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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

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



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- Sec. 312. Waiver authority for alternative fuel procurement requirement.
- Sec. 313. Utility data management for military facilities.
- Sec. 314. Alternative technologies for munitions disposal.
- Sec. 315. Report on efforts to reduce high energy costs at military installations.
- Sec. 316. Sense of Congress on funding decisions relating to climate change.

Subtitle C—Logistics and Sustainment

- Sec. 321. Revision of deployability rating system and planning reform.
- Sec. 322. Revision of guidance relating to corrosion control and prevention executives.
- Sec. 323. Pilot program for inclusion of certain industrial plants in the Armament Retooling and Manufacturing Support Initiative.
- Sec. 324. Repair, recapitalization, and certification of dry docks at naval shipyards.
- Sec. 325. Private sector port loading assessment.
- Sec. 326. Strategy on revitalizing Army organic industrial base.

Subtitle D—Reports

- Sec. 331. Modifications to Quarterly Readiness Report to Congress.
- Sec. 332. Report on average travel costs of members of the reserve components.
- Sec. 333. Report on HH-60G sustainment and Combat Rescue Helicopter program.

Subtitle E—Other Matters

- Sec. 341. Air navigation matters.
- Sec. 342. Contract working dogs.
- Sec. 343. Plan, funding documents, and management review relating to explosive ordnance disposal.
- Sec. 344. Process for communicating availability of surplus ammunition.
- Sec. 345. Mitigation of risks posed by window coverings with accessible cords in certain military housing units.
- Sec. 346. Access to military installations by transportation companies.
- Sec. 347. Access to wireless high-speed Internet and network connections for certain members of the Armed Forces.
- Sec. 348. Limitation on availability of funds for Office of the Under Secretary of Defense for Intelligence.
- Sec. 349. Limitation on development and fielding of new camouflage and utility uniforms.
- Sec. 350. Plan for improved dedicated adversary air training enterprise of the Air Force.
- Sec. 351. Independent review and assessment of the Ready Aircrew Program of the Air Force.
- Sec. 352. Study on space-available travel system of the Department of Defense.
- Sec. 353. Evaluation of motor carrier safety performance and safety technology.

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Energy and Environment

SEC. 311. MODIFIED REPORTING REQUIREMENT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.

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

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

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



10/2925(a)

10/2925(a)(2)
to (8), (10)

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**10/2925(a)(3),
(4), (9), (11)**

10/2925(a)(2)

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

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

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

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

42/17142 note new*

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

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

SEC. 313. UTILITY DATA MANAGEMENT FOR MILITARY FACILITIES.

10/2302 note new

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

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

SEC. 314. ALTERNATIVE TECHNOLOGIES FOR MUNITIONS DISPOSAL.

10/4681 note prec new

In carrying out the disposal of munitions in the stockpile of conventional munitions awaiting demilitarization and disposal, the Secretary of the Army may use cost-competitive technologies that minimize waste generation and air emissions as alternatives to disposal by open burning, open detonation, direct contact combustion, and incineration.

SEC. 315. REPORT ON EFFORTS TO REDUCE HIGH ENERGY COSTS AT MILITARY INSTALLATIONS.

(a) REPORT.—

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

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

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



***DT (sec. 3) - JW**

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

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with Department of Defense priorities.

(D) An explanation of how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of the extent to which activities administered under the Federal Energy Management Program could be used to assist with the implementation strategy.

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the States containing areas of high levels of energy intensity, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term “high levels of energy intensity” means costs for the provision of energy by kilowatt of electricity or British thermal unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

SEC. 316. SENSE OF CONGRESS ON FUNDING DECISIONS RELATING TO CLIMATE CHANGE.

It is the sense of Congress that—

(1) decisions relating to the funding of the Department of Defense for fiscal year 2017 should prioritize the support and enhancement of the combat capabilities of the Department, in addition to seeking efficiency and efficacy;

(2) funds should be allocated among the programs of the Department in the manner that best serves the national security interests of the United States; and

(3) decisions relating to energy efficiency, energy use, and climate change should adhere to the principles described in paragraphs (1) and (2).



Subtitle C—Logistics and Sustainment

SEC. 321. REVISION OF DEPLOYABILITY RATING SYSTEM AND PLANNING REFORM.

(a) DEPLOYMENT PRIORITIZATION AND READINESS.—

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

10/10102a new

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

10/10102a new

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

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

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

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

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

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

“(A) documents all equipment required for deployment;

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

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

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

10/10101 prec

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

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

10/10105 note

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

SEC. 322. REVISION OF GUIDANCE RELATING TO CORROSION CONTROL AND PREVENTION EXECUTIVES.

10/2228 note new

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight for the Department of Defense, shall revise guidance relating to corrosion control and prevention executives to—

(1) clarify the role of each such executive with respect to assisting the Office of Corrosion Policy and Oversight in holding the appropriate project management office in each military department accountable for submitting the annual report required under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2228 note); and

(2) ensure that corrosion control and prevention executives emphasize the reduction of corrosion and the effects of corrosion on the military equipment and infrastructure of the Department

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10/2228 note new

of Defense, as required in the long-term strategy of the Department of Defense under section 2228(d) of title 10, United States Code.

(b) CORROSION CONTROL AND PREVENTION EXECUTIVE DEFINED.—In this section, the term “corrosion control and prevention executive” means the employee of a military department designated as the corrosion control and prevention executive of the department under section 903(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note).

SEC. 323. PILOT PROGRAM FOR INCLUSION OF CERTAIN INDUSTRIAL PLANTS IN THE ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

10/4551 note new

During the five-year period beginning on the date of the enactment of this Act, the Secretary of Defense may treat a Government-owned, contractor-operated industrial plant of the Department of Defense as an eligible facility under section 4551(2) of title 10, United States Code.

SEC. 324. REPAIR, RECAPITALIZATION, AND CERTIFICATION OF DRY DOCKS AT NAVAL SHIPYARDS.

(a) SPECIAL AUTHORITY TO TRANSFER AUTHORIZATIONS.—In addition to the authority to transfer funds provided under section 1001, the Secretary of Defense may transfer not more than \$250,000,000 of authorizations made available to the Department of Defense in this Act for fiscal year 2017 to the Department of the Navy for the repair, recapitalization, and certification of dry docks at Government-owned, Government-operated shipyards of the Navy.

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

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(2) EFFECT ON DOLLAR LIMIT.—A transfer of funds under this section shall not be counted toward the dollar limitation described in section 1001(a)(2).

SEC. 325. PRIVATE SECTOR PORT LOADING ASSESSMENT.

(a) ASSESSMENTS REQUIRED.—During the period beginning on the date of the enactment of this Act and ending on the date of the final briefing under subsection (c), the Secretary of the Navy shall conduct quarterly assessments of naval ship maintenance and loading activities carried out by private sector entities at each covered port.

(b) ELEMENTS OF ASSESSMENTS.—Each assessment under subsection (a) shall include, with respect to each covered port, the following:

(1) Resources per day, including daily ship availabilities and the workforce available to carry out maintenance and loading activities, for the fiscal year preceding the quarter covered by the assessment through the end of such quarter.

(2) Projected resources per day, including daily ship availabilities and the workforce available to carry out maintenance and loading activities, through the end of the second fiscal year beginning after the quarter covered by the assessment.



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(3) A description of the methods by which the Secretary communicates projected workloads to private sector entities engaged in ship maintenance activities and ship loading activities.

(4) A description of any processes that have been implemented to allow for timely feedback from private sector entities engaged in ship maintenance activities and ship loading activities.

(c) BRIEFINGS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and on a quarterly basis thereafter until September 30, 2021, the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives (and other congressional defense committees on request)—

(1) a briefing on the results of the assessments conducted under subsection (a); and

(2) a chart depicting the information described in paragraphs (1) and (2) of subsection (b) with respect to each covered port.

(d) COVERED PORTS.—In this section, the term “covered ports” means port facilities used by the Department of Defense in each of the following locations:

(1) Mayport, Florida.

(2) Norfolk, Virginia.

(3) Pearl Harbor, Hawaii.

(4) Puget Sound, Washington.

(5) San Diego, California.

SEC. 326. STRATEGY ON REVITALIZING ARMY ORGANIC INDUSTRIAL BASE.

(a) STRATEGY.—Not later than October 1, 2017, the Secretary of Army shall submit to the congressional defense committees a strategy to revitalize the organic industrial base of the Army.

(b) ELEMENTS.—The strategy under subsection (a) shall include, with respect to the organic industrial base of the Army, the following:

(1) A plan to ensure the long-term viability of the organic industrial base.

(2) An assessment of legacy items of the Army that are sustained by the Defense Logistics Agency.

(3) A description of how the organic industrial base may be used to address diminishing manufacturing sources and material shortages.

(4) A description of critical capabilities that are required across the organic industrial base.

(5) An assessment of infrastructure across the organic industrial base.

(6) An assessment of manufacturing sources in the organic industrial base and the private sector.

(7) An explanation of how contracting may be used to meet organic industrial base requirements.

(8) An assessment of current and future workloads across the organic industrial base.

(9) An assessment of the processes used to identify critical capabilities for the organic industrial base and the methods used to determine workloads.

(10) An assessment of existing labor rates.



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(11) A description of manufacturing skills that are needed to sustain readiness.

(12) A description of how public-private partnerships may be used to improve the organic industrial base.

(13) A description of how working capital funds may be used to improve the organic industrial base.

(14) An assessment of operating expenses and the potential for reducing or recovering such expenses.

(15) Identification of the tooling, equipment, and facilities upgrades necessary for a facility in the organic industrial base to manufacture the legacy items of the Defense Logistics Agency, including items described in section 333(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 792).

(16) An assessment of the suitability of manufacturing the legacy items of the Defense Logistics Agency in a facility in the organic industrial base.

(c) DEFINITIONS.—In this section:

(1) LEGACY ITEMS.—The term “legacy items” means manufactured items that are no longer produced by the private sector but continue to be used for weapons systems of the Department of Defense, but does not include information systems and information technology (as those terms are defined in section 11101 of title 40, United States Code).

(2) ORGANIC INDUSTRIAL BASE.—The term “organic industrial base” means United States military facilities, including arsenals, depots, munition plants and centers, and storage sites, that advance a vital national security interest by producing, maintaining, repairing, and storing materiel, munitions, and hardware.

Subtitle D—Reports

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

10/482(a)

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

10/482(a)

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

10/482(d), (e)

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

10/482(d) to (i)

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

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

10/482(h)

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

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

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

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



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

(a) **REPORT ON SUSTAINMENT PLAN.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth a plan to modernize, sustain training, and conduct depot-level maintenance and repair for all components of the HH-60 helicopter fleet until total force combat rescue units have been fully equipped with HH-60W Combat Rescue Helicopters.

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

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

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

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

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



Subtitle E—Other Matters

SEC. 341. AIR NAVIGATION MATTERS.

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

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

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

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

(C) by adding at the end the following:

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

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

“(b) **STUDIES.**—

“(1) **IN GENERAL.**—Under regulations prescribed by the Secretary, if the Secretary decides that constructing or altering a structure may result in an obstruction of the navigable airspace, an interference with air navigation facilities and equipment or the navigable airspace, or, after consultation with

49/44718(a)(1)

49/44718(a)(2)

49/44718(a)(3)

49/44718(b)

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49/44718(b)

the Secretary of Defense, an adverse impact on military operations and readiness, the Secretary of Transportation shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

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

49/44718(f), (g)

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

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

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

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

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

“(1) ADVERSE IMPACT ON MILITARY OPERATIONS AND READINESS.—The term ‘adverse impact on military operations and readiness’ has the meaning given the term in section 211.3

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of title 32, Code of Federal Regulations, as in effect on January 6, 2014.

49/44718(f), (g)

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

49/44718

(4) CONFORMING AMENDMENTS.—

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

49/44701 prec

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

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

49/40101 note

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

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

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

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

“(4) REVIEW OF CERTAIN CATEGORICAL EXCLUSIONS.—

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

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

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

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

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49/40101 note

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

SEC. 342. CONTRACT WORKING DOGS.

(a) REQUIRED CONTRACT CLAUSE.—

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

10/2410r new

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

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

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

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

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

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

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

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

10/2381 prec

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

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

10/2583(h)(1)

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

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

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

(a) PLAN REQUIRED.—

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

10/2701 note new

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

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10/2701 note new

(A) the Secretary of Defense shall—

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

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

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

(b) ANNUAL EXPLOSIVE ORDNANCE DISPOSAL FUNDING DOCUMENTS.—

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

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

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

(B) Procurement.

(C) Operation and maintenance.

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

(c) MANAGEMENT REVIEW AND ASSESSMENT.—

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

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

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

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

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

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

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

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10/2701 note new

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

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

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

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

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

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

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

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

(e) DEFINITIONS.—In this section:

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

(A) bombs and warheads;

(B) guided and ballistic missiles;

(C) artillery, mortar, rocket, and small arms munitions;

(D) mines, torpedoes, and depth charges;

(E) demolition charges;

(F) pyrotechnics;

(G) clusters and dispensers;

(H) cartridge and propellant actuated devices;

(I) electro-explosive devices; and

(J) clandestine and improvised explosive devices.

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

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

10/2576a note new

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

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

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

10/2821 note new

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

(1) military housing units owned by the Department of Defense in which children under the age of 9 may reside; and

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

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

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

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

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

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

10/113 note new

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

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

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

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

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

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

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

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

(7) shall require transportation companies—

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10/113 note new

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

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

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

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

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

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

(d) DEFINITIONS.—In this section:

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

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

(A) means an individual—

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

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

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

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

10/1030 note prec new

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


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

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

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for Operation and Maintenance, Defense-wide, for the Office of the Under Secretary of Defense for Intelligence, not more than 90 percent may be obligated or expended until the Secretary of Defense issues guidance on the process by which members of the Armed Forces may carry




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an appropriate firearm on a military installation, as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 813; 10 U.S.C. 2672 note).

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



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

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



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

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

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

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

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

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

(1) Goals and objectives.

(2) Concepts of operations.

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

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

(5) Prioritized resource requirements.

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

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

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

(2) a briefing on such plan.

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

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

(1) to conduct a review and assessment of—

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

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

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

(b) **REPORT.**—

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

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

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

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

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

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

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

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

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

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

(c) **COMPTROLLER GENERAL REVIEW.**—

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

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

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

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



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10/2641b note new*

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

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

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

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

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

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

(1) A determination of—

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

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

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

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

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

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

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

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

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

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

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

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

***DT (sec. 3) - JW**

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10/2641b note new

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

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

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

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

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

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

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

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

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

(B) adding additional categories of eligible individuals;

and

(2) collect data on travelers who request but do not obtain available travel spaces under the space-available travel system.

(e) DISABILITY RATED AS TOTAL DEFINED.—In this section, the term “disability rated as total” has the meaning given the term in section 1414(e)(3) of title 10, United States Code.

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

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

(1) electronic logging devices;

(2) roll stability control;

(3) forward collision avoidance systems;

(4) lane departure warning systems; and

(5) speed limiters.

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

(1) consider the need to avoid catastrophic accidents and exposure of security-sensitive materials; and

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



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TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

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

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2017 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Technical corrections to annual authorization for personnel strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

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

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

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

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

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

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

- (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which



10/691(b)(1) to (4)



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are on active duty (other than for training) at the end of the fiscal year; and

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

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

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

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

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

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

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

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

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

- (1) by 3 percent, upon determination by the Secretary of Defense that such action is in the national interest; and
- (2) by 2 percent, upon determination by the Secretary of the military department concerned that such action would enhance manning and readiness in essential units or in critical specialties or ratings.

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

(a) **LIMITATIONS.**—

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



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

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

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

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

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

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

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

- (1) The Army National Guard of the United States, 17,000.
- (2) The Army Reserve, 13,000.
- (3) The Navy Reserve, 6,200.
- (4) The Marine Corps Reserve, 3,000.
- (5) The Air National Guard of the United States, 16,000.
- (6) The Air Force Reserve, 14,000.



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

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

(1) in subsection (b)(1)—

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

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

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

10/115(b)(1)(B)

10/115(i)(7)

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.


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



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TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

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

Subtitle B—Reserve Component Management

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

Subtitle C—General Service Authorities

- Sec. 521. Matters relating to provision of leave for members of the Armed Forces, including prohibition on leave not expressly authorized by law.
- Sec. 522. Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations.
- Sec. 523. Expansion of authority to execute certain military instruments.
- Sec. 524. Medical examination before administrative separation for members with post-traumatic stress disorder or traumatic brain injury in connection with sexual assault.
- Sec. 525. Reduction of tenure on the temporary disability retired list.
- Sec. 526. Technical correction to voluntary separation pay and benefits.
- Sec. 527. Consolidation of Army marketing and pilot program on consolidated Army recruiting.

Subtitle D—Member Whistleblower Protections and Correction of Military Records

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

Subtitle E—Military Justice and Legal Assistance Matters

- Sec. 541. United States Court of Appeals for the Armed Forces.
- Sec. 542. Effective prosecution and defense in courts-martial and pilot programs on professional military justice development for judge advocates.

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- Sec. 543. Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.
- Sec. 544. Extension of the requirement for annual report regarding sexual assaults and coordination with release of Family Advocacy Program report.
- Sec. 545. Metrics for evaluating the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.
- Sec. 546. Training for Department of Defense personnel who investigate claims of retaliation.
- Sec. 547. Notification to complainants of resolution of investigations into retaliation.
- Sec. 548. Modification of definition of sexual harassment for purposes of investigations by commanding officers of complaints of harassment.
- Sec. 549. Improved Department of Defense prevention of and response to hazing in the Armed Forces.

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

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

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

- Sec. 561. Modification of program to assist members of the Armed Forces in obtaining professional credentials.
- Sec. 562. Inclusion of alcohol, prescription drug, opioid, and other substance abuse counseling as part of required pre-separation counseling.
- Sec. 563. Inclusion of information in Transition Assistance Program regarding effect of receipt of both veteran disability compensation and voluntary separation pay.
- Sec. 564. Training under Transition Assistance Program on career and employment opportunities associated with transportation security cards.
- Sec. 565. Extension of suicide prevention and resilience program.
- Sec. 566. Congressional notification in advance of appointments to service academies.
- Sec. 567. Report and guidance on Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives for members of the Armed Forces who are being separated.
- Sec. 568. Military-to-mariner transition.


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

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

Subtitle I—Decorations and Awards

- Sec. 581. Posthumous advancement of Colonel George E. "Bud" Day, United States Air Force, on the retired list.
- Sec. 582. Authorization for award of medals for acts of valor during certain contingency operations.
- Sec. 583. Authorization for award of the Medal of Honor to Gary M. Rose and James C. McCloughan for acts of valor during the Vietnam War.
- Sec. 584. Authorization for award of Distinguished-Service Cross to First Lieutenant Melvin M. Spruiell for acts of valor during World War II.

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- Sec. 585. Authorization for award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor during World War II.
- Sec. 586. Review regarding award of Medal of Honor to certain Asian American and Native American Pacific Islander war veterans.
- Subtitle J—Miscellaneous Reports and Other Matters
- Sec. 591. Repeal of requirement for a chaplain at the United States Air Force Academy appointed by the President.
- Sec. 592. Extension of limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
- Sec. 593. Annual reports on progress of the Army and the Marine Corps in integrating women into military occupational specialties and units recently opened to women.
- Sec. 594. Report on feasibility of electronic tracking of operational active-duty service performed by members of the Ready Reserve of the Armed Forces.
- Sec. 595. Report on discharge by warrant officers of pilot and other flight officer positions in the Navy, Marine Corps, and Air Force currently discharged by commissioned officers.
- Sec. 596. Body mass index test.
- Sec. 597. Report on career progression tracks of the Armed Forces for women in combat arms units.

Subtitle A—Officer Personnel Policy

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

10/525 note new

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

(1) REQUIRED REDUCTION.—Except as otherwise provided by an Act enacted after the date of the enactment of this Act that expressly modifies the requirements of this paragraph, by not later than December 31, 2022, the Secretary of Defense shall reduce the number of general and flag officers on active duty by 110 from the aggregate authorized number of general and flag officers authorized by sections 525 and 526 of title 10, United States Code, as of December 31, 2015.

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

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

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

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

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

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

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

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

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

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10/525 note new

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

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

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

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

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

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

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

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

(c) STUDY FOR PURPOSES OF PLAN.—

(1) STUDY REQUIRED.—For purposes of complying with subsection (a) and preparing the plan required by subsection (b), the Secretary of Defense shall conduct a comprehensive and deliberate global manpower study of requirements for general and flag officers with the goal of identifying—

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

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

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

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

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

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

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10/525 note new

(B) the results of that evaluation; and

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

(d) EXCLUSIONS.—

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

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

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

(2) RELATED TO RELIEF FROM CHIEF OF STAFF DUTY.—For purposes of complying with subsection (a), the Secretary of Defense may exclude an officer who continues to hold the grade of general or admiral under section 601(b)(5) of title 10, United States Code, after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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10/525 note new

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

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

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

10/526a new

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

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

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

“(1) For the Army, 220.

“(2) For the Navy, 151.

“(3) For the Air Force, 187.

“(4) For the Marine Corps, 62.

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

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

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

“(A) For the Army, 75.

“(B) For the Navy, 53.

“(C) For the Air Force, 68.

“(D) For the Marine Corps, 17.

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

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

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

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10/526a new

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

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

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

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

“(f) ACTIVE-DUTY BASELINE.—

“(1) NOTICE AND WAIT REQUIREMENTS.—If the Secretary of a military department proposes an action that would increase above the baseline the number of general officers or flag officers of an armed force under the jurisdiction of that Secretary who would be on active duty and would count against the statutory limit applicable to that armed force under subsection (a), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which the Secretary provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

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

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

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

“(g) JOINT DUTY ASSIGNMENT BASELINE.—

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

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

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

- 10/526a new** “(B) the actual number of general officers and flag officers who, as of January 1, 2023, were in joint duty assignments counted toward the statutory limit under subsection (b)(1).”
- “(h) ANNUAL REPORT.—Not later than March 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying the following:
- “(1) The numbers of general officers and flag officers who, as of January 1 of the calendar year in which the report is submitted, counted toward the service-specific limits of subsection (a).
- “(2) The number of general officers and flag officers in joint duty assignments who, as of such January 1, counted toward the statutory limit under subsection (b)(1).”
- 10/526(k)** (2) CONFORMING AMENDMENT.—Section 526 of title 10, United States Code, is amended by adding at the end the following new subsection:
- “(k) CESSATION OF APPLICABILITY.—The provisions of this section shall not apply to number of general officers and flag officers in the armed forces after December 31, 2022. For provisions applicable to the number of such officers after that date, see section 526a of this title.”.
- 10/521 prec** (3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of title 10, United States Code, is amended by inserting after the item relating to section 526 the following new item:
- “526a. Authorized strength after December 31, 2022: general officers and flag officers on active duty.”.
- SEC. 502. REPEAL OF STATUTORY SPECIFICATION OF GENERAL OR FLAG OFFICER GRADE FOR VARIOUS POSITIONS IN THE ARMED FORCES.**
- (a) ASSISTANTS TO CJCS FOR NG MATTERS AND RESERVE MATTERS.—
- 10/155a Rep.** (1) IN GENERAL.—Section 155a of title 10, United States Code, is repealed.
- 10/151 prec** (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 155a.
- (b) LEGAL COUNSEL TO CJCS.—Section 156 of title 10, United States Code, is amended—
- 10/156(c)** (1) by striking subsection (c); and
- 10/156(c), (d)** (2) by redesignating subsection (d) as subsection (c).
- (c) DIRECTOR OF TEST RESOURCE MANAGEMENT CENTER.—Section 196(b)(1) of title 10, United States Code, is amended by striking the second and third sentences.
- 10/196(b)(1)** (d) DIRECTOR OF MISSILE DEFENSE AGENCY.—
- (1) IN GENERAL.—Section 203 of title 10, United States Code, is repealed.
- 10/203 Rep.** (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 203.
- 10/201 prec** (e) JOINT 4-STAR POSITIONS.—Section 604(b) of title 10, United States Code, is amended by striking paragraph (3).
- 10/604(b)(3)**

10/711	(f) SENIOR MEMBERS OF MILITARY STAFF COMMITTEE OF UN.—Section 711 of title 10, United States Code, is amended by striking the second sentence.
10/720 Rep.	(g) CHIEF OF STAFF TO PRESIDENT.— (1) IN GENERAL.—Section 720 of title 10, United States Code, is repealed.
10/711 prec	(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 720.
10/722 Rep.	(h) ATTENDING PHYSICIAN TO CONGRESS.— (1) IN GENERAL.—Section 722 of title 10, United States Code, is repealed.
10/711 prec	(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 722.
10/744 Rep.	(i) PHYSICIAN TO WHITE HOUSE.— (1) IN GENERAL.—Section 744 of title 10, United States Code, is repealed.
10/741 prec	(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 744.
10/3023(a)	(j) CHIEF OF LEGISLATIVE LIAISON OF THE ARMY.—Section 3023(a) of title 10, United States Code, is amended by striking the second sentence.
10/3036(b)	(k) CHIEFS OF BRANCHES OF THE ARMY.—Section 3036(b) of title 10, United States Code, is amended in the flush matter following paragraph (2)— (1) by striking the first sentence; and (2) in the second sentence, by striking “, and while so serving, has the grade of lieutenant general”.
10/3037(a)	(l) JUDGE ADVOCATE GENERAL OF THE ARMY.—Section 3037(a) of title 10, United States Code, is amended by striking the last two sentences.
10/3038(c)	(m) CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended—
10/3038(c)(1)	(1) in the subsection heading, by striking “; GRADE”;
10/3038(c)(2)	(2) by striking “(1)”; and (3) by striking paragraph (2).
10/3039 Rep.	(n) DEPUTY AND ASSISTANT CHIEFS OF BRANCHES OF THE ARMY.— (1) IN GENERAL.—Section 3039 of title 10, United States Code, is repealed.
10/3031 prec	(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 305 of such title is amended by striking the item relating to section 3039.
10/3069(b)	(o) CHIEF OF ARMY NURSE CORPS.—Section 3069(b) of title 10, United States Code, is amended by striking the second sentence.
10/3070(a)	(p) ASSISTANT CHIEFS OF ARMY MEDICAL SPECIALIST CORPS.— (1) IN GENERAL.—Section 3070 of title 10, United States Code, is amended—
10/3070(c)	(A) in subsection (a), by striking “and assistant chiefs”;
10/3070(c), (d)	(B) by striking subsection (c); and (C) by redesignating subsection (d) as subsection (c).
10/3070	(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

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10/3070	“§ 3070. Army Medical Specialist Corps: organization; Chief”.
10/3061 prec	(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by striking the item relating to section 3070 and inserting the following new item: “3070. Army Medical Specialist Corps: organization; Chief.”
10/3072(3)	(q) JUDGE ADVOCATE GENERAL’S CORPS OF THE ARMY.—Section 3072 of title 10, United States Code, is amended—
10/3072(3) to (5)	(1) by striking paragraph (3); and (2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.
10/3084	(r) CHIEF OF VETERINARY CORPS OF THE ARMY.—
10/3084	(1) IN GENERAL.—Section 3084 of title 10, United States Code, is amended by striking the second sentence. (2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:
10/3061 prec	“§ 3084. Chief of Veterinary Corps”. (3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by striking the item relating to section 3084 and inserting the following new item: “3084. Chief of Veterinary Corps.”
10/3543 Rep.	(s) ARMY AIDES.—
10/3531 prec	(1) IN GENERAL.—Section 3543 of title 10, United States Code, is repealed. (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 343 of such title is amended by striking the item relating to section 3543.
10/5016(b)(4)(B)	(t) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE NAVY FOR RD&A.—Section 5016(b)(4)(B) of title 10, United States Code, is amended by striking “a vice admiral of the Navy or a lieutenant general of the Marine Corps” and inserting “an officer of the Navy or the Marine Corps”.
10/5022(1)	(u) CHIEF OF NAVAL RESEARCH.—Section 5022 of title 10, United States Code, is amended—
10/5022(2)	(1) by striking “(1)”; and (2) by striking paragraph (2).
10/5027(a)	(v) CHIEF OF LEGISLATIVE AFFAIRS OF THE NAVY.—Section 5027(a) of title 10, United States Code, is amended by striking the second sentence.
10/5038(b)	(w) DIRECTOR FOR EXPEDITIONARY WARFARE.—Section 5038 of title 10, United States Code, is amended—
10/5038(b) to (d)	(1) by striking subsection (b); and (2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.
10/5046(a)	(x) SJA TO COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence.
10/5047	(y) LEGISLATIVE ASSISTANT TO COMMANDANT OF THE MARINE CORPS.—Section 5047 of title 10, United States Code, is amended by striking the second sentence.
10/5133 Rep.	(z) BUREAU CHIEFS OF THE NAVY.— (1) IN GENERAL.—Section 5133 of title 10, United States Code, is repealed.

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- 10/5131 prec** (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5133.
- 10/5138(a)** (aa) CHIEF OF DENTAL CORPS OF THE NAVY.—Section 5138 of title 10, United States Code, is amended—
- 10/5138(c)** (1) in subsection (a), by striking “not below the grade of rear admiral (lower half)”; and
(2) in subsection (c), by striking the first sentence.
- 10/5141(a)** (bb) BUREAU OF NAVAL PERSONNEL.—
- 10/5141(b)** (1) IN GENERAL.—Section 5141 of title 10, United States Code, is amended—
(A) in subsection (a), by striking the first sentence; and
(B) in subsection (b), by striking the first sentence.
- 10/5141** (2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:
- 10/5141** “§ 5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel”.
- 10/5131 prec** (3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5141 and inserting the following new item:
- “5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel.”
- 10/5142(e)** (cc) CHIEF OF CHAPLAINS OF THE NAVY.—Section 5142 of title 10, United States Code, is amended by striking subsection (e).
- 10/5143(c)** (dd) CHIEF OF NAVY RESERVE.—Section 5143(c) of title 10, United States Code, is amended—
- 10/5143(c)(1)** (1) in the subsection heading, by striking “; GRADE”;
(2) by striking “(1)”; and
(3) by striking paragraph (2).
- 10/5143(c)(2)** (ee) COMMANDER, MARINE FORCES RESERVE.—Section 5144(c) of title 10, United States Code, is amended—
- 10/5144(c)** (1) in the subsection heading, by striking “; GRADE”;
(2) by striking “(1)”; and
(3) by striking paragraph (2).
- 10/5144(c)(1)** (ff) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of title 10, United States Code, is amended by striking the last sentence.
- 10/5144(c)(2)** (gg) DEPUTY AND ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY.—Section 5149 of title 10, United States Code, is amended—
- 10/5148(b)** (1) in subsection (a)(1)—
(A) in the first sentence, by striking “, by and with the advice and consent of the Senate,”; and
(B) by striking the second sentence; and
(2) in each of subsections (b) and (c), by striking the second and last sentences.
- 10/5149(a)(1)** (hh) CHIEFS OF STAFF CORPS OF THE NAVY.—Section 5150 of title 10, United States Code, is amended—
- 10/5149(b), (c)** (1) in subsection (b)(2), by striking “Subject to subsection (c), the Secretary” and inserting “The Secretary”; and
(2) by striking subsection (c).
- 10/5150(b)(2)** (ii) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of title
- 10/5150(c)**
- 10/8016(b)(4)(B)**

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10/8016(b)(4)(B)	10, United States Code, is amended by striking “a lieutenant general” and inserting “an officer”.
10/8023(a)	(jj) CHIEF OF LEGISLATIVE LIAISON OF THE AIR FORCE.—Section 8023(a) of title 10, United States Code, is amended by striking the second sentence.
10/8037(a)	(kk) JUDGE ADVOCATE GENERAL AND DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037 of title 10, United States Code, is amended—
10/8037(d)(1)	(1) in subsection (a), by striking the last sentence; and
10/8038(c)	(2) in subsection (d)(1), by striking the last sentence.
10/8038(c)(1)	(ll) CHIEF OF THE AIR FORCE RESERVE.—Section 8038(c) of title 10, United States Code, is amended—
10/8038(c)(2)	(1) in the subsection heading, by striking “; GRADE”;
10/8039(a)(1)(A)	(2) by striking “(1)”; and
10/8039(a)(1)(A) to (C)	(3) by striking paragraph (2).
10/8039(c)	(mm) CHIEF OF CHAPLAINS OF THE AIR FORCE.—Section 8039 of title 10, United States Code, is amended—
10/8069(a)	(1) in subsection (a)(1)—
10/8069(b)	(A) by striking subparagraph (A); and
10/8069(c)	(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and
10/8069	(2) by striking subsection (c).
10/8061 prec	(nn) CHIEF OF AIR FORCE NURSES.—
10/8081	(1) IN GENERAL.—Section 8069 of title 10, United States Code, is amended—
10/8543 Rep.	(A) in subsection (a)—
10/8531 prec	(i) in the subsection heading, by striking “POSITIONS OF CHIEF AND ASSISTANT CHIEF” and inserting “POSITION OF CHIEF”; and
10/9335(b)	(ii) by striking “and assistant chief”;
10/10505(a)(1)(C)	(B) in subsection (b), by striking the second sentence; and
	(C) by striking subsection (c).
	(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:
	“§ 8069. Air Force nurses: Chief; appointment”.
	(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 807 of such title is amended by striking the item relating to section 8069 and inserting the following new item:
	“8069. Air Force nurses: Chief; appointment.”.
	(oo) ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES OF THE AIR FORCE.—Section 8081 of title 10, United States Code, is amended by striking the second sentence.
	(pp) AIR FORCE AIDES.—
	(1) IN GENERAL.—Section 8543 of title 10, United States Code, is repealed.
	(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 843 of such title is amended by striking the item relating to section 8543.
	(qq) DEAN OF FACULTY OF THE AIR FORCE ACADEMY.—Section 9335(b) of title 10, United States Code, is amended by striking the first and third sentences.
	(rr) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—Section 10505(a) of title 10, United States Code, is amended—

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- 10/10505(a)(1)(C)**
10/10505(a)(1)(D)
10/10505(a)(1)(E)
10/10505(c)
10/10506(a)(1)(A), (B)
- (1) in subsection (a)(1)—
(A) in subparagraph (C), by adding “and” at the end;
(B) in subparagraph (D), by striking “; and” at the end and inserting a period; and
(C) by striking subparagraph (E); and
(2) by striking subsection (c).
(ss) OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.—Section 10506(a)(1) of title 10, United States Code, is amended in each of subparagraphs (A) and (B)—
(1) by striking “general”; and
(2) by striking “, and shall hold the grade of lieutenant general while so serving.”
- 10/525(a)(4)(B)**
10/525(a)(C)
10/526(a)(4)
10/5045
- SEC. 503. NUMBER OF MARINE CORPS GENERAL OFFICERS.**
(a) DISTRIBUTION OF COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER GRADES.—Section 525(a)(4) of title 10, United States Code, is amended—
(1) in subparagraph (B), by striking “15” and inserting “17”; and
(2) in subparagraph (C), by striking “23” and inserting “22”.
(b) GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section 526(a)(4) of such title is amended by striking “61” and inserting “62”.
(c) DEPUTY COMMANDANTS.—Section 5045 of such title is amended by striking “six” and inserting “seven”.
- 10/629(c)(3), (4)**
10/629(c)(3)
- SEC. 504. PROMOTION ELIGIBILITY PERIOD FOR OFFICERS WHOSE CONFIRMATION OF APPOINTMENT IS DELAYED DUE TO NONAVAILABILITY TO THE SENATE OF PROBATIVE INFORMATION UNDER CONTROL OF NON-DEPARTMENT OF DEFENSE AGENCIES.**
Section 629(c) of title 10, United States Code, is amended—
(1) by redesignating paragraph (3) as paragraph (4); and
(2) by inserting after paragraph (2) the following new paragraph (3):
“(3) Paragraph (1) does not apply when the Senate is not able to obtain information necessary to give its advice and consent to the appointment concerned because that information is under the control of a department or agency of the Federal Government other than the Department of Defense.”
- 10/637a new**
- SEC. 505. CONTINUATION OF CERTAIN OFFICERS ON ACTIVE DUTY WITHOUT REGARD TO REQUIREMENT FOR RETIREMENT FOR YEARS OF SERVICE.**
(a) AUTHORITY FOR CONTINUATION ON ACTIVE DUTY.—
(1) IN GENERAL.—Subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after section 637 the following new section:
“§ 637a. Continuation on active duty: officers in certain military specialties and career tracks
“(a) IN GENERAL.—The Secretary of the military department concerned may authorize an officer in a grade above grade O-4 to remain on active duty after the date otherwise provided for the retirement of the officer in section 633, 634, 635, or 636 of this title, as applicable, if the officer has a military occupational

specialty, rating, or specialty code in a military specialty designated pursuant to subsection (b).

10/637a new

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

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

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

10/637 prec

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

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

10/633(a)

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

10/634(a)

(1) Section 633(a).

10/635

(2) Section 634(a).

10/636(a)

(3) Section 635.

(4) Section 636(a).

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

Section 638a of title 10, United States Code, is amended—
(1) in subsection (b), by adding at the end the following new paragraph:

10/638a(b)(4)

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

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

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

10/638a(e), (f)

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

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

10/638a(e)

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

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10/638a(e)

becoming eligible to retire under section 3911, 6323, or 8911 of this title, and those officers who are otherwise ineligible to retire under any provision of law shall, if selected by the board, be discharged.

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

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

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

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

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

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

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

10/1161(b)

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

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

10/1293 note

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

10/638a(a)(2)

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

10/1175a(k)(1)

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

10/1370(a)(2)(F)

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

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

10/503 note new

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

(b) ELEMENTS.—Under a pilot program established under this section, an individual who meets educational, physical, and other

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10/503note new

requirements determined appropriate by the Secretary of the military department concerned may receive an original appointment as a commissioned officer in a cyber specialty.

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

(d) DURATION.—

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

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

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

SEC. 510. LENGTH OF JOINT DUTY ASSIGNMENTS.

10/664(a)

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

10/664(c)

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

10/664(d)

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

10/664(d)(1)(D)

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

10/664(d)(2)

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

10/664(d)(2), (3)

(3) by striking paragraph (2);

10/664(d)(2)

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

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

10/664(e)

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

10/664(f)(1)

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

10/664(f)(2), (4)

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

10/664(f)(2) to (6)

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

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

10/664(f)(4)

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

10/664(h)(1)

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

10/664(h)(1)

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10/664(h)

- (1) by striking “(1)”;
- (2) by striking “accord” and inserting “award”; and
- (3) by striking paragraph (2).

10/664(h)(2)

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

10/664(c) to (h)

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

10/664(c)(2)

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

10/664(d)(2)

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

10/664(e)

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

10/664(f)

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

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

10/668(a)(1)

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

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

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

“(i) National military strategy.

“(ii) Strategic planning and contingency planning.

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

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

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

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

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

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

10/668(a)(2)

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

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

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- 10/668(b)(1)(A)** (c) DEFINITION OF JOINT DUTY ASSIGNMENT.—Section 668(b)(1) of title 10, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph:
“(A) shall be limited to assignments in which—
“(i) the preponderance of the duties of the officer involve joint matters and
“(ii) the officer gains significant experience in joint matters; and”.
- 10/668(d)** (d) REPEAL OF DEFINITION OF CRITICAL OCCUPATIONAL SPECIALITY.—Section 668 of title 10, United States Code, is amended by striking subsection (d).

Subtitle B—Reserve Component Management

- 10/10505(a)(4)** SEC. 511. AUTHORITY FOR TEMPORARY WAIVER OF LIMITATION ON TERM OF SERVICE OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.
Section 10505(a)(4) of title 10, United States Code, is amended by striking “paragraph (3)(B) for a limited period of time” and inserting “paragraph (3) for not more than 90 days”.
- 32/709(f)(4)** SEC. 512. RIGHTS AND PROTECTIONS AVAILABLE TO MILITARY TECHNICIANS.
(a) IN GENERAL.—Section 709 of title 32, United States Code, is amended—
(1) in subsection (f)—
(A) in paragraph (4), by striking “; and” and inserting “when the appeal concerns activity occurring while the member is in a military pay status, or concerns fitness for duty in the reserve components;”;
(B) by redesignating paragraph (5) as paragraph (6); and
(C) by inserting after paragraph (4) the following new paragraph (5):
“(5) with respect to an appeal concerning any activity not covered by paragraph (4), the provisions of sections 7511, 7512, and 7513 of title 5, and section 717 of the Civil Rights Act of 1991 (42 U.S.C. 2000e–16) shall apply; and”; and
(2) in subsection (g), by striking “Sections” and inserting “Except as provided in subsection (f), sections”.
- 32/709(f)(5), (6)** (b) DEFINITIONS.—Section 709 of title 32, United States Code, is further amended by adding at the end the following new subsection:
“(j) In this section:
“(1) The term ‘military pay status’ means a period of service where the amount of pay payable to a technician for that service is based on rates of military pay provided for under title 37.
“(2) The term ‘fitness for duty in the reserve components’ refers only to military-unique service requirements that attend to military service generally, including service in the reserve components or service on active duty.”.
- 32/709(g)**
- 32/709(i)**
- 5/7511(b)(5)** (c) CONFORMING AMENDMENT.—Section 7511(b) of title 5, United States Code, is amended by striking paragraph (5).

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

32/709(g), (g)(1)

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

(1) by inserting “(1)” after “(g)”; and

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

32/709(g)(2)

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

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

32/301 note prec

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

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

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

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



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

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

10/164(e)(4)

Section 164(e)(4) of title 10, United States Code, is amended—
(1) by striking “the National Guard” and inserting “a reserve component of the armed forces”; and

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

Subtitle C—General Service Authorities

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

10/701(i), (i)

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

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

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

10/701(i), (i)

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

10/701(i), (i)

to six weeks of medical convalescent leave, to be used in connection with such birth.

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

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

“(A) A member on active duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(B) Under the regulations for purposes of this subsection, the Secretary concerned may waive, whether in whole or in part, the applicability of subparagraph (A) to a member who reenlists

10/701(i), (i)

at the end of the member's period of obligated service described in that subparagraph if the Secretary determines that the waiver is in the interests of the armed force concerned.

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

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

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

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

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

10/704a new

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

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

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

10/701 prec

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

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

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

10/709a new

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

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

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

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

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10/709a new	<p>“(2) the cancellation occurs within 48 hours of the time the leave would have commenced.</p> <p>“(b) REGULATIONS.—The Secretary of Defense and, in the case of the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security shall prescribe regulations to establish the criteria for the applicability of subsection (a).</p> <p>“(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.”</p>
10/701 prec	<p>(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 709 the following new item:</p> <p>“709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.”</p>
37/453(g)	<p>(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 453 of title 37, United States Code, is amended by striking subsection (g).</p> <p>SEC. 523. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY INSTRUMENTS.</p>
10/1044d(c)(2)	<p>(a) EXPANSION OF AUTHORITY TO EXECUTE MILITARY TESTAMENTARY INSTRUMENTS.—Section 1044d(c) of title 10, United States Code, is amended—</p> <p>(1) by striking paragraph (2) and inserting the following:</p> <p>“(2) the execution of the instrument is notarized by—</p> <p>“(A) a military legal assistance counsel;</p> <p>“(B) a person who is authorized to act as a notary under section 1044a of this title who—</p> <p>“(i) is not an attorney; and</p> <p>“(ii) is supervised by a military legal assistance counsel; or</p> <p>“(C) a State-licensed notary employed by a military department or the Coast Guard who is supervised by a military legal assistance counsel;” and</p>
10/1044d(c)(3)	<p>(2) in paragraph (3), by striking “presiding attorney” and inserting “person notarizing the instrument in accordance with paragraph (2)”.</p>
10/1044a(b)(6)	<p>(b) EXPANSION OF AUTHORITY TO NOTARIZE DOCUMENTS TO CIVILIANS SERVING IN MILITARY LEGAL ASSISTANCE OFFICES.—Section 1044a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:</p> <p>“(6) All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel (as defined in section 1044d(g) of this title).”</p>
10/1177(a)(1)	<p>SEC. 524. MEDICAL EXAMINATION BEFORE ADMINISTRATIVE SEPARATION FOR MEMBERS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH SEXUAL ASSAULT.</p> <p>Section 1177(a)(1) of title 10, United States Code, is amended—</p> <p>(1) by inserting “, or sexually assaulted,” after “deployed overseas in support of a contingency operation”; and</p> <p>(2) by inserting “or based on such sexual assault,” after “while deployed.”</p>

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

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

10/1210(b)

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

10/1210(h)

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

10/1210 note new

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

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

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

10/1175a(i)(2)

(1) in paragraph (2)—

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

10/1175a(i)(3)

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

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

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

10/3013 note new

(a) CONSOLIDATION OF ARMY MARKETING.—Not later than October 1, 2017, the Secretary of the Army shall consolidate into a single organization within the Department of the Army all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

(b) PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING.—

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

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

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

(c) BRIEFING AND REPORTS.—

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

(2) INTERIM REPORT ON PILOT PROGRAM.—

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10/3013 note new

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

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

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

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

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

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

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

Subtitle D—Member Whistleblower Protections and Correction of Military Records

SEC. 531. IMPROVEMENTS TO WHISTLEBLOWER PROTECTION PROCEDURES.

10/1034(b)(2)

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

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

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

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

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

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

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

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

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- 10/1034(b)(2)** “(C) Nothing in this paragraph shall be construed to limit the ability of a commander to consult with a superior in the chain of command, an inspector general, or a judge advocate general on the disposition of a complaint against a member of the armed forces for an allegation of collateral misconduct or for a matter unrelated to a protected communication. Such consultation shall provide an affirmative defense against an allegation that a member requested, directed, initiated, or conducted a retaliatory investigation under this section.”
- 10/1034(c)(4)(E), (F)** (b) ACTION IN RESPONSE TO HARDSHIP IN CONNECTION WITH PERSONNEL ACTIONS.—Section 1034 of title 10, United States Code, is amended—
- (1) in subsection (c)(4)—
- (A) by redesignating subparagraph (E) as subparagraph (F); and
- (B) by inserting after subparagraph (D) the following new subparagraph (E):
- 10/1034(c)(4)(E)** “(E) If the Inspector General makes a preliminary determination in an investigation under subparagraph (D) that, more likely than not, a personnel action prohibited by subsection (b) has occurred and the personnel action will result in an immediate hardship to the member alleging the personnel action, the Inspector General shall promptly notify the Secretary of the military department concerned or the Secretary of Homeland Security, as applicable, of the hardship, and such Secretary shall take such action as such Secretary considers appropriate.”; and
- 10/1034(e)(1)** (2) in subsection (e)(1), by striking “subsection (c)(4)(E)” and inserting “subsection (c)(4)(F)”.
- 10/1034(e)(3)** (c) PERIODIC NOTICE TO MEMBERS ON PROGRESS OF INSPECTOR GENERAL INVESTIGATIONS.—Paragraph (3) of section 1034(e) of title 10, United States Code, is amended to read as follows:
- “(3)(A) Not later than 180 days after the commencement of an investigation of an allegation under subsection (c)(4), and every 180 days thereafter until the transmission of the report on the investigation under paragraph (1) to the member concerned, the Inspector General conducting the investigation shall submit a notice on the investigation described in subparagraph (B) to the following:
- “(i) The member.
- “(ii) The Secretary of Defense.
- “(iii) The Secretary of the military department concerned, or the Secretary of Homeland Security in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.
- “(B) Each notice on an investigation under subparagraph (A) shall include the following:
- “(i) A description of the current progress of the investigation.
- “(ii) An estimate of the time remaining until the completion of the investigation and the transmittal of the report required by paragraph (1) to the member concerned.”.
- 10/1034(g)(2)** (d) CORRECTION OF RECORDS.—Paragraph (2) of section 1034(g) of title 10, United States Code, is amended to read as follows:
- “(2) In resolving an application described in paragraph (1) for which there is a report of the Inspector General under subsection (e)(1), a correction board—
- “(A) shall review the report of the Inspector General;

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- “(B) may request the Inspector General to gather further evidence;
- 10/1034(g)(2)** “(C) may receive oral argument, examine and cross-examine witnesses, and take depositions; and
- “(D) shall consider a request by a member or former member in determining whether to hold an evidentiary hearing.”.
- 10/1034 note new** (e) UNIFORM STANDARDS FOR INSPECTOR GENERAL INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS AND OTHER MATTERS.—
- (1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall prescribe uniform standards for the following:
- (A) The investigation of allegations of prohibited personnel actions under section 1034 of title 10, United States Code (as amended by this section), by the Inspector General and the Inspectors General of the military departments.
- (B) The training of the staffs of the Inspectors General referred to in subparagraph (A) on the conduct of investigations described in that subparagraph.
- (2) USE.—Commencing 180 days after prescription of the standards required by paragraph (1), the Inspectors General referred to in that paragraph shall comply with such standards in the conduct of investigations described in that paragraph and in the training of the staffs of such Inspectors General in the conduct of such investigations.
- SEC. 532. MODIFICATION OF WHISTLEBLOWER PROTECTION AUTHORITIES TO RESTRICT CONTRARY FINDINGS OF PROHIBITED PERSONNEL ACTION BY THE SECRETARY CONCERNED.**
- (a) IN GENERAL.—Section 1034(f) of title 10, United States Code, is amended—
- 10/1034(f)** (1) in the subsection heading, by striking “VIOLATIONS” and inserting “SUBSTANTIATED VIOLATIONS”; and
- 10/1034(f)(1)** (2) in paragraph (1), by striking “there is sufficient basis” and all that follows and inserting “corrective or disciplinary action should be taken. If the Secretary concerned determines that corrective or disciplinary action should be taken, the Secretary shall take appropriate corrective or disciplinary action.”.
- (b) ACTIONS FOLLOWING DETERMINATIONS.—Paragraph (2) of such section is amended—
- 10/1034(f)(2)** (1) in the matter preceding subparagraph (A)—
- (A) by striking “the Secretary concerned determines under paragraph (1)” and inserting “the Inspector General determines”; and
- (B) by striking “the Secretary shall” and inserting “the Secretary concerned shall”;
- 10/1034(f)(2)(A)** (2) in subparagraph (A), by inserting “, including referring the report to the appropriate board for the correction of military records” before the semicolon; and
- 10/1034(f)(2)(B)** (3) by striking subparagraph (B) and inserting the following new subparagraph (B):
- “(B) submit to the Inspector General a report on the actions taken by the Secretary pursuant to this paragraph, and provide for the inclusion of a summary of the report under this subparagraph (with any personally identifiable information redacted) in the semiannual report to Congress of the Inspector General

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10/1034(f)(2)(B)

of the Department of Defense or the Inspector General of the Department of Homeland Security, as applicable, under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).”

10/1034 note new

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

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

10/1552(h), (i)

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

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

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

10/1552(h)

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

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

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

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

10/1553(f)

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

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

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

“(2) The number of claims submitted during the calendar quarter preceding the calendar quarter in which such information is made available that relate to service by a claimant

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during a war or contingency operation, catalogued by each war or contingency operation.

10/1553(f)

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

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

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

10/1552(a)(3), (a)(3)(A)

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

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

10/1552(a)(3)(B) to (D)

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

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

“(D) Any request for reconsideration of a determination of a board under this section, no matter when filed, shall be reconsidered by a board under this section if supported by materials not previously presented to or considered by the board in making such determination.”.

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

10/1552(a)(5)

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

(c) TRAINING OF MEMBERS OF BOARDS.—

10/1552 note new

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

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

(3) TRAINING.—

(A) IN GENERAL.—Each member of a board for the correction of military records shall undergo retraining (consistent with the curriculum developed and implemented pursuant to this subsection) regarding the duties of boards for the correction of military records under section 1552

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10/1552 note new

of title 10, United States Code, at least once every five years during the member's tenure on the board.

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

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

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

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

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

(C) A description and assessment of any impediments to the implementation of training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

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

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

10/1553(d)(3)

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

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

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

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

“(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, whose post-traumatic stress disorder or traumatic brain injury is

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10/1553(d)(3)

related to combat or military sexual trauma, as determined by the Secretary concerned.”.

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

(a) **REPORT REQUIRED.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a review of the integrity of the Department of Defense whistleblower program.

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

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

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

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

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

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

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

Subtitle E—Military Justice and Legal Assistance Matters

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

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

“(c) Each judge and senior judge of the United States Court of Appeals for the Armed Forces shall have the powers relating



10/936(c)

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- 10/936(c)** to oaths, affirmations, and acknowledgments provided to justices and judges of the United States by section 459 of title 28.”
- 10/942 note new** (b) MODIFICATION OF TERM OF JUDGES OF THE COURT TO RESTORE ROTATION OF JUDGES.—
- (1) EARLY RETIREMENT AUTHORIZED FOR ONE CURRENT JUDGE.—If the judge of the United States Court of Appeals for the Armed Forces who is the junior in seniority of the two judges of the court whose terms of office under section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice), expire on July 31, 2021, chooses to retire one year early, that judge—
- (A) may retire from service on the court effective August 1, 2020; and
- (B) shall be treated, upon such retirement, for all purposes as having completed a term of service for which the judge was appointed as a judge of the court.
- 10/942(b)(2), (b)(2)(A)** (2) STAGGERING OF FUTURE APPOINTMENTS.—Section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice), is amended—
- (A) by inserting “(A)” after “(2)”;
- 10/942(b)(2)(A), (B), (b)(2)(A)(i), (ii)** (B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and
- (C) by adding at the end the following new subparagraph:
- 10/942(b)(2)(B)** “(B) If at the time of the appointment of a judge the date that is otherwise applicable under subparagraph (A) for the expiration of the term of service of the judge is the same as the date for the expiration of the term of service of a judge already on the court, then the term of the judge being appointed shall expire on the first July 31 after such date on which no term of service of a judge already on the court will expire.”
- 10/942 note new** (3) APPLICATION OF AMENDMENTS.—The amendments made by paragraph (2) shall apply with respect to appointments to the United States Court of Appeals for the Armed Forces that are made on or after the date of the enactment of this Act.
- 10/942(b)(3)** (c) REPEAL OF REQUIREMENT RELATING TO POLITICAL PARTY STATUS OF JUDGES OF THE COURT.—Section 942(b)(3) of title 10, United States Code (article 142(b)(3) of the Uniform Code of Military Justice), is amended by striking “Not more than three of the judges of the court may be appointed from the same political party, and no” and by inserting “No”.
- 10/942(e)(2)** (d) MODIFICATION OF DAILY RATE OF COMPENSATION FOR SENIOR JUDGES PERFORMING JUDICIAL DUTIES WITH THE COURT.—Section 942(e)(2) of title 10, United States Code (article 142(e)(2) of the Uniform Code of Military Justice), is amended by striking “equal to” and all that follows and inserting “equal to the difference between—
- “(A) the daily equivalent of the annual rate of pay provided for a judge of the court; and
- “(B) the daily equivalent of the annuity of the judge under section 945 of this title (article 145), the applicable provisions of title 5, or any other retirement system for employees of the Federal Government under which the senior judge receives an annuity.”
- 10/945(d)** (e) REPEAL OF DUAL COMPENSATION PROVISION RELATING TO JUDGES OF THE COURT.—Section 945 of title 10, United States

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Code (article 145 of the Uniform Code of Military Justice), is amended—

10/945(d)

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

10/945(f)

(2) by striking subsection (f); and

10/945(f) to (i)

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

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

10/827 note new

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

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

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

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

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

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

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

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

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

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

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

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

10/1561 note

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

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

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

“(A) A narrative description of each complaint.

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

“(C) The gender of the complainant.

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

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

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

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

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

“(I) The current status of the investigation.

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

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

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

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

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

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

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

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10/1561 note new

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

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

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

10/1561 note new

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

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

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

- (1) Personnel of military criminal investigation services.
- (2) Personnel of Inspectors General offices.

(3) Personnel of any command of the Armed Forces who are assignable by the commander of such command to investigate claims of retaliation made by or against members of such command.

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

10/1561 note new

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

(a) **NOTIFICATION REQUIRED.**—

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

(2) **MEMBERS OF COAST GUARD.**—The Secretary of Homeland Security shall provide in a similar manner for notification in writing of the results of investigations by offices, elements, or personnel of the Department of Homeland Security or of the Coast Guard of complaints of retaliation made by members

10/1561 note new

of the Coast Guard when it is not operating as a service in the Navy.

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

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

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

10/1561(e)(1)

(1) in paragraph (1)—

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

10/1561(e)(1)(B)

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

10/1561(e)(3)

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

10/1561 note new

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

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

10/113 note new

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

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

(c) ANNUAL REPORTS ON HAZING.—

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

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

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

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

(2) ADDITIONAL ELEMENTS.—Each report required by this subsection also shall address the same elements originally addressed in the anti-hazing reports required by section 534

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10/113 note new

of the National Defense Authorization Act for Fiscal Year 2013
(Public Law 112–239; 126 Stat. 1726).

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

SEC. 551. PURPOSE, SCOPE, AND DEFINITIONS.

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

(1) conduct a review of the military selective service process (commonly referred to as “the draft”); and

(2) consider methods to increase participation in military, national, and public service in order to address national security and other public service needs of the Nation.

(b) **SCOPE OF REVIEW.**—In order to provide the fullest understanding of the matters required under the review under subsection (a), the Commission shall consider—

(1) the need for a military selective service process, including the continuing need for a mechanism to draft large numbers of replacement combat troops;

(2) means by which to foster a greater attitude and ethos of service among United States youth, including an increased propensity for military service;

(3) the feasibility and advisability of modifying the military selective service process in order to obtain for military, national, and public service individuals with skills (such as medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics (STEM) skills) for which the Nation has a critical need, without regard to age or sex; and

(4) the feasibility and advisability of including in the military selective service process, as so modified, an eligibility or entitlement for the receipt of one or more Federal benefits (such as educational benefits, subsidized or secured student loans, grants or hiring preferences) specified by the Commission for purposes of the review.

(c) **DEFINITIONS.**—In this subtitle:

(1) The term “military service” means active service (as that term is defined in subsection (d)(3) of section 101 of title 10, United States Code) in one of the uniformed services (as that term is defined in subsection (a)(5) of such section).

(2) The term “national service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.

(3) The term “public service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission for purposes of this subtitle.



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SEC. 552. PRELIMINARY REPORT ON PURPOSE AND UTILITY OF REGISTRATION SYSTEM UNDER MILITARY SELECTIVE SERVICE ACT.

(a) **REPORT REQUIRED.**—To assist the Commission in carrying out its duties under this subtitle, the Secretary of Defense shall—

(1) submit, not later than July 1, 2017, to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission a report on the current and future need for a centralized registration system under the Military Selective Service Act (50 U.S.C. 3801 et seq.); and

(2) provide a briefing on the results of the report.

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

(1) A detailed analysis of the current benefits derived, both directly and indirectly, from the Military Selective Service System, including—

(A) the extent to which mandatory registration benefits military recruiting;

(B) the extent to which a national registration capability serves as a deterrent to potential enemies of the United States; and

(C) the extent to which expanding registration to include women would impact these benefits.

(2) An analysis of the functions currently performed by the Selective Service System that would be assumed by the Department of Defense in the absence of a national registration capability.

(3) An analysis of the systems, manpower, and facilities that would be needed by the Department to physically mobilize inductees in the absence of the Selective Service System.

(4) An analysis of the feasibility and utility of eliminating the current focus on mass mobilization of primarily combat troops in favor of a system that focuses on mobilization of all military occupational specialties, and the extent to which such a change would impact the need for both male and female inductees.

(5) A detailed analysis of the Department's personnel needs in the event of an emergency requiring mass mobilization, including—

(A) a detailed timeline, along with the factors considered in arriving at this timeline, of when the Department would require—

(i) the first inductees to report for service;

(ii) the first 100,000 inductees to report for service;

and

(iii) the first medical personnel to report for service; and

(B) an analysis of any additional critical skills that would be needed in the event of a national emergency, and a timeline for when the Department would require the first inductees to report for service.

(6) A list of the assumptions used by the Department when conducting its analysis in preparing the report.

(c) **COMPTROLLER GENERAL REVIEW.**—Not later than December 1, 2017, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House



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of Representatives and to the Commission a review of the procedures used by the Department of Defense in evaluating selective service requirements.

SEC. 553. NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) **ESTABLISHMENT.**—There is established in the executive branch an independent commission to be known as the National Commission on Military, National, and Public Service (in this subtitle referred to as the “Commission”). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) **MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 11 members appointed as follows:

(A) The President shall appoint three members.

(B) The Majority Leader of the Senate shall appoint one member.

(C) The Minority Leader of the Senate shall appoint one member.

(D) The Speaker of the House of Representatives shall appoint one member.

(E) The Minority Leader of the House of Representatives shall appoint one member.

(F) The Chairman of the Committee on Armed Services of the Senate shall appoint one member.

(G) The ranking minority member of the Committee on Armed Services of the Senate shall appoint one member.

(H) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint one member.

(I) The ranking minority member of the Committee on Armed Services of the House of Representatives shall appoint one member.

(2) **DEADLINE FOR APPOINTMENT.**—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the Commission establishment date.

(3) **EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.**—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), (E), (F), (G), (H), or (I) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(c) **CHAIR AND VICE CHAIR.**—The Commission shall elect a Chair and Vice Chair from among its members.

(d) **TERMS.**—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.



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(e) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(f) PAY FOR MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(g) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) LIMITATION.—The total number of experts or consultants procured pursuant to paragraph (1) may not exceed five experts or consultants.

(3) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) FUNDING.—Of the amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Defense, up to \$15,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available

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to the Commission under the preceding sentence shall remain available until expended.

SEC. 554. COMMISSION HEARINGS AND MEETINGS.

(a) **IN GENERAL.**—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed. The Commission is authorized and encouraged to hold hearings and meetings in various locations throughout the country to provide maximum opportunity for public comment and participation in the Commission's execution of its duties.

(b) **MEETINGS.**—

(1) **INITIAL MEETING.**—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) **SUBSEQUENT MEETINGS.**—After its initial meeting, the Commission shall meet upon the call of the chair or a majority of its members.

(3) **PUBLIC MEETINGS.**—Each meeting of the Commission shall be held in public unless any member objects or classified information is to be considered.

(c) **QUORUM.**—Six members of the Commission shall constitute a quorum, but a lesser number may hold hearings or meetings.

(d) **PUBLIC COMMENTS.**—

(1) **SOLICITATION.**—The Commission shall seek written comments from the general public and interested parties on matters of the Commission's review under this subtitle. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) **PERIOD FOR SUBMITTAL.**—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which recommendations are transmitted to the Commission under section 555(d).

(3) **USE BY COMMISSION.**—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) **SPACE FOR USE OF COMMISSION.**—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) **CONTRACTING AUTHORITY.**—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

SEC. 555. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) **CONTEXT OF COMMISSION REVIEW.**—The Commission shall—



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(1) conduct a review of the military selective service process; and

(2) consider methods to increase participation in military, national, and public service opportunities to address national security and other public service needs of the Nation.

(b) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.—The Commission shall develop recommendations on the matters subject to its review under subsection (a) that are consistent with the principles established by the President under subsection (c).

(c) PRESIDENTIAL PRINCIPLES.—

(1) IN GENERAL.—Not later than three months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for reform of the military selective service process, including means by which to best acquire for the Nation skills necessary to meet the military, national, and public service requirements of the Nation in connection with that process.

(2) ELEMENTS.—The principles required under this subsection shall address the following:

(A) Whether, in light of the current and predicted global security environment and the changing nature of warfare, there continues to be a continuous or potential need for a military selective service process designed to produce large numbers of combat members of the Armed Forces, and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex.

(B) The need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing critical skills and abilities, and how best to employ individuals possessing those skills and abilities for military, national, or public service.

(C) How to foster within the Nation, particularly among United States youth, an increased sense of service and civic responsibility in order to enhance the acquisition by the Nation of critically needed skills through education and training, and how best to acquire those skills for military, national, or public service.


(D) How to increase a propensity among United States youth for service in the military, or alternatively in national or public service, including how to increase the pool of qualified applicants for military service.

(E) The need in Government, including the military, and in the civilian sector to increase interest, education, and employment in certain critical fields, including science, technology, engineering, and mathematics (STEM), national security, cyber, linguistics and foreign language, education, health care, and the medical professions.

(F) How military, national, and public service may be incentivized, including through educational benefits, grants, federally-insured loans, Federal or State hiring preferences, or other mechanisms that the President considers appropriate.

(G) Any other matters the President considers appropriate for purposes of this subtitle.

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(d) **CABINET RECOMMENDATIONS.**—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.

(e) **COMMISSION REPORT AND RECOMMENDATIONS.**—


(1) **REPORT.**—Not later than 30 months after the Commission establishment date, the Commission shall transmit to the President and Congress a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission regarding the matters reviewed by the Commission pursuant to this subtitle. The Commission shall include in the report legislative language and recommendations for administrative action to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations made under subsection (d).

(2) **REQUIREMENT FOR APPROVAL.**—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President and Congress under paragraph (1).

(3) **PUBLIC AVAILABILITY.**—The Commission shall publish a copy of the report required by paragraph (1) on an Internet website available to the public on the same date on which it transmits that report to the President and Congress under that paragraph.

(f) **JUDICIAL REVIEW PRECLUDED.**—Actions under this section of the President, the officials specified or designated under subsection (d), and the Commission shall not be subject to judicial review.

SEC. 556. EXECUTIVE DIRECTOR AND STAFF.



(a) **EXECUTIVE DIRECTOR.**—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) **STAFF.**—Subject to subsections (c) and (d), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(c) **LIMITATIONS ON STAFF.**—

(1) **NUMBER OF DETAILEES FROM EXECUTIVE DEPARTMENTS.**—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other executive branch departments.

(2) **PRIOR DUTIES WITHIN EXECUTIVE BRANCH.**—A person may not be detailed from the Department of Defense or other executive branch department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation

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of recommendations for the military selective service process and military and public service in connection with that process.
(d) LIMITATIONS ON PERFORMANCE REVIEWS.—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department (other than a member of the uniformed services or officer or employee who is detailed to the Commission), may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report (other than for administrative accuracy); or

(3) approve or disapprove such a report.



SEC. 557. TERMINATION OF COMMISSION.

Except as otherwise provided in this subtitle, the Commission shall terminate not later than 36 months after the Commission establishment date.

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

SEC. 561. MODIFICATION OF PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

10/2015(a)(1)

(a) SCOPE OF PROGRAM.—Section 2015(a)(1) of title 10, United States Code, is amended by striking “incident to the performance of their military duties”.

10/2015(c)(1)

(b) QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.—Section 2015(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “is accredited by an accreditation body that” and all that follows and inserting “meets one of the requirements specified in paragraph (2).”; and

10/2015(c)(2)

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

“(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

“(A) is accredited by a nationally-recognized, third-party personnel certification program accreditor;

“(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

“(ii) where appropriate, is endorsed by a nationally-recognized trade association or organization representing a significant part of the industry or sector;

“(C) grants licenses that are recognized by the Federal Government or a State government; or

“(D) meets credential standards of a Federal agency.”.

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SEC. 562. INCLUSION OF ALCOHOL, PRESCRIPTION DRUG, OPIOID, AND OTHER SUBSTANCE ABUSE COUNSELING AS PART OF REQUIRED PRESEPARATION COUNSELING.

10/1142(b)(11)

Section 1142(b)(11) of title 10, United States Code, is amended by inserting before the period the following: “and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse”.

SEC. 563. INCLUSION OF INFORMATION IN TRANSITION ASSISTANCE PROGRAM REGARDING EFFECT OF RECEIPT OF BOTH VETERAN DISABILITY COMPENSATION AND VOLUNTARY SEPARATION PAY.

10/1144(b)(10)

Section 1144(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(10) Provide information regarding the required deduction, pursuant to subsection (h) of section 1175a of this title, from disability compensation paid by the Secretary of Veterans Affairs of amounts equal to any voluntary separation pay received by the member under such section.”.

SEC. 564. TRAINING UNDER TRANSITION ASSISTANCE PROGRAM ON CAREER AND EMPLOYMENT OPPORTUNITIES ASSOCIATED WITH TRANSPORTATION SECURITY CARDS.

10/1144(b)(11)

(a) IN GENERAL.—Section 1144(b) of title 10, United States Code, as amended by section 563, is further amended by adding at the end the following new paragraph:

“(11) Acting through the Secretary of the department in which the Coast Guard is operating, provide information on career and employment opportunities available to members with transportation security cards issued under section 70105 of title 46.”.

10/1144 note new

(b) DEADLINE FOR IMPLEMENTATION.—The program carried out under section 1144 of title 10, United States Code, shall satisfy the requirements of subsection (b)(11) of such section (as added by subsection (a) of this section) by not later than 180 days after the date of the enactment of this Act.

SEC. 565. EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAM.

10/10219(g)

Section 10219(g) of title 10, United States Code, is amended by striking “October 1, 2017” and inserting “October 1, 2018”.

SEC. 566. CONGRESSIONAL NOTIFICATION IN ADVANCE OF APPOINTMENTS TO SERVICE ACADEMIES.

10/4342(a)

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: “When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”.

10/6954(a)

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: “When a nominee of a Senator, Representative, or Delegate is selected for appointment as a midshipman, the Senator, Representative, or

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10/6954(a)

Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”

10/9342(a)

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: “When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”

46/51302(e)

(d) UNITED STATES MERCHANT MARINE ACADEMY.—Section 51302 of title 46, United States Code, is amended by adding at the end the following:

“(e) CONGRESSIONAL NOTIFICATION IN ADVANCE OF APPOINTMENTS.—When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”

10/4342 note new

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to the appointment of cadets and midshipmen to the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Merchant Marine Academy for classes entering these service academies after January 1, 2018.

SEC. 567. REPORT AND GUIDANCE ON JOB TRAINING, EMPLOYMENT SKILLS TRAINING, APPRENTICESHIPS, AND INTERNSHIPS AND SKILLBRIDGE INITIATIVES FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and make available to the public, a report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTEST-AI) and SkillBridge initiatives, under which civilian businesses and companies make available to members of the Armed Forces who are being separated from the Armed Forces training or internship opportunities that offer a high probability of employment for the members after their separation.



(b) ELEMENTS.—In preparing the report required by subsection (a), the Under Secretary of Defense for Personnel and Readiness shall use the effectiveness metrics described in Enclosure 5 of Department of Defense Instruction No. 1322.29. The report shall include the following:

(1) An assessment of the successes of the Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives.

(2) Recommendations by the Under Secretary on ways in which the administration of the initiatives could be improved.

(3) Recommendations by civilian companies participating in the initiatives on ways in which the administration of the initiatives could be improved.

SEC. 568. MILITARY-TO-MARINER TRANSITION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall



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jointly report to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate on steps the Departments of Defense and Homeland Security have taken or intend to take—

(1) to maximize the extent to which United States Armed Forces service, training, and qualifications are creditable toward meeting the laws and regulations governing United States merchant mariner license, certification, and document laws and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, including steps to enhance interdepartmental coordination; and

(2) to promote better awareness among Armed Forces personnel who serve in vessel operating positions of the requirements for postservice use of Armed Forces training, education, and practical experience in satisfaction of requirements for merchant mariner credentials under section 11.213 of title 46, Code of Federal Regulations, and the need to document such service in a manner suitable for post-service use.

(b) LIST OF TRAINING PROGRAMS.—The report under subsection (a) shall include a list of Army, Navy, and Coast Guard training programs open to Army, Navy, and Coast Guard vessel operators, respectively, that shows—

(1) which programs have been approved for credit toward merchant mariner credentials;

(2) which programs are under review for such approval;

(3) which programs are not relevant to the training needed for merchant mariner credentials; and

(4) which programs could become eligible for credit toward merchant mariner credentials with minor changes.

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

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in division D, \$30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act



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for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.

20/7703b note

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

20/7703b note new

(b) INFORMATION TO BE INCLUDED WITH FUTURE REQUESTS FOR EXTENSION.—The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) that includes a request for the extension of section 574(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 shall include the following:

(1) A full accounting of the expenditure of funds pursuant to such section 574(c) during the last fiscal year ending before the date of the submittal of the budget.

(2) An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.

SEC. 573. ANNUAL NOTICE TO MEMBERS OF THE ARMED FORCES REGARDING CHILD CUSTODY PROTECTIONS GUARANTEED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.

50/3938a new*

The Secretaries of each of the military departments shall ensure that each member of the Armed Forces with dependents receives annually, and prior to each deployment, notice of the child custody protections afforded to members of the Armed Forces under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

SEC. 574. REQUIREMENT FOR ANNUAL FAMILY ADVOCACY PROGRAM REPORT REGARDING CHILD ABUSE AND DOMESTIC VIOLENCE.



(a) ANNUAL REPORT ON CHILD ABUSE AND DOMESTIC VIOLENCE.—Not later than April 30, 2017, and annually thereafter through April 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the child abuse and domestic abuse incident data from the Department of Defense Family Advocacy Program central registry of child abuse and domestic abuse incidents for the preceding calendar year.

(b) CONTENTS.—The report shall contain each of the following:

(1) The number of incidents reported during the year covered by the report involving—

- (A) spouse physical or sexual abuse;
- (B) intimate partner physical or sexual abuse;
- (C) child physical or sexual abuse; and
- (D) child or domestic abuse resulting in a fatality.

(2) An analysis of the number of such incidents that met the criteria for substantiation.

*Codification note - JW

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- (3) An analysis of—
 - (A) the types of abuse reported;
 - (B) for cases involving children as the reported victims of the abuse, the ages of the abused children; and
 - (C) other relevant characteristics of the reported victims.
- (4) An analysis of the military status, sex, and pay grade of the alleged perpetrator of the child or domestic abuse.
- (5) An analysis of the effectiveness of the Family Advocacy Program.

(c) COORDINATION OF RELEASE DATE BETWEEN ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND FAMILY ADVOCACY PROGRAM REPORT.—The Secretary of Defense shall ensure that the sexual assault reports required to be submitted under section 1631(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) for a year are delivered to the Committees on Armed Services of the House of Representatives and the Senate simultaneously with the report for that year required under this section.

SEC. 575. REPORTING ON ALLEGATIONS OF CHILD ABUSE IN MILITARY FAMILIES AND HOMES.

10/1787 note new

- (a) REPORTS TO FAMILY ADVOCACY PROGRAM OFFICES.—
 - (1) IN GENERAL.—The following information shall be reported immediately to the Family Advocacy Program office at the military installation to which the member of the Armed Forces concerned is assigned:

(A) Credible information (which may include a reasonable belief), obtained by any individual within the chain of command of the member, that a child in the family or home of the member has suffered an incident of child abuse.

(B) Information, learned by a member of the Armed Forces engaged in a profession or activity described in section 226(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031(b)) for members of the Armed Forces and their dependents, that gives reason to suspect that a child in the family or home of the member has suffered an incident of child abuse.

(2) REGULATIONS.—The Secretary of Defense and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly prescribe regulations to carry out this subsection.

(3) CHILD ABUSE DEFINED.—In this subsection, the term “child abuse” has the meaning given that term in section 226(c) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031(c)).

(b) REPORTS TO STATE CHILD WELFARE SERVICES.—Section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) is amended—

42/13031(a)

(1) in subsection (a), by inserting “ and to the agency or agencies provided for in subsection (e), if applicable” before the period;

42/13031(e) to (g)

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

42/13031(e)

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

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42/13031(e)

“(e) REPORTERS AND RECIPIENT OF REPORT INVOLVING CHILDREN AND HOMES OF MEMBERS OF THE ARMED FORCES.—

“(1) RECIPIENTS OF REPORTS.—In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

“(2) MAKERS OF REPORTS.—For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.”.

SEC. 576. REPEAL OF ADVISORY COUNCIL ON DEPENDENTS' EDUCATION.

20/929 Rep.

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

SEC. 577. SUPPORT FOR PROGRAMS PROVIDING CAMP EXPERIENCE FOR CHILDREN OF MILITARY FAMILIES.

10/1781 note new

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide financial or non-monetary support to qualified non-profit organizations in order to assist such organizations in carrying out programs to support the attendance at a camp, or camp-like setting, of children of military families who have experienced the death of a family member or other loved one or who have another family member living with a substance use disorder or post-traumatic stress disorder.

(b) APPLICATION FOR SUPPORT.—

(1) IN GENERAL.—Each organization seeking support pursuant to subsection (a) shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall specify for purposes of this section.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include the following:

(A) A description of the program for which support is being sought, including the location of the setting or settings under the program, the duration of such setting or settings, any local partners participating in or contributing to the program, and the ratio of counselors, trained volunteers, or both to children at such setting or settings.

(B) An estimate of the number of children of military families to be supported using the support sought.

(C) A description of the type of activities that will be conducted using the support sought, including the manner in which activities are particularly supportive to children of military families described in subsection (a).

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10/1781 note new



(D) A description of the outreach conducted or to be conducted by the organization to military families regarding the program.

(c) USE OF SUPPORT.—Support provided by the Secretary of Defense to an organization pursuant to subsection (a) shall be used by the organization to support attendance at a camp, or camp-like setting, of children of military families described in subsection (a).

SEC. 578. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT AND REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAMS.

(a) ASSESSMENT AND REPORT REQUIRED.—

(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment on the effectiveness of each Exceptional Family Member Program of the Armed Forces.

(2) REPORT.—Not later than December 31, 2017, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment conducted under this subsection.

(b) ELEMENTS.—The assessment and report under subsection (a) shall address the following:

(1) The differences between each Exceptional Family Member Program of the Armed Forces.

(2) The manner in which Exceptional Family Member Programs are implemented on joint bases and installations.

(3) The extent to which military family members are screened for potential coverage under an Exceptional Family Member Program and the manner of such screening.

(4) The degree to which conditions of military family members who qualify for coverage under an Exceptional Family Member Program are taken into account in making assignments of military personnel.

(5) The types of services provided to address the needs of military family members who qualify for coverage under an Exceptional Family Member Program.

(6) The extent to which the Department of Defense has implemented specific directives for providing family support and enhanced case management services, such as special needs navigators, to military families with special needs children.

(7) The extent to which the Department has conducted periodic reviews of best practices in the United States for the provision of medical and educational services to military family members with special needs.

(8) The necessity in the Department for an advisory panel on community support for military families members with special needs.

(9) The development and implementation of the uniform policy for the Department regarding families with special needs required by section 1781c(e) of title 10, United States Code.

(10) The implementation by each Armed Force of the recommendations in the Government Accountability Report entitled “Military Dependent Students, Better Oversight Needed to Improve Services for Children with Special Needs” (GAO-12-680).

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SEC. 579. IMPACT AID AMENDMENTS.

20/7703 note new

(a) **MILITARY “BUILD TO LEASE” PROGRAM HOUSING.**—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806), the amendment made by section 7004(1) of such Act (Public Law 114–95; 129 Stat. 2077)—

(1) for fiscal year 2016—

(A) shall be applied as if amending section 8003(a)(5)(A) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802); and

(B) shall be applicable with respect to appropriations for use under title VIII of the Elementary and Secondary Education Act of 1965 (Public Law 114–95; 129 Stat. 1802); and

(2) for fiscal year 2017 and each succeeding fiscal year, shall be in effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

20/7703(b)(2)(B)(i)(I)

(b) **ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.**—

(1) **AMENDMENT.**—Subclause (I) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(I)) is amended to read as follows:

“(I) is a local educational agency—

“(aa) whose boundaries are the same as a Federal military installation; or

“(bb)(AA) whose boundaries are the same as an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

“(BB) that has no taxing authority;”.

20/7703 note new

(2) **EFFECTIVE DATE.**—The amendment made by paragraph

(1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act.

20/7703 note new

(c) **SPECIAL RULE REGARDING THE PER-PUPIL EXPENDITURE REQUIREMENT.**—

(1) **REFERENCES.**—Except as otherwise expressly provided, any reference in this subsection to a section or other provision of title VII of the Elementary and Secondary Education Act of 1965 shall be considered to be a reference to the section or other provision of such title VII as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

(2) **IN GENERAL.**—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806) or section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), with respect to any application submitted under section 7005 of such Act (20 U.S.C. 7705) for eligibility consideration under subclause (II) or (V) of section 7003(b)(2)(B)(i) of such Act for fiscal year 2017, 2018, or 2019, the Secretary of Education shall determine that a local educational agency meets the per-pupil expenditure

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20/7703 note new

requirement for purposes of such subclause (II) or (V), as applicable, only if—

(A) in the case of a local educational agency that received a basic support payment for fiscal year 2001 under section 8003(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such section was in effect for such fiscal year), the agency, for the year for which the application is submitted, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement; or

(B) in the case of a local educational agency that did not receive a basic support payment for fiscal year 2015 under such section 8003(b)(2)(B), as so in effect, the agency, for the year for which the application is submitted—

(i) has a total student enrollment of 350 or more students and a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

(ii) has a total student enrollment of less than 350 students and a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency or 3 comparable local educational agencies (whichever average per-pupil expenditure is greater), in the State in which the agency is located.

(d) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—

(1) AMENDMENTS.—Section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), as amended by subsection (b) and sections 7001 and 7004 of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended—

(A) in subclause (IV) of subparagraph (B)(i)—

(i) in the matter preceding item (aa), by inserting “received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and” before “has”;

(ii) in item (aa), by striking “50” and inserting “35”; and

(iii) by striking item (bb) and inserting the following:

“(bb)(AA) not less than 3,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(BB) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1);”;

(B) in subparagraph (D)—

(i) in clause (i)—

(I) in subclause (I), by striking “clause (ii)” and inserting “clauses (ii), (iii), and (iv)”; and

(II) in subclause (II)—

20/7703(b)(2)(B)(i)(IV)

20/7703(b)(2)(B)(i)(IV)(aa)

20/7703(b)(2)(B)(i)(IV)(bb)

20/7703(b)(2)(D)(i)(I)

20/7703(b)(2)(D)(i)(II)

20/7703(b)(2)(D)(i)(II)

(aa) by inserting “received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and” after “agency that”;

(bb) by striking “50 percent” and inserting “35 percent”;

20/7703(b)(2)(D)(i)(II), (II)(aa)

(cc) by striking “subsection (a)(1) and not less than 5,000” and inserting the following: “subsection (a)(1) and—

“(aa) not less than 3,500”; and

20/7703(b)(2)(D)(i)(II), (II)(bb)

(dd) by striking “subsection (a)(1).” and inserting the following: “subsection (a)(1); or “(bb) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1).”;

**20/7703(b)(2)(D)(ii),
(ii)(I) to (V)**

(ii) in clause (ii), by striking “shall be 1.35.” and inserting the following: “shall be—

“(I) for fiscal year 2016, 1.35;

“(II) for each of fiscal years 2017 and 2018, 1.38;

“(III) for fiscal year 2019, 1.40;

“(IV) for fiscal year 2020, 1.42; and

“(V) for fiscal year 2021 and each fiscal year thereafter, 1.45.”; and

20/7703(b)(2)(D)(iii), (iv)

(iii) by adding at the end the following:

“(iii) FACTOR FOR CHILDREN WHO LIVE OFF BASE.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be—

“(I) for fiscal year 2016, .20;

“(II) for each of fiscal years 2017 and 2018, .22;

“(III) for each of fiscal years 2019 and 2020, .25; and

“(IV) for fiscal year 2021 and each fiscal year thereafter—

“(aa) .30 with respect to each of the first 7,000 children; and

“(bb) .25 with respect to the number of children that exceeds 7,000.

“(iv) SPECIAL RULE.—Notwithstanding clauses (ii) and (iii), for fiscal year 2020 or any succeeding fiscal year, if the number of students who are children described in subparagraphs (A) and (B) of subsection (a)(1) for a local educational agency subject to this subparagraph exceeds 7,000 for such year or the number of students who are children described in subsection (a)(1)(D) for such local educational agency exceeds 12,750 for such year, then—

“(I) the factor used, for the fiscal year for which the determination is being made, to determine the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.40; and

20/7703(b)(2)(D)(iii), (iv)

“(II) the factor used, for such fiscal year, to determine the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be .20.”

20/7703 note new

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965 beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074).

20/7703 note new

(3) **SPECIAL RULES.**—

(A) **APPLICABILITY FOR FISCAL YEAR 2016.**—Notwithstanding any other provision of law, in making basic support payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for fiscal year 2016, the Secretary of Education shall carry out subparagraphs (B)(i) and (E) of such section as if the amendments made to subparagraphs (B)(i)(IV) and (D) of section 7003(b)(2) of such Act (as amended and redesignated by this subsection and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) had also been made to the corresponding provisions of section 8003(b)(2) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act.

(B) **LOSS OF ELIGIBILITY.**—For fiscal year 2016 or any succeeding fiscal year, if a local educational agency is eligible for a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (as amended by this section and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) or through a corresponding provision under subparagraph (A), such local educational agency shall be ineligible to apply for a payment for such fiscal year under any other subclause of such section (or, for fiscal year 2016, any other item of section 8003(b)(2)(B)(i)(II) of the Elementary and Secondary Education Act of 1965).

(C) **PAYMENT AMOUNTS.**—If, before the date of enactment of this Act, a local educational agency receives 1 or more payments under section 8003(b)(2)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(E)) for fiscal year 2016, the sum of which is greater than the amount the Secretary of Education determines the local educational agency is entitled to receive under such section in accordance with subparagraph (A)—

(i) the Secretary shall allow the local educational agency to retain the larger amount; and

(ii) such local educational agency shall not be eligible to receive any additional payment under such section for fiscal year 2016.

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Subtitle I—Decorations and Awards

SEC. 581. POSTHUMOUS ADVANCEMENT OF COLONEL GEORGE E. “BUD” DAY, UNITED STATES AIR FORCE, ON THE RETIRED LIST.

(a) **ADVANCEMENT.**—Colonel George E. “Bud” Day, United States Air Force (retired), is entitled to hold the rank of brigadier general while on the retired list of the Air Force.

(b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The advancement of George E. “Bud” Day on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which George E. “Bud” Day would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

SEC. 582. AUTHORIZATION FOR AWARD OF MEDALS FOR ACTS OF VALOR DURING CERTAIN CONTINGENCY OPERATIONS.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in sections 3744, 6248, and 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award a medal specified in subsection (c) to a member or former member of the Armed Forces identified as warranting award of that medal pursuant to the review of valor award nominations for Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Freedom’s Sentinel, and Operation Inherent Resolve that was directed by the Secretary of Defense on January 7, 2016.

(b) **AWARD OF MEDAL OF HONOR.**—If, pursuant to the review referred to in subsection (a), the President decides to award to a member or former member of the Armed Forces the Medal of Honor, the medal may only be awarded after the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a letter identifying the intended recipient of the Medal of Honor and the rationale for awarding the Medal of Honor to such intended recipient.

(c) **MEDALS.**—The medals covered by subsection (a) are any of the following:

- (1) The Medal of Honor under section 3741, 6241, or 8741 of title 10, United States Code.
- (2) The Distinguished-Service Cross under section 3742 of such title.
- (3) The Navy Cross under section 6242 of such title.
- (4) The Air Force Cross under section 8742 of such title.
- (5) The Silver Star under section 3746, 6244, or 8746 of such title.

(d) **TERMINATION.**—No medal may be awarded under the authority of this section after December 31, 2019.


SEC. 583. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARY M. ROSE AND JAMES C. MCCLOUGHAN FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) **GARY M. ROSE.**—

(1) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or



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any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to Gary M. Rose for the acts of valor described in paragraph (2).


(2) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in paragraph (1) are the actions of Gary M. Rose in Laos from September 11 through 14, 1970, during the Vietnam War while a member of the United States Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).

(b) JAMES C. McCLOUGHAN.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to James C. McCloughan for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in paragraph (1) are the actions of James C. McCloughan during combat operations between May 13, 1969, and May 15, 1969, while serving as a Combat Medic with Company C, 3d Battalion, 21st Infantry, 196th Light Infantry Brigade, American Division, Republic of Vietnam, for which he was previously awarded the Bronze Star Medal with “V” Device.


SEC. 584. AUTHORIZATION FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO FIRST LIEUTENANT MELVIN M. SPRUIELL FOR ACTS OF VALOR DURING WORLD WAR II.



(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished-Service Cross under section 3742 of such title to First Lieutenant Melvin M. Spruiell of the Army for the acts of valor during World War II described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of First Lieutenant Melvin M. Spruiell on June 10 and 11, 1944, as a member of the Army serving in France with the 377th Parachute Field Artillery, 101st Airborne Division.

SEC. 585. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO CHAPLAIN (FIRST LIEUTENANT) JOSEPH VERBIS LAFLEUR FOR ACTS OF VALOR DURING WORLD WAR II.



(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished Service Cross under section 3742 of that title to Chaplain (First Lieutenant) Joseph Verbis LaFleur for the acts of valor referred to in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Chaplain (First Lieutenant)



10/3741 note new

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Joseph Verbis LaFleur while interned as a prisoner-of-war by Japan from December 30, 1941, to September 7, 1944.

SEC. 586. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER WAR VETERANS.

(a) **REVIEW REQUIRED.**—The Secretary of each military department shall review the service records of each Asian American and Native American Pacific Islander war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) **COVERED VETERANS.**—The Asian American and Native American Pacific Islander war veterans whose service records are to be reviewed under subsection (a) are any former members of the Armed Forces whose service records identify them as an Asian American or Native American Pacific Islander war veteran who was awarded the Distinguished-Service Cross, the Navy Cross, or the Air Force Cross during the Korean War or the Vietnam War.

(c) **CONSULTATIONS.**—In carrying out the review under subsection (a), the Secretary of each military department shall consult with such veterans service organizations as the Secretary considers appropriate.

(d) **RECOMMENDATIONS BASED ON REVIEW.**—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Asian American or Native American Pacific Islander war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) **AUTHORITY TO AWARD MEDAL OF HONOR.**—A Medal of Honor may be awarded to an Asian American or Native American Pacific Islander war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

(f) **CONGRESSIONAL NOTIFICATION.**—No Medal of Honor may be awarded pursuant to subsection (e) until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives notice of the recommendations under subsection (d), including the name of each Asian American or Native American Pacific Islander war veteran recommended to be awarded a Medal of Honor and the rationale for such recommendation.

(g) **WAIVER OF TIME LIMITATIONS.**—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished-Service Cross, Navy Cross, or Air Force Cross has been awarded.

(h) **DEFINITION.**—In this section, the term “Native American Pacific Islander” means a Native Hawaiian or Native American Pacific Islander, as those terms are defined in section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c).

**Subtitle J—Miscellaneous Reports and
Other Matters**

SEC. 591. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT THE UNITED STATES AIR FORCE ACADEMY APPOINTED BY THE PRESIDENT.

10/9337 Rep.

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

10/9331 prec

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by striking the item related to section 9337.

SEC. 592. EXTENSION OF LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

10/1559(a)

Section 1559(a) of title 10, United States Code, is amended by striking “December 31, 2016” and inserting “December 31, 2019”.

SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY AND THE MARINE CORPS IN INTEGRATING WOMEN INTO MILITARY OCCUPATIONAL SPECIALITIES AND UNITS RECENTLY OPENED TO WOMEN.



(a) REPORTS REQUIRED.—Not later than April 1, 2017, and each year thereafter through 2020, the Chief of Staff of the Army and the Commandant of the Marine Corps shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the current status of the implementation by the Army and the Marine Corps, respectively, of the policy of Secretary of Defense dated March 9, 2016, to open to women military occupational specialties and units previously closed to women.

(b) ELEMENTS.—Each report shall include, current as of the date of such report and for the Armed Force covered by such report, the following:

(1) The status of gender-neutral standards throughout the Entry Level Training continuum.

(2) The propensity of applicants to apply for and access into newly-opened ground combat programs, by gender and program.

(3) Success rates in Initial Screening Tests and Military Occupational Speciality (MOS) Classification Standards for newly-opened ground combat military occupational specialties, by gender.

(4) Attrition rates and the top three causes of attrition throughout the Entry Level Training continuum, by gender and military occupational specialty.

(5) Reclassification rates and the top three causes of reclassification throughout the Entry Level Training continuum, by gender and military occupational specialty.

(6) Injury rates and the top five causes of injury throughout the Entry Level Training continuum, by gender and military occupational specialty.

(7) Injury rates and nondeployability rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

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(8) Lateral move approval rates into newly-opened military occupational specialties, by gender and military occupational specialty.

(9) Reenlistment and retention rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(10) Promotion rates in newly-opened ground combat military occupational specialties, by grade and gender.

(11) Actions taken to address matters relating to equipment sizing and supply, and facilities, in connection with the implementation by such Armed Force of the policy referred to in paragraph (1).

(c) **APPLICABILITY TO SOCOM.**—In addition to the reports required by subsection (a), the Commander of the United States Special Operations Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives, on the dates provided for in subsection (a), a report on the current status of the implementation by the United States Special Operations Command of the policy of Secretary of Defense referred to in subsection (a). Each report shall include the matters specified in subsection (b) with respect to the United States Special Operations Command.

SEC. 594. REPORT ON FEASIBILITY OF ELECTRONIC TRACKING OF OPERATIONAL ACTIVE-DUTY SERVICE PERFORMED BY MEMBERS OF THE READY RESERVE OF THE ARMED FORCES.



Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility of establishing an electronic means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code. The means assessed for purposes of the report shall include a tour calculator that specifies early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under section 12731(f) of such title.

SEC. 595. REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.



(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) **ELEMENTS.**—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

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(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

SEC. 596. BODY MASS INDEX TEST.

(a) REVIEW REQUIRED.—Each Secretary of a military department shall review—

(1) the current body mass index test procedure used by each Armed Force under the jurisdiction of that Secretary; and

(2) other methods to measure body fat with a more holistic health and wellness approach.

(b) ELEMENTS.—The review required under subsection (a) shall—

(1) address nutrition counseling;

(2) determine the best methods to be used by the Armed Forces to assess body fat percentages; and

(3) improve the accuracy of body fat measurements.

SEC. 597. REPORT ON CAREER PROGRESSION TRACKS OF THE ARMED FORCES FOR WOMEN IN COMBAT ARMS UNITS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description, for each Armed Force, of the following:

(1) The career progression track for entry level women as officers in combat arms units of such Armed Force.

(2) The career progression track for laterally transferred women as officers in combat arms units of such Armed Force.

(3) The career progression track for entry level women as enlisted members in combat arms units of such Armed Force.

(4) The career progression track for laterally transferred women as enlisted members in combat arms units of such Armed Force.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2017 increase in military basic pay.

Sec. 602. Publication by Department of Defense of actual rates of basic pay payable to members of the Armed Forces by pay grade for annual or other pay periods.

Sec. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.

Sec. 604. Reports on a new single-rate pay system for members of the Armed Forces.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

