions available.

(d) *SUNSET.*—The authority provided under this section shall terminate on September 30, 2021.

(e) *DEFINITIONS.*—In this section:

(1) The term “current post-secondary student” means a person who—

(A) is currently enrolled in, and in good academic standing at, a full-time program at an institution of higher education;

(B) is making satisfactory progress toward receipt of a baccalaureate or graduate degree; and

(C) has completed at least one year of the program.

(2) The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term “recent graduate”, with respect to appointment of a person under this section, means a person who was awarded a degree by an institution of higher education not more than two years before the date of the appointment of such person, except that in the case of a person who has completed a period of obligated service in a uniformed service of more than four years, such term means a person who was awarded a degree by an institution of higher education not more than four years before the date of the appointment of such person.

SEC. 1107. TEMPORARY INCREASE IN MAXIMUM AMOUNT OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZED FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

During the period beginning on the date of enactment of this Act and ending on September 30, 2018, section 9902(f)(5)(A)(ii) of title 5, United States Code, shall be applied by substituting “an amount determined by the Secretary, not to exceed \$40,000” for “\$25,000”.

SEC. 1108. EXTENSION OF RATE OF OVERTIME PAY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking “September 30, 2017” and inserting “September 30, 2018”.

SEC. 1109. LIMITATION ON NUMBER OF DOD SES POSITIONS.

(a) **LIMITATION ON NUMBER OF DOD SES POSITIONS.**—

(1) **IN GENERAL.**—Not later than December 31, 2022, the total number of Senior Executive Service positions authorized under section 3133 of title 5, United States Code, for the Department of Defense may not exceed 1,260.

(2) **HIGHLY QUALIFIED EXPERTS.**—Of the total number of positions authorized under paragraph (1), not more than 200 of such positions may be occupied by an individual appointed under the authority provided in section 9903 of such title.

(b) **PLAN TO ACHIEVE REQUIRED LIMITATION.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop a plan to achieve the limitation required by subsection (a) that includes—

(A) the distribution of Senior Executive Service positions across the Office of the Secretary of Defense, the Joint Staff, the Military Departments, the Defense Agencies and Field Activities, the unified and specified combatant commands, and other key elements of the Department of Defense;

(B) the by-year reductions to Senior Executive Service positions consistent with the distribution required under subparagraph (A); and

(C) recommendations for any legislative action that may be necessary for personnel management and shaping authorities to achieve the required limitation.

(2) *SUBMISSION OF PLAN.*—Not less than one year after the date of the enactment of this Act, 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 paragraph (1).

(3) *PROGRESS REPORTS.*—The Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives semi-annual progress report briefings describing and assessing the progress of the Secretary in implementing the plan developed under paragraph (1).

(c) *CONFORMING AMENDMENT.*—Section 3133(c) of title 5, United States Code, is amended by adding at the end the following new sentence: “Beginning in 2023, the number of such positions authorized under the preceding sentence for the Department of Defense may not exceed the limitation provided in section 1109 of the National Defense Authorization Act for Fiscal Year 2017.”

(d) *DEFINITION OF SENIOR EXECUTIVE SERVICE POSITION.*—In this section, the term “Senior Executive Service position” has the meaning given such term in section 3132(a)(2) of title 5, United States Code.

SEC. 1110. DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS IN THE DEPARTMENT OF DEFENSE WORKFORCE.

(a) *AUTHORITY.*—Each Secretary concerned may appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree, or a related degree or equivalent experience, to positions specified in subsection (c) for the Defense Agencies or the applicable military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(b) *SECRETARY CONCERNED.*—For purposes of this section, the Secretary concerned is as follows:

(1) The Secretary of Defense with respect to the Defense Agencies.

(2) The Secretary of a military department with respect to such military department.

(c) *POSITIONS.*—The positions specified in this subsection are the positions within the Department of Defense workforce as follows:

(1) Financial management positions.

(2) Accounting positions.

(3) Auditing positions.

(4) Actuarial positions.

(5) Cost estimation positions.

(6) Operational research positions.

(7) Business and business administration positions.

(d) *LIMITATION.*—Authority under this section may not, in any calendar year and with respect to any Defense Agency or military department, be exercised with respect to a number of candidates greater than the number equal to 10 percent of the total number of the financial management, accounting, auditing, and actuarial positions within the financial management workforce of such Defense

Agency or military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(e) *NATURE OF APPOINTMENT.*—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

(f) *EMPLOYEE DEFINED.*—In this section, the term “employee” has the meaning given that term in section 2105 of title 5, United States Code.

(g) *TERMINATION.*—The authority to make appointments under this section shall not be available after December 31, 2022.

SEC. 1111. REPEAL OF CERTAIN BASIS FOR APPOINTMENT OF A RETIRED MEMBER OF THE ARMED FORCES TO DEPARTMENT OF DEFENSE POSITION WITHIN 180 DAYS OF RETIREMENT.

Section 3326(b) of title 5, United States Code, is amended—

- (1) in paragraph (1), by adding “or” at the end;
- (2) in paragraph (2), by striking “; or” and inserting a period; and
- (3) by striking paragraph (3).

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR EXPERTS IN SCIENCE AND ENGINEERING.

(a) *PERMANENT PERSONNEL MANAGEMENT AUTHORITY.*—

(1) *IN GENERAL.*—Chapter 81 of title 10, United States Code, as amended by section 1104 of this Act, is further amended by adding at the end the following new section:

“§ 1599h. Personnel management authority to attract experts in science and engineering

“(a) *PROGRAMS AUTHORIZED.*—

“(1) *LABORATORIES OF THE MILITARY DEPARTMENTS.*—The Secretary of Defense may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for such laboratories of the military departments as the Secretary shall designate for purposes of the program for research and development projects of such laboratories.

“(2) *DARPA.*—The Director of the Defense Advanced Research Projects Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.

“(3) *DOTTE.*—The Director of the Office of Operational Test and Evaluation may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering to support operational test and evaluation missions of the Office.

“(b) *PERSONNEL MANAGEMENT AUTHORITY.*—Under a program under subsection (a), the official responsible for administration of the program may—

“(1) without regard to any provision of title 5 governing the appointment of employees in the civil service—

“(A) in the case of the laboratories of the military departments designated pursuant to subsection (a)(1), appoint scientists and engineers to a total of not more than 40 scientific and engineering positions in such laboratories;

“(B) in the case of the Defense Advanced Research Projects Agency, appoint individuals to a total of not more than 100 positions in the Agency, of which not more than 5 such positions may be positions of administration or management of the Agency; and

“(C) in the case of the Office of Operational Test and Evaluation, appoint scientists and engineers to a total of not more than 10 scientific and engineering positions in the Office;

“(2) notwithstanding any provision of title 5 governing the rates of pay or classification of employees in the executive branch, prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1)—

“(A) in the case of employees appointed pursuant to paragraph (1)(B) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for purposes of this subparagraph, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and

“(B) in the case of any other employee appointed pursuant to paragraph (1), at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5; and

“(3) pay any employee appointed under paragraph (1), other than an employee appointed to a position designated as described in paragraph (2)(A), payments in addition to basic pay within the limit applicable to the employee under subsection (d).

“(c) LIMITATION ON TERM OF APPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed four years.

“(2) EXTENSION.—The official responsible for the administration of a program under subsection (a) may, in the case of a particular employee under the program, extend the period to which service is limited under paragraph (1) by up to two years if the official determines that such action is necessary to promote the efficiency of a laboratory of a military department, the Defense Advanced Research Projects Agency, or the Office of Operational Test and Evaluation, as applicable.

“(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS PAYABLE.—Notwithstanding any other provision of this section or section 5307 of title 5, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee’s total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.”.

(2) *CLERICAL AMENDMENT.*—*The table of sections at the beginning of chapter 81 of such title, as so amended, is further amended by adding at the end the following new item:*

“1599h. *Personnel management authority to attract experts in science and engineering.*”

(b) *REPEAL OF SUPERSEDED AUTHORITY.*—*Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) is repealed.*

(c) *APPLICABILITY OF PERSONNEL MANAGEMENT AUTHORITY TO PERSONNEL CURRENTLY EMPLOYED UNDER SUPERSEDED AUTHORITY.*—

(1) *IN GENERAL.*—*Any individual employed as of the date of the enactment of this Act under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) (as in effect on the day before such date) shall remain employed under section 1599h of title 10, United States Code (as added by subsection (a)), after such date in accordance with such section 1599h and the applicable program carried out under such section 1599h.*

(2) *DATE OF APPOINTMENT.*—*For purposes of subsection (c) of section 1599h of title 10, United States Code (as so added), the date of the appointment of any employee who remains employed as described in paragraph (1) shall be the date of the appointment of such employee under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) (as so in effect).*

SEC. 1122. CODIFICATION AND MODIFICATION OF CERTAIN AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING LABORATORIES.

(a) *CODIFICATION.*—

(1) *IN GENERAL.*—*Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:*

“§ 2358a. Authorities for certain positions at science and technology reinvention laboratories

“(a) *AUTHORITY TO MAKE DIRECT APPOINTMENTS.*—

“(1) *CANDIDATES FOR SCIENTIFIC AND ENGINEERING POSITIONS AT SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.*—*The director of any Science and Technology Reinvention Laboratory (hereinafter in this section referred to as an ‘STRL’) may appoint qualified candidates possessing a bachelor’s degree to positions described in paragraph (1) of subsection (b) as an employee in a laboratory described in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).*

“(2) *VETERAN CANDIDATES FOR SIMILAR POSITIONS AT RESEARCH AND ENGINEERING FACILITIES.*—*The director of any STRL may appoint qualified veteran candidates to positions described in paragraph (2) of subsection (b) as an employee at a laboratory, agency, or organization specified in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5.*

“(3) *STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.*—The director of any STRL may appoint qualified candidates enrolled in a program of undergraduate or graduate instruction leading to a bachelor’s or an advanced degree in a scientific, technical, engineering or mathematical course of study at an institution of higher education (as that term is defined in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002)) to positions described in paragraph (3) of subsection (b) as an employee in a laboratory described in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).

“(4) *NONCOMPETITIVE CONVERSION TO PERMANENT APPOINTMENT.*—With respect to any student appointed by the director of an STRL under paragraph (3) to a temporary or term appointment, upon graduation from the applicable institution of higher education (as defined in such paragraph), the director may non-competitively convert such student to a permanent appointment within the STRL without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title), provided the student meets all eligibility and Office of Personnel Management qualification requirements for the position.

“(b) *COVERED POSITIONS.*—

“(1) *CANDIDATES FOR SCIENTIFIC AND ENGINEERING POSITIONS.*—The positions described in this paragraph are scientific and engineering positions that may be temporary, term, or permanent in any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

“(2) *QUALIFIED VETERAN CANDIDATES.*—The positions described in this paragraph are scientific, technical, engineering, and mathematics positions, including technicians, in the following:

“(A) Any laboratory referred to in paragraph (1).

“(B) Any other Department of Defense research and engineering agency or organization designated by the Secretary for purposes of subsection (a)(2).

“(3) *CANDIDATES ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.*—The positions described in this paragraph are scientific and engineering positions that may be temporary or term in any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

“(c) *LIMITATION ON NUMBER OF APPOINTMENTS ALLOWABLE IN A CALENDAR YEAR.*—The authority under subsection (a) may not, in any calendar year and with respect to any laboratory, agency, or organization described in subsection (b), be exercised with respect to a number of candidates greater than the following:

“(1) In the case of a laboratory described in subsection (b)(1), with respect to appointment authority under subsection (a)(1), the number equal to 6 percent of the total number of scientific and engineering positions in such laboratory that are

filled as of the close of the fiscal year last ending before the start of such calendar year.

“(2) In the case of a laboratory, agency, or organization described in subsection (b)(2), with respect to appointment authority under subsection (a)(2), the number equal to 3 percent of the total number of scientific, technical, engineering, mathematics, and technician positions in such laboratory, agency, or organization that are filled as of the close of the fiscal year last ending before the start of such calendar year.

“(3) In the case of a laboratory described in subsection (b)(3), with respect to appointment authority under subsection (a)(3), the number equal to 10 percent of the total number of scientific and engineering positions in such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

“(d) SENIOR SCIENTIFIC TECHNICAL MANAGERS.—

“(1) ESTABLISHMENT.—There is hereby established in each STRL a category of senior professional scientific and technical positions, the incumbents of which shall be designated as ‘senior scientific technical managers’ and which shall be positions classified above GS-15 of the General Schedule, notwithstanding section 5108(a) of title 5. The primary functions of such positions shall be—

“(A) to engage in research and development in the physical, biological, medical, or engineering sciences, or another field closely related to the mission of such STRL; and

“(B) to carry out technical supervisory responsibilities.

“(2) APPOINTMENTS.—The positions described in paragraph (1) may be filled, and shall be managed, by the director of the STRL involved, under criteria established pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 2358 note), relating to personnel demonstration projects at laboratories of the Department of Defense, except that the director of the laboratory involved shall determine the number of such positions at such laboratory, not to exceed 2 percent of the number of scientists and engineers employed at such laboratory as of the close of the last fiscal year before the fiscal year in which any appointments subject to that numerical limitation are made.

“(e) EXCLUSION FROM PERSONNEL LIMITATIONS.—

“(1) IN GENERAL.—The director of an STRL shall manage the workforce strength, structure, positions, and compensation of such STRL—

“(A) without regard to any limitation on appointments, positions, or funding with respect to such STRL, subject to subparagraph (B); and

“(B) in a manner consistent with the budget available with respect to such STRL.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to Senior Executive Service positions (as defined in section 3132(a) of title 5) or scientific and professional positions authorized under section 3104 of such title.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘employee’ has the meaning given that term in section 2105 of title 5.

“(2) The term ‘veteran’ has the meaning given that term in section 101 of title 38.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358 the following new item: “2358a. Authorities for certain positions at science and technology reinvention laboratories.”.

(b) **REPEAL OF SUPERSEDED SECTION.**—Section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2358 note) is hereby repealed.

SEC. 1123. MODIFICATION TO INFORMATION TECHNOLOGY PERSONNEL EXCHANGE PROGRAM.

Section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 5 U.S.C. 3702 note) is amended—

(1) in the section heading, by inserting “**CYBER AND**” before “**INFORMATION**”.

(2) in subsections (a)(1)(A), (a)(1)(C), and (g)(2), by inserting “cyber operations or” before “information”;

(3) in subsection (d), by striking “2018” and inserting “2022”;

(4) in subsection (g)(1), by inserting “to or” before “from”; and

(5) in subsection (h), by striking “10” and inserting “50”.

SEC. 1124. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) **PILOT PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

(b) **APPROVAL REQUIRED.**—The pilot program may be carried out in a military department only with the approval of the Service Acquisition Executive of the military department concerned.

(c) **POSITIONS.**—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

(d) **RATE OF BASIC PAY.**—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Service Acquisition Executive concerned.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2021.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2021, of basic pay at rates fixed under this section before that date for positions having terms that continue after that date.

(g) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term “science and technology reinvention laboratories of the Department of Defense” means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

SEC. 1125. TEMPORARY DIRECT HIRE AUTHORITY FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES, THE MAJOR RANGE AND TEST FACILITIES BASE, AND THE OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) DEFENSE INDUSTRIAL BASE FACILITY AND MRTFB.—During fiscal years 2017 and 2018, the Secretary of Defense may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, qualified candidates to positions in the competitive service at any defense industrial base facility or the Major Range and Test Facilities Base.

(b) OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—During fiscal years 2017 through 2021, the Secretary of Defense may, acting through the Director of Operational Test and Evaluation, appoint qualified candidates possessing an advanced degree to scientific and engineering positions within the Office of the Director of Operational Test and Evaluation without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(c) DEFINITION OF DEFENSE INDUSTRIAL BASE FACILITY.—In this section, the term “defense industrial base facility” means any Department of Defense depot, arsenal, or shipyard located within the United States.

Subtitle C—Governmentwide Matters

SEC. 1131. ELIMINATION OF TWO-YEAR ELIGIBILITY LIMITATION FOR NONCOMPETITIVE APPOINTMENT OF SPOUSES OF MEMBERS OF THE ARMED FORCES.

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

“(3) **NO TIME LIMITATION ON APPOINTMENT.**—A relocating spouse of a member of the Armed Forces remains eligible for noncompetitive appointment under this section for the duration of the spouse’s relocation to the permanent duty station of the member.”.

SEC. 1132. TEMPORARY PERSONNEL FLEXIBILITIES FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE CIVILIAN PERSONNEL.

(a) **IN GENERAL.**—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, during fiscal years 2017 and 2018, an employee of a defense industrial base facility or the Major Range and Test Facilities Base serving under a time-limited appointment in the competitive service is eligible to compete for a permanent appointment in the competitive service at (A) any such facility, Base, or any other component of the Department of Defense when such facility, Base, or component (as the case may be) is accepting applications from individuals within the facility, Base, or component’s workforce under merit promotion procedures, or (B) any agency when the agency is accepting applications from individuals outside its own workforce under merit promotion procedures of the applicable agency, if—

(1) the employee was appointed initially under open, competitive examination under subchapter I of chapter 33 of such title to the time-limited appointment;

(2) the employee has served under 1 or more time-limited appointments by a defense industrial base facility or the Major Range and Test Facilities Base for a period or periods totaling more than 24 months without a break of 2 or more years; and

(3) the employee’s performance has been at an acceptable level of performance throughout the period or periods (as the case may be) referred to in paragraph (2).

(b) **WAIVER OF AGE REQUIREMENT.**—In determining the eligibility of a time-limited employee under this section to be examined for or appointed in the competitive service, the Office of Personnel Management or other examining agency shall waive requirements as to age, unless the requirement is essential to the performance of the duties of the position.

(c) **STATUS.**—An individual appointed under this section—

(1) becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and

(2) acquires competitive status upon appointment.

(d) **FORMER EMPLOYEES.**—A former employee of a defense industrial base facility or the Major Range and Test Facilities Base who served under a time-limited appointment and who otherwise meets the requirements of this section shall be deemed a time-limited employee for purposes of this section if—

(1) such employee applies for a position covered by this section within the period of 2 years after the most recent date of separation; and

(2) such employee's most recent separation was for reasons other than misconduct or performance.

(e) **BENEFITS.**—Any employee of a defense industrial base facility or the Major Range and Test Facilities Base serving under a time-limited appointment in the competitive service shall be provided with benefits that are comparable to the benefits provided to similar employees not serving under time-limited appointments at the defense industrial base facility or the Major Range and Test Facilities Base concerned, including professional development opportunities, eligibility for awards programs, and designation as status applicants for purposes of eligibility for positions in the civil service.

(f) **DEFINITION OF DEFENSE INDUSTRIAL BASE FACILITY.**—In this section, the term “defense industrial base facility” means any Department of Defense depot, arsenal, or shipyard located within the United States.

SEC. 1133. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and as most recently amended by section 1102 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1022), is further amended by striking “2017” and inserting “2018”.

SEC. 1134. ADVANCE PAYMENTS FOR EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS TERRITORIES.

(a) **IN GENERAL.**—Subsection (a) of section 5524a of title 5, United States Code, is amended—

(1) by striking “(a) The head” and inserting “(a)(1) The head”; and

(2) by adding at the end the following:

“(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 4 pay periods, to an employee who is assigned to a position in the agency that is located—

“(A) outside of the employee’s commuting area; and

“(B) in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.”.

(b) **CONFORMING AMENDMENTS.**—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “or assigned” after “appointed”; and

(2) in paragraph (2)(B)—

(A) by inserting “or assignment” after “appointment”; and

(B) by inserting “or assigned” after “appointed”.

(c) **CLERICAL AMENDMENTS.**—

(1) *SECTION HEADING.*—The heading of such section is amended by inserting “**and employees relocating within the United States and its territories**” after “**appointees**”.

(2) *TABLE OF SECTIONS.*—The item relating to such section in the table of sections of chapter 55 of such title is amended to read as follows:

“5524a. Advance payments for new appointees and employees relocating within the United States and its territories.”.

SEC. 1135. ELIGIBILITY OF EMPLOYEES IN A TIME-LIMITED APPOINTMENT TO COMPETE FOR A PERMANENT APPOINTMENT AT ANY FEDERAL AGENCY.

Section 9602 of title 5, United States Code, is amended—

(1) in subsection (a) by striking “any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency” and inserting “such land management agency when such agency is accepting applications from individuals within the agency’s workforce under merit promotion procedures, or any agency, including a land management agency, when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency”; and

(2) in subsection (d) by inserting “of the agency from which the former employee was most recently separated” after “deemed a time-limited employee”.

SEC. 1136. REVIEW OF OFFICIAL PERSONNEL FILE OF FORMER FEDERAL EMPLOYEES BEFORE REHIRING.

(a) *IN GENERAL.*—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“§ 3330e. Review of official personnel file of former Federal employees before rehire

“(a) If a former Government employee is a candidate for a position within the competitive service or the excepted service, prior to making any determination with respect to the appointment or reinstatement of such employee to such position, the appointing authority shall review and consider merit-based information relating to such employee’s former period or periods of service such as official personnel actions, employee performance ratings, and disciplinary actions, if any, in such employee’s official personnel record file.

“(b) In subsection (a), the term ‘former Government employee’ means an individual whose most recent position with the Government prior to becoming a candidate as described under subsection (a) was within the competitive service or the excepted service.

“(c) The Office of Personnel Management shall prescribe regulations to carry out the purpose of this section. Such regulations may not contain provisions that would increase the time required for agency hiring actions.”.

(b) *APPLICATION.*—The amendment made by subsection (a) shall apply to any former Government employee (as described in section 3330e of title 5, United States Code, as added by such subsection) appointed or reinstated on or after the date that is 180 days after the date of enactment of this Act.

(c) **CLERICAL AMENDMENT.**—*The table of sections of subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:*

“3330e. Review of official personnel file of former Federal employees before rehiring.”.

SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1027), is further amended by striking “through 2016” and inserting “through 2017”.

SEC. 1138. ADMINISTRATIVE LEAVE.

(a) **SHORT TITLE.**—*This section may be cited as the “Administrative Leave Act of 2016”.*

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

(1) *agency use of administrative leave, and leave that is referred to incorrectly as administrative leave in agency recording practices, has exceeded reasonable amounts—*

(A) *in contravention of—*

(i) *established precedent of the Comptroller General of the United States; and*

(ii) *guidance provided by the Office of Personnel Management; and*

(B) *resulting in significant cost to the Federal Government;*

(2) *administrative leave should be used sparingly;*

(3) *prior to the use of paid leave to address personnel issues, an agency should consider other actions, including—*

(A) *temporary reassignment; and*

(B) *transfer;*

(4) *an agency should prioritize and expeditiously conclude an investigation in which an employee is placed in administrative leave so that, not later than the conclusion of the leave period—*

(A) *the employee is returned to duty status; or*

(B) *an appropriate personnel action is taken with respect to the employee;*

(5) *data show that there are too many examples of employees placed in administrative leave for 6 months or longer, leaving the employees without any available recourse to—*

(A) *return to duty status; or*

(B) *challenge the decision of the agency;*

(6) *an agency should ensure accurate and consistent recording of the use of administrative leave so that administrative leave can be managed and overseen effectively; and*

(7) *other forms of excused absence authorized by law should be recorded separately from administrative leave, as defined by the amendments made by this section.*

(c) **ADMINISTRATIVE LEAVE.**—

(1) **IN GENERAL.**—*Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:*

“§ 6329a. Administrative leave

“(a) **DEFINITIONS.**—*In this section—*

“(1) *the term ‘administrative leave’ means leave—*

“(A) *without loss of or reduction in—*

“(i) *pay;*

“(ii) *leave to which an employee is otherwise entitled under law; or*

“(iii) *credit for time or service; and*

“(B) *that is not authorized under any other provision of law;*

“(2) *the term ‘agency’—*

“(A) *means an Executive agency (as defined in section 105 of this title);*

“(B) *includes the Department of Veterans Affairs; and*

“(C) *does not include the Government Accountability Office; and*

“(3) *the term ‘employee’—*

“(A) *has the meaning given the term in section 2105; and*

“(B) *does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.*

“(b) **ADMINISTRATIVE LEAVE.**—

“(1) **IN GENERAL.**—*During any calendar year, an agency may place an employee in administrative leave for a period of not more than a total of 10 work days.*

“(2) **RECORDS.**—*An agency shall record administrative leave separately from leave authorized under any other provision of law.*

“(c) **REGULATIONS.**—

“(1) **OPM REGULATIONS.**—*Not later than 270 calendar days after the date of enactment of this section, the Director of the Office of Personnel Management shall—*

“(A) *prescribe regulations to carry out this section; and*

“(B) *prescribe regulations that provide guidance to agencies regarding—*

“(i) *acceptable agency uses of administrative leave;*

and

“(ii) *the proper recording of—*

“(I) *administrative leave; and*

“(II) *other leave authorized by law.*

“(2) **AGENCY ACTION.**—*Not later than 270 calendar days after the date on which the Director of the Office of Personnel Management prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.*

“(d) **RELATION TO OTHER LAWS.**—*Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.”*

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—*The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329 the following:*

“6329a. *Administrative leave.*”

(d) **INVESTIGATIVE LEAVE AND NOTICE LEAVE.**—

(1) *IN GENERAL.*—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

“§ 6329b. Investigative leave and notice leave

“(a) *DEFINITIONS.*—In this section—

“(1) the term ‘agency’—

“(A) means an Executive agency (as defined in section 105 of this title);

“(B) includes the Department of Veterans Affairs; and

“(C) does not include the Government Accountability Office;

“(2) the term ‘Chief Human Capital Officer’ means—

“(A) the Chief Human Capital Officer of an agency designated or appointed under section 1401; or

“(B) the equivalent;

“(3) the term ‘committees of jurisdiction’, with respect to an agency, means each committee of the Senate or House of Representatives with jurisdiction over the agency;

“(4) the term ‘Director’ means the Director of the Office of Personnel Management;

“(5) the term ‘employee’—

“(A) has the meaning given the term in section 2105; and

“(B) does not include—

“(i) an intermittent employee who does not have an established regular tour of duty during the administrative workweek; or

“(ii) the Inspector General of an agency;

“(6) the term ‘investigative entity’ means—

“(A) an internal investigative unit of an agency granting investigative leave under this section;

“(B) the Office of Inspector General of an agency granting investigative leave under this section;

“(C) the Attorney General; and

“(D) the Office of Special Counsel;

“(7) the term ‘investigative leave’ means leave—

“(A) without loss of or reduction in—

“(i) pay;

“(ii) leave to which an employee is otherwise entitled under law; or

“(iii) credit for time or service;

“(B) that is not authorized under any other provision of law; and

“(C) in which an employee who is the subject of an investigation is placed;

“(8) the term ‘notice leave’ means leave—

“(A) without loss of or reduction in—

“(i) pay;

“(ii) leave to which an employee is otherwise entitled under law; or

“(iii) credit for time or service;

“(B) that is not authorized under any other provision of law; and

“(C) in which an employee who is in a notice period is placed; and

“(9) the term ‘notice period’ means a period beginning on the date on which an employee is provided notice required under law of a proposed adverse action against the employee and ending on the date on which an agency may take the adverse action.

“(b) LEAVE FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

“(1) AUTHORITY.—An agency may, in accordance with paragraph (2), place an employee in—

“(A) investigative leave if the employee is the subject of an investigation;

“(B) notice leave if the employee is in a notice period;

or

“(C) notice leave following a placement in investigative leave if, not later than the day after the last day of the period of investigative leave—

“(i) the agency proposes or initiates an adverse action against the employee; and

“(ii) the agency determines that the employee continues to meet 1 or more of the criteria described in paragraph (2)(A).

“(2) REQUIREMENTS.—An agency may place an employee in leave under paragraph (1) only if the agency has—

“(A) made a determination with respect to the employee that the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period, as applicable, may—

“(i) pose a threat to the employee or others;

“(ii) result in the destruction of evidence relevant to an investigation;

“(iii) result in loss of or damage to Government property; or

“(iv) otherwise jeopardize legitimate Government interests;

“(B) considered—

“(i) assigning the employee to duties in which the employee no longer poses a threat described in clauses (i) through (iv) of subparagraph (A);

“(ii) allowing the employee to take leave for which the employee is eligible;

“(iii) if the employee is absent from duty without approved leave, carrying the employee in absence without leave status; and

“(iv) for an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed; and

“(C) determined that none of the available options under clauses (i) through (iv) of subparagraph (B) is appropriate.

“(3) DURATION OF LEAVE.—

“(A) INVESTIGATIVE LEAVE.—Upon the expiration of the 10 work day period described in section 6329a(b)(1) with

respect to an employee, and if an agency determines that an extended investigation of the employee is necessary, the agency may place the employee in investigative leave for a period of not more than 30 work days.

“(B) NOTICE LEAVE.—Placement of an employee in notice leave shall be for a period not longer than the duration of the notice period.

“(4) EXPLANATION OF LEAVE.—

“(A) IN GENERAL.—If an agency places an employee in leave under this subsection, the agency shall provide the employee a written explanation of whether the employee was placed in investigative leave or notice leave.

“(B) EXPLANATION.—The written notice under subparagraph (A) shall describe the limitations of the leave placement, including—

“(i) the applicable limitations under paragraph (3); and

“(ii) in the case of a placement in investigative leave, an explanation that, at the conclusion of the period of leave, the agency shall take an action under paragraph (5).

“(5) AGENCY ACTION.—Not later than the day after the last day of a period of investigative leave for an employee under paragraph (1), an agency shall—

“(A) return the employee to regular duty status;

“(B) take 1 or more of the actions under clauses (i) through (iv) of paragraph (2)(B);

“(C) propose or initiate an adverse action against the employee as provided under law; or

“(D) extend the period of investigative leave under subsections (c) and (d).

“(6) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed to prevent the continued investigation of an employee, except that the placement of an employee in investigative leave may not be extended for that purpose except as provided in subsections (c) and (d).

“(c) INITIAL EXTENSION OF INVESTIGATIVE LEAVE.—

“(1) IN GENERAL.—Subject to paragraph (4), if the Chief Human Capital Officer of an agency, or the designee of the Chief Human Capital Officer, approves such an extension after consulting with the investigator responsible for conducting the investigation to which an employee is subject, the agency may extend the period of investigative leave for the employee under subsection (b) for not more than 30 work days.

“(2) MAXIMUM NUMBER OF EXTENSIONS.—The total period of additional investigative leave for an employee under paragraph (1) may not exceed 90 work days.

“(3) DESIGNATION GUIDANCE.—Not later than 270 days after the date of enactment of this section, the Chief Human Capital Officers Council shall issue guidance to ensure that if the Chief Human Capital Officer of an agency delegates the authority to approve an extension under paragraph (1) to a designee, the designee is at a sufficiently high level within the agency to make an impartial and independent determination regarding the extension.

“(4) EXTENSIONS FOR OIG EMPLOYEES.—

“(A) APPROVAL.—In the case of an employee of an Office of Inspector General—

“(i) the Inspector General or the designee of the Inspector General, rather than the Chief Human Capital Officer or the designee of the Chief Human Capital Officer, shall approve an extension of a period of investigative leave for the employee under paragraph (1); or

“(ii) at the request of the Inspector General, the head of the agency within which the Office of Inspector General is located shall designate an official of the agency to approve an extension of a period of investigative leave for the employee under paragraph (1).

“(B) GUIDANCE.—Not later than 270 calendar days after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency shall issue guidance to ensure that if the Inspector General or the head of an agency, at the request of the Inspector General, delegates the authority to approve an extension under subparagraph (A) to a designee, the designee is at a sufficiently high level within the Office of Inspector General or the agency, as applicable, to make an impartial and independent determination regarding the extension.

“(d) FURTHER EXTENSION OF INVESTIGATIVE LEAVE.—

“(1) REPORT.—After reaching the limit under subsection (c)(2) and if an investigative entity submits a certification under paragraph (2) of this subsection, an agency may further extend a period of investigative leave for an employee for periods of not more than 30 work days each if, not later than 5 business days after granting each further extension, the agency submits to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, along with any other committees of jurisdiction, a report containing—

“(A) the title, position, office or agency subcomponent, job series, pay grade, and salary of the employee;

“(B) a description of the duties of the employee;

“(C) the reason the employee was placed in investigative leave;

“(D) an explanation as to why—

“(i) the employee poses a threat described in clauses (i) through (iv) of subsection (b)(2)(A); and

“(ii) the agency is not able to reassign the employee to another position within the agency;

“(E) in the case of an employee required to telework under section 6502(c) during the investigation of the employee—

“(i) the reasons that the agency required the employee to telework under that section; and

“(ii) the duration of the teleworking requirement;

“(F) the status of the investigation of the employee;

“(G) the certification described in paragraph (2); and

“(H) in the case of a completed investigation of the employee—

“(i) the results of the investigation; and

“(ii) the reason that the employee remains in investigative leave.

“(2) CERTIFICATION.—If, after an employee has reached the limit under subsection (c)(2), an investigative entity determines that additional time is needed to complete the investigation of the employee, the investigative entity shall—

“(A) certify to the appropriate agency that additional time is needed to complete the investigation of the employee; and

“(B) include in the certification an estimate of the amount of time that is necessary to complete the investigation of the employee.

“(3) NO EXTENSIONS AFTER COMPLETION OF INVESTIGATION.—An agency may not further extend a period of investigative leave of an employee under paragraph (1) on or after the date that is 30 calendar days after the completion of the investigation of the employee by an investigative entity.

“(e) CONSULTATION GUIDANCE.—Not later than 270 calendar days after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General and the Special Counsel, shall issue guidance on best practices for consultation between an investigator and an agency on the need to place an employee in investigative leave during an investigation of the employee, including during a criminal investigation, because the continued presence of the employee in the workplace during the investigation may—

“(1) pose a threat to the employee or others;

“(2) result in the destruction of evidence relevant to an investigation;

“(3) result in loss of or damage to Government property; or

“(4) otherwise jeopardize legitimate Government interests.

“(f) REPORTING AND RECORDS.—

“(1) IN GENERAL.—An agency shall keep a record of the placement of an employee in investigative leave or notice leave by the agency, including—

“(A) the basis for the determination made under subsection (b)(2)(A);

“(B) an explanation of why an action under clauses (i) through (iv) of subsection (b)(2)(B) was not appropriate;

“(C) the length of the period of leave;

“(D) the amount of salary paid to the employee during the period of leave;

“(E) the reasons for authorizing the leave, including, if applicable, the recommendation made by an investigator under subsection (c)(1);

“(F) whether the employee is required to telework under section 6502(c) during the investigation, including the reasons for requiring the employee to telework; and

“(G) the action taken by the agency at the end of the period of leave, including, if applicable, the granting of any extension of a period of investigative leave under subsection (c) or (d).

“(2) AVAILABILITY OF RECORDS.—An agency shall make a record kept under paragraph (1) available—

“(A) to any committee of jurisdiction, upon request;

“(B) to the Office of Personnel Management; and

“(C) as otherwise required by law, including for the purposes of the Administrative Leave Act of 2016 and the amendments made by that Act.

“(g) *RECOURSE TO THE OFFICE OF SPECIAL COUNSEL.*—For purposes of subchapter II of chapter 12 and section 1221, placement on investigative leave under subsection (b) of this section for a period of not less than 70 work days shall be considered a personnel action under paragraph (8) or (9) of section 2302(b).

“(h) *REGULATIONS.*—

“(1) *OPM ACTION.*—Not later than 270 calendar days after the date of enactment of this section, the Director shall prescribe regulations to carry out this section, including guidance to agencies regarding—

“(A) acceptable purposes for the use of—

“(i) investigative leave; and

“(ii) notice leave;

“(B) the proper recording of—

“(i) the leave categories described in subparagraph

(A); and

“(ii) other leave authorized by law;

“(C) baseline factors that an agency shall consider when making a determination that the continued presence of an employee in the workplace may—

“(i) pose a threat to the employee or others;

“(ii) result in the destruction of evidence relevant to an investigation;

“(iii) result in loss or damage to Government property; or

“(iv) otherwise jeopardize legitimate Government interests; and

“(D) procedures and criteria for the approval of an extension of a period of investigative leave under subsection (c) or (d).

“(2) *AGENCY ACTION.*—Not later than 270 calendar days after the date on which the Director prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

“(i) *RELATION TO OTHER LAWS.*—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.”.

(2) *GAO REPORT.*—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the results of an evaluation of the implementation of the authority provided under sections 6329a and 6329b of title 5, United States Code, as added by subsection (c)(1) of this section and paragraph (1) of this subsection, respectively, including—

(A) the number of times that an agency, under subsection (c)(1) of such section 6329b—

(i) consulted with the investigator responsible for conducting the investigation to which an employee was subject with respect to the decision of the agency to grant an extension under that subsection; and

(ii) did not have a consultation described in clause (i), including the reasons that the agency failed to have such a consultation;

(B) an assessment of the use of the authority provided under subsection (d) of such section 6329b by agencies, including data regarding the number and length of extensions granted under that subsection;

(C) an assessment of the compliance with the requirements of subsection (f) of such section 6329b by agencies;

(D) a review of the practice of agency placement of an employee in investigative or notice leave under subsection (b) of such section 6329b because of a determination under subsection (b)(2)(A)(iv) of that section that the employee jeopardized legitimate Government interests, including the extent to which such determinations were supported by evidence; and

(E) an assessment of the effectiveness of subsection (g) of such section 6329b in preventing and correcting the use of extended investigative leave as a tool of reprisal for making a protected disclosure or engaging in protected activity as described in paragraph (8) or (9) of section 2302(b) of title 5, United States Code.

(3) TELEWORK.—Section 6502 of title 5, United States Code, is amended by adding at the end the following:

“(c) REQUIRED TELEWORK.—If an agency places an employee in investigative leave under section 6329b, the agency may require the employee to, through telework, perform duties similar to the duties that the employee performs on-site if—

“(1) the agency determines that such a requirement would not—

“(A) pose a threat to the employee or others;

“(B) result in the destruction of evidence relevant to an investigation;

“(C) result in the loss of or damage to Government property; or

“(D) otherwise jeopardize legitimate Government interests;

“(2) the employee is eligible to telework under subsections (a) and (b) of this section; and

“(3) the agency determines that it would be appropriate for the employee to perform the duties of the employee through telework.”

(4) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329a, as added by this section, the following:

“6329b. Investigative leave and notice leave.”

(e) WEATHER AND SAFETY LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

“§ 6329c. Weather and safety leave

“(a) *DEFINITIONS.—In this section—*

“(1) *the term ‘agency’—*

“(A) *means an Executive agency (as defined in section 105 of this title);*

“(B) *includes the Department of Veterans Affairs; and*

“(C) *does not include the Government Accountability Office; and*

“(2) *the term ‘employee’—*

“(A) *has the meaning given the term in section 2105; and*

“(B) *does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.*

“(b) *LEAVE FOR WEATHER AND SAFETY ISSUES.—An agency may approve the provision of leave under this section to an employee or a group of employees without loss of or reduction in the pay of the employee or employees, leave to which the employee or employees are otherwise entitled, or credit to the employee or employees for time or service only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location due to—*

“(1) *an act of God;*

“(2) *a terrorist attack; or*

“(3) *another condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location.*

“(c) *RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.*

“(d) *REGULATIONS.—Not later than 270 days after the date of enactment of this section, the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including—*

“(1) *guidance to agencies regarding the appropriate purposes for providing leave under this section; and*

“(2) *the proper recording of leave provided under this section.*

“(e) *RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.”*

(2) *TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329b, as added by this section, the following:*

“6329c. Weather and safety leave.”

SEC. 1139. DIRECT HIRING FOR FEDERAL WAGE SCHEDULE EMPLOYEES.

The Director of the Office of Personnel Management shall permit an agency with delegated examining authority under 1104(a)(2) of title 5, United States Code, to use direct-hire authority under section 3304(a)(3) of such title for a permanent or non-permanent position or group of positions in the competitive services at GS-15 (or equivalent) and below, or for prevailing rate employees, if the Direc-

tor determines that there is either a severe shortage of candidates or a critical hiring need for such positions.

SEC. 1140. RECORD OF INVESTIGATION OF PERSONNEL ACTION IN SEPARATED EMPLOYEE'S OFFICIAL PERSONNEL FILE.

(a) *IN GENERAL.*—Subchapter I of chapter 33 of title 5, United States Code, is amended by inserting after section 3321 the following:

“§ 3322. Voluntary separation before resolution of personnel investigation

“(a) *With respect to any employee occupying a position in the competitive service or the excepted service who is the subject of a personnel investigation and resigns from Government employment prior to the resolution of such investigation, the head of the agency from which such employee so resigns shall, if an adverse finding was made with respect to such employee pursuant to such investigation, make a permanent notation in the employee's official personnel record file. The head shall make such notation not later than 40 days after the date of the resolution of such investigation.*

“(b) *Prior to making a permanent notation in an employee's official personnel record file under subsection (a), the head of the agency shall—*

“(1) *notify the employee in writing within 5 days of the resolution of the investigation and provide such employee a copy of the adverse finding and any supporting documentation;*

“(2) *provide the employee with a reasonable time, but not less than 30 days, to respond in writing and to furnish affidavits and other documentary evidence to show why the adverse finding was unfounded (a summary of which shall be included in any notation made to the employee's personnel file under subsection (d)); and*

“(3) *provide a written decision and the specific reasons therefore to the employee at the earliest practicable date.*

“(c) *An employee is entitled to appeal the decision of the head of the agency to make a permanent notation under subsection (a) to the Merit Systems Protection Board under section 7701.*

“(d)(1) *If an employee files an appeal with the Merit Systems Protection Board pursuant to subsection (c), the agency head shall make a notation in the employee's official personnel record file indicating that an appeal disputing the notation is pending not later than 2 weeks after the date on which such appeal was filed.*

“(2) *If the head of the agency is the prevailing party on appeal, not later than 2 weeks after the date that the Board issues the appeal decision, the head of the agency shall remove the notation made under paragraph (1) from the employee's official personnel record file.*

“(3) *If the employee is the prevailing party on appeal, not later than 2 weeks after the date that the Board issues the appeal decision, the head of the agency shall remove the notation made under paragraph (1) and the notation of an adverse finding made under subsection (a) from the employee's official personnel record file.*

“(e) *In this section, the term ‘personnel investigation’ includes—*

“(1) *an investigation by an Inspector General; and*

“(2) an adverse personnel action as a result of performance, misconduct, or for such cause as will promote the efficiency of the service under chapter 43 or chapter 75.”

(b) *APPLICATION.*—The amendment made by subsection (a) shall apply to any employee described in section 3322 of title 5, United States Code, (as added by such subsection) who leaves the service after the date of enactment of this Act.

(c) *CLERICAL AMENDMENT.*—The table of sections of subchapter I of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3321 the following:
“3322. Voluntary separation before resolution of personnel investigation.”.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. One-year extension of logistical support for coalition forces supporting certain United States military operations.
- Sec. 1202. Special Defense Acquisition Fund matters.
- Sec. 1203. Codification of authority for support of special operations to combat terrorism.
- Sec. 1204. Independent evaluation of strategic framework for Department of Defense security cooperation.
- Sec. 1205. Sense of Congress regarding an assessment, monitoring, and evaluation framework for security cooperation.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Extension and modification of Commanders' Emergency Response Program.
- Sec. 1212. Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 1213. Extension and modification of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
- Sec. 1214. Special immigrant status for certain Afghans.
- Sec. 1215. Modification to semiannual report on enhancing security and stability in Afghanistan.
- Sec. 1216. Prohibition on use of funds for certain programs and projects of the Department of Defense in Afghanistan that cannot be safely accessed by United States Government personnel.
- Sec. 1217. Improvement of oversight of United States Government efforts in Afghanistan.
- Sec. 1218. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

- Sec. 1221. Modification and extension of authority to provide assistance to the vetted Syrian opposition.
- Sec. 1222. Modification and extension of authority to provide assistance to counter the Islamic State of Iraq and the Levant.
- Sec. 1223. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1224. Limitation on provision of man-portable air defense systems to the vetted Syrian opposition during fiscal year 2017.
- Sec. 1225. Modification of annual report on military power of Iran.
- Sec. 1226. Quarterly report on confirmed ballistic missile launches from Iran.

Subtitle D—Matters Relating to the Russian Federation

- Sec. 1231. Military response options to Russian Federation violation of INF Treaty.
- Sec. 1232. Limitation on military cooperation between the United States and the Russian Federation.
- Sec. 1233. Extension and modification of authority on training for Eastern European national military forces in the course of multilateral exercises.
- Sec. 1234. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1235. Annual report on military and security developments involving the Russian Federation.

- Sec. 1236. *Limitation on use of funds to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission and related requirements.*
- Sec. 1237. *Extension and enhancement of Ukraine Security Assistance Initiative.*
- Sec. 1238. *Reports on INF Treaty and Open Skies Treaty.*

Subtitle E—Reform of Department of Defense Security Cooperation

- Sec. 1241. *Enactment of new chapter for defense security cooperation.*
- Sec. 1242. *Military-to-military exchanges.*
- Sec. 1243. *Consolidation and revision of authorities for payment of personnel expenses necessary for theater security cooperation.*
- Sec. 1244. *Transfer and revision of certain authorities on payment of expenses of training and exercises with friendly foreign forces.*
- Sec. 1245. *Transfer and revision of authority to provide operational support to forces of friendly foreign countries.*
- Sec. 1246. *Department of Defense State Partnership Program.*
- Sec. 1247. *Transfer of authority on Regional Defense Combating Terrorism Fellowship Program.*
- Sec. 1248. *Consolidation of authorities for service academy international engagement.*
- Sec. 1249. *Consolidated annual budget for security cooperation programs and activities of the Department of Defense.*
- Sec. 1250. *Department of Defense security cooperation workforce development.*
- Sec. 1251. *Reporting requirements.*
- Sec. 1252. *Quadrennial review of security sector assistance programs and authorities of the United States Government.*
- Sec. 1253. *Other conforming amendments and authority for administration.*

Subtitle F—Human Rights Sanctions

- Sec. 1261. *Short title.*
- Sec. 1262. *Definitions.*
- Sec. 1263. *Authorization of imposition of sanctions.*
- Sec. 1264. *Reports to Congress.*
- Sec. 1265. *Sunset.*

Subtitle G—Miscellaneous Reports

- Sec. 1271. *Modification of annual report on military and security developments involving the People's Republic of China.*
- Sec. 1272. *Monitoring and evaluation of overseas humanitarian, disaster, and civic aid programs of the Department of Defense.*
- Sec. 1273. *Strategy for United States defense interests in Africa.*
- Sec. 1274. *Report on the potential for cooperation between the United States and Israel on directed energy capabilities.*
- Sec. 1275. *Annual update of Department of Defense Freedom of Navigation Report.*
- Sec. 1276. *Assessment of proliferation of certain remotely piloted aircraft systems.*

Subtitle H—Other Matters

- Sec. 1281. *Enhancement of interagency support during contingency operations and transition periods.*
- Sec. 1282. *Two-year extension and modification of authorization of non-conventional assisted recovery capabilities.*
- Sec. 1283. *Authority to destroy certain specified World War II-era United States-origin chemical munitions located on San Jose Island, Republic of Panama.*
- Sec. 1284. *Sense of Congress on military exchanges between the United States and Taiwan.*
- Sec. 1285. *Limitation on availability of funds to implement the Arms Trade Treaty.*
- Sec. 1286. *Prohibition on use of funds to invite, assist, or otherwise assure the participation of Cuba in certain joint or multilateral exercises.*
- Sec. 1287. *Global Engagement Center.*
- Sec. 1288. *Modification of United States International Broadcasting Act of 1994.*
- Sec. 1289. *Redesignation of South China Sea Initiative.*
- Sec. 1290. *Measures against persons involved in activities that violate arms control treaties or agreements with the United States.*
- Sec. 1291. *Agreements with foreign governments to develop land-based water resources in support of and in preparation for contingency operations.*
- Sec. 1292. *Enhancing defense and security cooperation with India.*

- Sec. 1293. Coordination of efforts to develop free trade agreements with sub-Saharan African countries.
- Sec. 1294. Extension and expansion of authority to support border security operations of certain foreign countries.
- Sec. 1295. Modification and clarification of United States-Israel anti-tunnel cooperation authority.
- Sec. 1296. Maintenance of prohibition on procurement by Department of Defense of People's Republic of China-origin items that meet the definition of goods and services controlled as munitions items when moved to the "600 series" of the Commerce Control List.
- Sec. 1297. International sales process improvements.
- Sec. 1298. Efforts to end modern slavery.

Subtitle A—Assistance and Training

SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), as most recently amended by section 1201 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1035), is further amended—

- (1) in subsection (a), by striking "fiscal year 2016" and inserting "fiscal year 2017";
- (2) in subsection (d), by striking "during the period beginning on October 1, 2015, and ending on December 31, 2016" and inserting "during the period beginning on October 1, 2016, and ending on December 31, 2017"; and
- (3) in subsection (e)(1), by striking "December 31, 2016" and inserting "December 31, 2017".

SEC. 1202. SPECIAL DEFENSE ACQUISITION FUND MATTERS.

(a) **INCREASE IN SIZE.**—Effective as of October 1, 2016, paragraph (1) of section 114(c) of title 10, United States Code, is amended by striking "\$1,070,000,000" and inserting "\$2,500,000,000".

(b) **LIMITED AVAILABILITY OF CERTAIN AMOUNTS.**—Such section is further amended—

- (1) in paragraph (2)(A), by striking "limitation in paragraph (1)" and inserting "limitations in paragraphs (1) and (3)"; and

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

"(3) Of the amount available in the Special Defense Acquisition Fund in any fiscal year after fiscal year 2016, \$500,000,000 may be used in such fiscal year only to procure and stock precision guided munitions that may be required by partner and allied forces to enhance the effectiveness of current or future contributions of such forces to overseas contingency operations conducted or supported by the United States."

(c) **REPORTS.**—

(1) **INITIAL PLAN ON USE OF AUTHORITY.**—Before exercising authority for use of amounts in the Special Defense Acquisition Fund in excess of the size of that Fund as of September 30, 2016, by reason of the amendments made by this section, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report on the plan for the use of such amounts.

(2) **QUARTERLY SPENDING PLAN.**—Not later than 30 days before the beginning of each fiscal year quarter, the Secretary

of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a detailed plan for the use of amounts in the Special Defense Acquisition Fund for such fiscal year quarter.

(3) ANNUAL UPDATES.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report setting forth the inventory of defense articles and services acquired, possessed, and transferred through the Special Defense Acquisition Fund in such fiscal year.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” has the meaning given that term in section 301(1) of title 10, United States Code (as added by section 1241(a)(3) of this Act).

SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting before section 128 the following new section:

“§ 127e. Support of special operations to combat terrorism

“(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to \$100,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

“(b) FUNDS.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

“(c) PROCEDURES.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section. The Secretary shall notify the congressional defense committees of any material modification of such procedures.

“(d) NOTIFICATION.—

“(1) IN GENERAL.—Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an approved military operation or changing the scope or funding level of any support for such an operation by \$1,000,000 or an amount equal to 20 percent of such funding level (whichever is less), or not later than 48 hours after exercising such authority if the Secretary determines that extraordinary circumstances that impact the national security of the United States exist, the Secretary shall notify the congressional defense committees of the use of such authority with respect to that operation. Any such notification shall be in writing.

“(2) ELEMENTS.—A notification required by this subsection shall include the following:

“(A) The type of support provided or to be provided to United States special operations forces.

“(B) The type of support provided or to be provided to the recipient of the funds.

“(C) The amount obligated under the authority to provide support.

“(e) *LIMITATION ON DELEGATION.*—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

“(f) *INTELLIGENCE ACTIVITIES.*—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

“(g) *BIENNIAL REPORTS.*—

“(1) *REPORT ON PRECEDING CALENDAR YEAR.*—Not later than March 1 each year, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the preceding calendar year.

“(2) *REPORT ON CURRENT CALENDAR YEAR.*—Not later than September 1 each year, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the first half of the calendar year in which the report is submitted.

“(3) *ELEMENTS.*—Each report required by this subsection shall include, for the period covered by such report, the following:

“(A) A summary of the ongoing military operations by United States special operations forces to combat terrorism that were supported or facilitated by foreign forces, irregular forces, groups, or individuals for which support was provided under this section.

“(B) A description of the support or facilitation provided by such foreign forces, irregular forces, groups, or individuals to United States special operations forces.

“(C) The type of recipients that were provided support under this section, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

“(D) The total amount obligated for support under this section, including budget details.

“(E) The total amount obligated in prior fiscal years under this section and applicable preceding authority.

“(F) The intended duration of support provided under this section.

“(G) A description of the support or training provided to the recipients of support under this section.

“(H) A value assessment of the support provided under this section, including a summary of significant activities undertaken by foreign forces, irregular forces, groups, or individuals to support operations by United States special operations forces to combat terrorism.”

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 3 of such title is amended by inserting before the item relating to section 128 the following new item:

“127e. Support of special operations to combat terrorism.”

(b) *REPEAL OF SUPERSEDED AUTHORITY.*—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) is repealed.