September 18, 2017

Ordered to be printed as passed

In the Senate of the United States,

September 18, 2017.

Resolved, That the bill from the House of Representa-
tives (H.R. 2810) entitled “An Act to authorize appropri-
tions for fiscal year 2018 for military activities of the Depart-
ment of Defense, for military construction, and for defense
activities of the Department of Energy, to prescribe military
personnel strengths for such fiscal year, and for other pur-
poses.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “National Defense Au-
 thorization Act for Fiscal Year 2018”.

3
SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(5) Division E—Additional Provisions.

(6) Division F—Further Additional Provisions.

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Transfer of excess High Mobility Multipurpose Wheeled Vehicles to foreign countries.
Sec. 112. Limitation on availability of funds for Army Air-Land Mobile Tactical Communications and Data Network, including Warfighter Information Network-Tactical (WIN–T).

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for Virginia class submarine program.
Sec. 122. Arleigh Burke class destroyers.

† HR 2810 PAP
Sec. 123. Multiyear procurement authority for V–22 joint aircraft program.
Sec. 124. Design and construction of amphibious ship replacement designated LX(R) or amphibious transport dock designated LPD–30.
Sec. 125. Modification of cost limitation baseline for CVN–78 class aircraft carrier program.
Sec. 126. Extension of limitation on use of sole-source shipbuilding contracts for certain vessels.
Sec. 127. Certification of the enhanced multi mission parachute system for the United States Marine Corps.

Subtitle D—Air Force Programs

Sec. 131. Inventory requirement for Air Force fighter aircraft.
Sec. 132. Comptroller General review of total force integration initiatives for reserve component rescue squadrons.
Sec. 133. Authority to increase Primary Aircraft Authorization of Air Force and Air National Guard A–10 aircraft units for purposes of facilitating A–10 conversion.
Sec. 134. Requirement for continuation of E–8 JSTARS recapitalization program.
Sec. 135. Prohibition on availability of funds for retirement of E–8 JSTARS aircraft.

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

Sec. 141. F–35 economic order quantity contracting authority.
Sec. 142. Authority for Explosive Ordnance Disposal units to acquire new or emerging technologies and capabilities.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Mechanisms for expedited access to technical talent and expertise at academic institutions to support Department of Defense missions.
Sec. 212. Codification and enhancement of authorities to provide funds for defense laboratories for research and development of technologies for military missions.
Sec. 213. Modification of laboratory quality enhancement program.
Sec. 214. Prizes for advanced technology achievements.
Sec. 215. Expansion of definition of competitive procedures to include competitive selection for award of research and development proposals.
Sec. 216. Inclusion of modeling and simulation in test and evaluation activities for purposes of planning and budget certification.
Sec. 217. Differentiation of research and development activities from service activities.
Sec. 218. Designation of additional Department of Defense science and technology reinvention laboratories.
Sec. 219. Department of Defense directed energy weapon system prototyping and demonstration program.
Sec. 220. Authority for the Under Secretary of Defense for Research and Engineering to promote innovation in the Department of Defense.
Sec. 221. Limitation on availability of funds for F–35 Joint Strike Fighter Follow-On Modernization.
Sec. 222. Improvement of update process for populating mission data files used in advanced combat aircraft.

Subtitle C—Reports and Other Matters
Sec. 231. Competitive acquisition plan for low probability of detection data link networks.
Sec. 232. Clarification of selection dates for pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.
Sec. 233. Requirement for a plan to build a prototype for a new ground combat vehicle for the Army.
Sec. 235. Sense of Congress on hypersonic weapons.
Sec. 236. Importance of historically Black colleges and universities and minority-serving institutions.

TITLE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations
Sec. 301. Authorization of appropriations.

Subtitle B—Logistics and Sustainment
Sec. 311. Sentinel Landscapes Partnership.
Sec. 312. Increased percentage of sustainment funds authorized for realignment to restoration and modernization at each installation.

Subtitle C—Reports
Sec. 321. Plan for modernized, dedicated Department of the Navy adversary air training enterprise.

Subtitle D—Other Matters
Sec. 331. Defense Siting Clearinghouse.
Sec. 332. Temporary installation reutilization authority for arsenals, depots, and plants.
Sec. 333. Pilot program for operation and maintenance budget presentation.
Sec. 334. Servicewomen’s commemorative partnerships.
Sec. 335. Authority for agreements to reimburse States for costs of suppressing wildfires on State lands caused by Department of Defense activities under leases and other grants of access to State lands.
Sec. 336. Repurposing and reuse of surplus Army firearms.
Sec. 337. Department of the Navy marksmanship awards.
Sec. 338. Modification of the Second Division Memorial.

Subtitle E—Energy and Environment
Sec. 341. Authority to carry out environmental restoration activities at National Guard and Reserve locations.
Sec. 342. Special considerations for energy performance goals.
Sec. 343. Centers for Disease Control study on health implications of per- and polyfluoroalkyl substances contamination in drinking water.
Sec. 344. Environmental oversight and remediation at Red Hill Bulk Fuel Storage Facility.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

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 2018 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. Number of members of the National Guard on full-time duty in support of the reserves within the National Guard Bureau.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Clarification of baselines for authorized numbers of general and flag officers on active duty and in joint duty assignments.
Sec. 502. Authority of promotion boards to recommend officers of particular merit be placed at the top of the promotion list.
Sec. 503. Clarification to exception for removal of officers from list of officers recommended for promotion after 18 months without appointment.
Sec. 504. Flexibility in promotion of officers to positions of Staff Judge Advocate to the Commandant of the Marine Corps and Deputy Judge Advocate General of the Navy.
Sec. 505. Repeal of requirement for specification of number of officers who may be recommended for early retirement by a Selective Early Retirement Board.
Sec. 506. Extension of service-in-grade waiver authority for voluntary retirement of certain general and flag officers for purposes of enhanced flexibility in officer personnel management.
Sec. 507. Inclusion of Principal Military Deputy to the Assistant Secretary of the Army for Acquisition, Technology, and Logistics among officers subject to repeal of statutory specification of general officer grade.
Sec. 508. Clarification of effect of repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces.
Sec. 509. Grandfathering of retired grade of Assistant Judge Advocates General of the Navy as of repeal of statutory specification of general and flag officers grades in the Armed Forces.
Sec. 510. Service credit for cyberspace experience or advanced education upon original appointment as a commissioned officer.
Sec. 510A. Authority for officers to opt-out of promotion board consideration.
Sec. 510B. Reauthorization of authority to order retired members to active duty in high-demand, low-density assignments.
Subtitle B—Reserve Component Management

Sec. 511. Consolidation of authorities to order members of the reserve components of the Armed Forces to perform duty.
Sec. 512. Establishment of Office of Complex Investigations within the National Guard Bureau.
Sec. 513. Review of effects of personnel requirements and limitations on the availability of members of the National Guard for the performance of funeral honors duty for veterans.
Sec. 514. Training for National Guard personnel on wildfire response.
Sec. 515. Plan to meet demand for cyberspace career fields in the reserve components of the Armed Forces.

Subtitle C—General Service Authorities

Sec. 516. Report on policies for regular and reserve officer career management.
Sec. 517. Responsibility of Chiefs of Staff of the Armed Forces for standards and qualifications for military specialties within the Armed Forces.
Sec. 518. Confidential review of characterization of terms of discharge of members of the Armed Forces who are survivors of sexual assault.
Sec. 519. Improvements to certain authorities and procedures of discharge review boards.
Sec. 520. Public availability of information related to disposition of claims regarding discharge or release of members of the Armed Forces when the claims involve sexual assault.
Sec. 520A. Modification of basis for extension of period for enlistment in the Armed Forces under the Delayed Entry Program.

Subtitle D—Military Justice Matters

Sec. 521. Revision to Manual for Courts-Martial with respect to dissemination of visual depictions of private areas or sexually explicit conduct without the consent of the person depicted.
Sec. 523. Priority of review by Court of Appeals for the Armed Forces of decisions of Courts of Criminal Appeals on petitions for enforcement of victims' rights.
Sec. 524. Assistance of defense counsel in additional post-trial matters for accused convicted by court-martial.
Sec. 525. Enumeration of additional limitations on acceptance of plea agreements by military judges of general or special courts-martial.
Sec. 526. Additional proceedings by Courts of Criminal Appeals by order of United States Court of Appeals for the Armed Forces.
Sec. 527. Clarification of applicability and effective dates for statute of limitations amendments in connection with Uniform Code of Military Justice Reform.
Sec. 529. Clarification of applicability of certain provisions of law to civilian judges of the United States Court of Military Commission Review.
Sec. 530. Enhancement of effective prosecution and defense in courts-martial and related matters.
Sec. 531. Court of Appeals for the Armed Forces jurisdiction to review interlocutory appeals of decisions on certain petitions for writs of mandamus.

Sec. 532. Punitive article on wrongful broadcast or distribution of intimate visual images or visual images of sexually explicit conduct under the Uniform Code of Military Justice.

Sec. 533. Report on availability of postsecondary credit for skills acquired during military service.

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

Sec. 541. Ready, Relevant Learning initiative of the Navy.

Sec. 542. Element in preseparation counseling for members of the Armed Forces on assistance and support services for caregivers of certain veterans through the Department of Veterans Affairs.

Sec. 543. Discharge in the Selected Reserve of the commissioned service obligation of military service academy graduates who participate in professional athletics.

Sec. 544. Pilot programs on appointment in the excepted service in the Department of Defense of physically disqualified former cadets and midshipmen.

Sec. 545. Limitation on availability of funds for attendance of Air Force enlisted personnel at Air Force officer professional military education in-residence courses.

Sec. 546. Pilot program on integration of Department of Defense and non-Federal efforts for civilian employment of members of the Armed Forces following transition from active duty to civilian life.

Sec. 547. Two-year extension suicide prevention and resilience program for the National Guard and Reserves.

Sec. 548. Sexual assault prevention and response training for all individuals enlisted in the Armed Forces under a delayed entry program.

Sec. 549. Use of assistance under the Department of Defense Tuition Assistance Program for non-traditional education to develop cybersecurity and computer coding skills.

Sec. 550. Sense of Senate on increasing enrollment in Senior Reserve Officers’ Training Corps programs at minority-serving institutions.

Subtitle F—Defense Dependents’ Education and Military Family Readiness Matters

PART I—DEFENSE DEPENDENTS’ EDUCATION MATTERS

Sec. 551. Impact aid for children with severe disabilities.

Sec. 552. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 553. One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies.

PART II—MILITARY FAMILY READINESS MATTERS

Sec. 556. Housing treatment for certain members of the Armed Forces, and their spouses and other dependents, undergoing a permanent change of station within the United States.

Sec. 557. Direct hire authority for Department of Defense for childcare services providers for Department child development centers.
Sec. 558. Report on expanding and contracting for childcare services of the Department of Defense.
Sec. 560. Pilot program on public-private partnerships for telework facilities on military installations outside the United States.
Sec. 561. Report on mechanisms to facilitate the obtaining by military spouses of professional licenses or credentials in other States.
Sec. 562. Additional military childcare matters.
Sec. 563. Mechanisms to facilitate the obtaining by military spouses of occupational licenses or credentials in other States.

Subtitle G—Decorations and Awards

Sec. 571. Authority of Secretary of the Army to award the Personnel Protection Equipment award of the Army to former members of the Army.
Sec. 572. Authorization for award of Distinguished Service Cross to Specialist Frank M. Crary for acts of valor in Vietnam.

Subtitle H—Other Matters

Sec. 581. Modification of submittal date of Comptroller General of the United States report on integrity of the Department of Defense whistleblower program.
Sec. 582. Report to Congress on accompanied and unaccompanied tours of duty in remote locations with high family support costs.
Sec. 583. Authorization of support for Beyond Yellow Ribbon programs.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2018 increase in military basic pay.
Sec. 602. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
Sec. 603. Adjustment to basic allowance for housing at with dependents rate of certain members of the uniformed services.
Sec. 604. Modification of authority of President to determine alternative pay adjustment in annual basic pay of members of the uniformed services.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. Aviation bonus matters.
Sec. 617. Special aviation incentive pay and bonus authorities for enlisted members who pilot remotely piloted aircraft.
Sec. 618. Technical and conforming amendments relating to 2008 consolidation of special pay authorities.

Subtitle C—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

Sec. 631. Adjustments to Survivor Benefit Plan for members electing lump sum payments of retired pay under the modernized retirement system for members of the uniformed services.

Sec. 632. Technical correction regarding election to participate in modernized retirement system for reserve component members experiencing a break in service.

Sec. 633. Promotion of financial literacy concerning retirement among members of the Armed Forces.

PART II—OTHER MATTERS

Sec. 636. Authority for the Secretaries of the military departments to provide for care of remains of those who die on active duty and are interred in a foreign cemetery.

Sec. 637. Technical corrections to use of member’s current pay grade and years of service in a division of property involving disposable retired pay.

Sec. 638. Permanent extension and cost-of-living adjustments of special survivor indemnity allowances under the Survivor Benefit Plan.

Subtitle D—Other Matters

Sec. 651. Construction of domestic source requirement for footwear furnished to enlisted members of the Armed Forces on initial entry into the Armed Forces.

Sec. 652. Inclusion of Department of Agriculture in Transition Assistance Program.

Sec. 653. Review and update of regulations governing debt collectors interactions with unit commanders.

TITLE VII—HEALTH CARE PROVISIONS

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Sec. 701. TRICARE Advantage demonstration program.

Sec. 702. Continued access to medical care at facilities of the uniformed services for certain members of the reserve components.

Sec. 703. Modification of eligibility for TRICARE Reserve Select and TRICARE Retired Reserve of certain members of the reserve components.

Sec. 704. Expedited evaluation and treatment for prenatal surgery under the TRICARE program.

Sec. 705. Specification that individuals under the age of 21 are eligible for hospice care services under the TRICARE program.

Sec. 706. Modifications of cost-sharing requirements for the TRICARE Pharmacy Benefits Program and treatment of certain pharmaceutical agents.

Sec. 707. Consolidation of cost-sharing requirements under TRICARE Select and TRICARE Prime.

Sec. 708. TRICARE technical amendments.

Sec. 709. Contraception coverage parity under the TRICARE program.

† HR 2810 PAP
Subtitle B—Health Care Administration

Sec. 721. Modification of priority for evaluation and treatment of individuals at
military treatment facilities.
Sec. 722. Selection of directors of military treatment facilities and tours of duty
of such directors.
Sec. 723. Clarification of administration of military medical treatment facilities.
Sec. 724. Modification of execution of TRICARE contracting responsibilities.
Sec. 725. Pilot program on establishment of integrated health care delivery sys-
tems.

Subtitle C—Reports and Other Matters

Sec. 731. Extension of authority for Joint Department of Defense-Department of
Veterans Affairs Medical Facility Demonstration Fund.
Sec. 732. Additional emergency uses for medical products to reduce deaths and
severity of injuries caused by agents of war.
Sec. 733. Prohibition on conduct of certain medical research and development
projects.
Sec. 734. Modification of determination of average wait times at urgent care clin-
ics and pharmacies at military medical treatment facilities
under pilot program.
Sec. 735. Report on plan to improve pediatric care and related services for chil-
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Sec. 736. Inclusion of gambling disorder in health assessments and related re-
search efforts of the Department of Defense.
Sec. 737. Feasibility study on conduct of pilot program on mental health readiness
of part-time members of the reserve components of the
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TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND
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Sec. 802. Technical and conforming amendments related to program management
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Sec. 803. Should-cost management.
Sec. 804. Clarification of purpose of Defense acquisition.
Sec. 805. Defense policy advisory committee on technology.
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thorities of the military departments to the United States Special
Operations Command.
Sec. 807. Ensuring transparency in acquisition programs.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and
Limitations

Sec. 811. Waiver authority for purposes of expanding competition.
Sec. 812. Increased simplified acquisition threshold applicable to Department of
Defense procurements.
Sec. 813. Increased threshold for cost or pricing data and truth in negotiations
requirements.
Sec. 814. Contract authority for advanced development of initial or additional prototype units.
Sec. 815. Treatment of independent research and development costs on certain contracts.
Sec. 816. Non-traditional contractor definition.
Sec. 817. Repeal of domestic source restriction related to wearable electronics.
Sec. 818. Use of outcome-based and performance-based requirements for services contracts.
Sec. 819. Pilot program for longer term multyear service contracts.
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Sec. 825. Use of lowest price technically acceptable source selection process.
Sec. 826. Middle tier of acquisition for rapid prototype and rapid fielding.
Sec. 827. Elimination of cost underruns as factor in calculation of penalties for cost overruns.
Sec. 828. Contract closeout authority.
Sec. 829. Service contracts of the Department of Defense.
Sec. 830. Department of Defense contractor workplace safety and accountability.
Sec. 831. Department of Defense promotion of contractor compliance with existing law.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs
Sec. 835. Revisions to definition of major defense acquisition program.
Sec. 836. Prohibition on use of lowest price technically acceptable source selection process for major defense acquisition programs.
Sec. 837. Role of the Chief of the armed force in material development decision and acquisition system milestones.

Subtitle D—Provisions Related to Acquisition Workforce
Sec. 841. Training in commercial items procurement.
Sec. 842. Modification of definition of acquisition workforce to include personnel engaged in the acquisition or development of cybersecurity systems.
Sec. 843. Training and support for programs pursuing agile acquisition methods.
Sec. 844. Credits to Department of Defense Acquisition Workforce Development Fund.

Subtitle E—Provisions Related to Commercial Items
Sec. 851. Modification to definition of commercial items.
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Sec. 853. Commercial item determinations.
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Subtitle F—Industrial Base Matters
Sec. 861. Review regarding applicability of foreign ownership, control, or influence requirements of National Security Industrial Program to national technology and industrial base companies.

† HR 2810 PAP
Sec. 862. Pilot program on strengthening manufacturing in defense industrial base.

Sec. 863. Sunset of certain provisions relating to the industrial base.

Subtitle G—International Contracting Matters

Sec. 865. Procurement exception relating to agreements with foreign governments.

Sec. 866. Applicability of cost and pricing data certification requirements.

Sec. 867. Enhancing program licensing.

Subtitle H—Other Transactions

Sec. 871. Other transaction authority.

Sec. 872. Education and training for transactions other than contracts and grants.

Sec. 873. Preference for use of other transactions and experimental authority.

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Subtitle I—Development and Acquisition of Software Intensive and Digital Products and Services

Sec. 881. Rights in technical data.

Sec. 882. Defense Innovation Board analysis of software acquisition regulations.

Sec. 883. Pilot to tailor software-intensive major programs to use agile methods.

Sec. 884. Review and realignment of defense business systems to emphasize agile methods.

Sec. 885. Software development pilot using agile best practices.

Sec. 886. Use of open source software.

Subtitle J—Other Matters

Sec. 891. Improved transparency and oversight over Department of Defense research, development, test, and evaluation efforts and procurement activities related to medical research.

Sec. 892. Rights in technical data related to medical research.

Sec. 893. Oversight, audit, and certification from the Defense Contract Audit Agency for procurement activities related to medical research.


Sec. 895. Prototype projects to digitize defense acquisition regulations, policies, and guidance, and empower user tailoring of acquisition process.

Sec. 896. Pilot program for adoption of acquisition strategy for Defense Base Act insurance.

Sec. 897. Phase III awards.

Sec. 898. Pilot program for streamlined technology transition from the SBIR and STTR programs of the Department of Defense.

Sec. 899. Annual report on limitation of subcontractor intellectual property rights.

Sec. 899A. Extension from 20 to 30 years of maximum total period for Department of Defense contracts for storage, handling, or distribution of liquid fuels and natural gas.

Sec. 899B. Exception for Department of Defense contracts from requirement that business operations conducted under government contracts accept and dispense $1 coins.

Sec. 899C. Investing in rural small businesses.
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Sec. 901. Chief Management Officer of the Department of Defense.
Sec. 902. Realignment of responsibilities, duties, and powers of Chief Information Officer of the Department of Defense.
Sec. 903. Clarification of authority of Under Secretary of Defense for Acquisition and Sustainment with respect to service acquisition programs for which the service acquisition executive is the milestone decision authority.
Sec. 904. Executive Schedule matters relating to Under Secretary of Defense for Acquisition and Sustainment.
Sec. 905. Technical amendment.
Sec. 906. Redesignation of Under Secretary of Defense for Personnel and Readiness as Under Secretary of Defense for Personnel and Health.
Sec. 907. Qualifications for appointment and additional duties and powers of certain officials within the Office of the Under Secretary of Defense (Comptroller).
Sec. 908. Five-year period of relief from active duty as a commissioned officer of a regular component of the Armed Forces for appointment to Under Secretary of Defense positions.
Sec. 910. Reduction of number and elimination of specific designations of Assistant Secretaries of Defense.
Sec. 911. Limitation on maximum number of Deputy Assistant Secretaries of Defense.
Sec. 912. Modification of definition of OSD personnel for purposes of limitation on number of Office of Secretary of Defense personnel.

Subtitle B—Organization of Other Department of Defense Offices and Elements

Sec. 921. Reduction in authorized number of Assistant Secretaries of the military departments.
Sec. 922. Qualifications for appointment of Assistant Secretaries of the military departments for financial management.

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

Sec. 931. Reduction in limitation on number of Department of Defense SES positions.
Sec. 932. Manner of carrying out reductions in major Department of Defense headquarters activities.
Sec. 933. Certifications on cost savings achieved by reductions in major Department of Defense headquarters activities.
Sec. 934. Direct hire authority for the Department of Defense for personnel to assist in business transformation and management innovation.
Sec. 935. Data analytics capability for support of enhanced oversight and management of the Defense Agencies and Department of Defense Field Activities.
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Sec. 937. Pilot programs on data integration strategies for the Department of Defense.
Sec. 938. Background and security investigations for Department of Defense personnel.

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Sec. 951. Transfer of lead of Guam Oversight Council from the Deputy Secretary of Defense to the Secretary of the Navy.
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TITLE X—GENERAL PROVISIONS

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Sec. 1002. Calculations for payments into Department of Defense Military Retirement Fund using single level percentage of basic pay determined on Armed Force-wide rather than Armed Forces-wide basis.
Sec. 1003. Certifications on audit readiness of the Department of Defense and the military departments, Defense Agencies, and other organizations and elements of the Department of Defense.
Sec. 1004. Failure to obtain audit opinion on fiscal year full financial statements of the Department of Defense.
Sec. 1005. Improper payment matters.
Sec. 1006. Financial operations dashboard for the Department of Defense.
Sec. 1007. Comptroller General of the United States recommendations on audit capabilities and infrastructure and related matters.
Sec. 1008. Information on Department of Defense funding in Department press releases and related public statements on programs, projects, and activities funded by the Department.

Subtitle B—Counterdrug Activities
Sec. 1011. Extension and modification of authority to support a unified counterdrug and counterterrorism campaign in Colombia.

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Sec. 1017. Operational readiness of Littoral Combat Ships on extended deployment.
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Sec. 1020. Pilot program on funding for national defense sealift vessels.

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Sec. 1031. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
Sec. 1032. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1033. Extension of prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1034. Extension of prohibition on use of funds for realignment of forces at or closure of United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1035. Authority to transfer individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States temporarily for emergency or critical medical treatment.

Subtitle E—Miscellaneous Authorities and Limitations

Sec. 1041. Matters relating to the submittal of future-years defense programs.

Sec. 1042. Department of Defense integration of information operations and cyber-enabled information operations.

Sec. 1043. Prohibition on lobbying activities with respect to the Department of Defense by certain officers of the Armed Forces and civilian employees of the Department within two years of separation from military service or employment with the Department.

Sec. 1044. Definition of “unmanned aerial vehicle” for purposes of title 10, United States Code.

Sec. 1045. Technical amendment relating to management of military technicians.

Sec. 1046. Extension of prohibition on use of funds for retirement of legacy mine countermeasure platforms.

Sec. 1047. Sense of Congress on the basing of KC–46A aircraft outside the continental United States.

Sec. 1048. Authorization to procure up to six polar-class icebreakers.

Sec. 1049. Sense of Congress on use of test sites for research and development on countering unmanned aircraft systems.

Subtitle F—Studies and Reports

Sec. 1061. Assessment of global force posture.

Sec. 1062. Army modernization strategy.

Sec. 1063. Report on Army plan to improve operational unit readiness by reducing number of non-deployable soldiers assigned to operational units.

Sec. 1064. Efforts to combat physiological episodes on certain Navy aircraft.

Sec. 1065. Studies on aircraft inventories for the Air Force.

Sec. 1066. Plan and recommendations for interagency vetting of foreign investments with potential impacts on national defense and national security.

Sec. 1067. Report on authorities for the employment, use, and status of National Guard and Reserve technicians.

Sec. 1068. Conforming repeals and technical amendments in connection with reports of the Department of Defense whose submittal to Congress has previously been terminated by law.

Sec. 1069. Annual reports on approval of employment or compensation of retired general or flag officers by foreign governments for Emoluments Clause purposes.

Sec. 1070. Annual report on civilian casualties in connection with United States military operations.

Sec. 1071. Report on large-scale, joint exercises involving the air and land domains.

Sec. 1072. Department of Defense review of Navy capabilities in the Arctic region.
Sec. 1073. Business case analysis on establishment of active duty association and additional primary aircraft authorizations for the 168th Air Refueling Wing.

Sec. 1074. Report on Navy capacity to increase production of anti-submarine warfare and search and rescue rotary wing aircraft in light ofincrease in the size of the surface fleet to 355 ships.

Subtitle G—Other Matters

Sec. 1081. Protection against misuse of Naval Special Warfare Command insignia.

Sec. 1082. Collaborations between the Armed Forces and certain non-Federal entities on support of Armed Forces missions abroad.

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Sec. 11201. Sense of Congress on cybersecurity cooperation with Ukraine.
Sec. 11202. North Korea strategy.
Sec. 11203. Plan on improvement of ability of foreign governments participating in United States institutional capacity building programs to protect civilians.

Sec. 11204. Report on the capabilities and activities of the Islamic State of Iraq and Syria and other violent extremist groups in Southeast Asia.


Sec. 11206. Clarification of authority to support border security operations of certain foreign countries.

**TITLE CXVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS**

Sec. 11601. Requirements relating to multi-use sensitive compartmented information facilities.

Sec. 11602. Ineffectiveness of prohibition on use of software platforms developed by Kaspersky Lab.

Sec. 11603. Prohibition on use of software platforms developed by Kaspersky Lab.

Sec. 11604. Report on significant security risks of defense critical electric infrastructure.


Sec. 11606. Report on acquisition strategy to recapitalize the existing system for undersea fixed surveillance.

Sec. 11607. Comprehensive review of maritime intelligence, surveillance, reconnaissance, and targeting.

Sec. 11608. Report on training infrastructure for cyber forces.

**TITLE CXXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS**

Sec. 12801. Technical correction to authority for return of certain lands at Fort Wingate, New Mexico, to original inhabitants.

Sec. 12802. Energy resilience.

**TITLE CXXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

Sec. 13101. Plutonium capabilities.

**TITLE CXXXV—MARITIME ADMINISTRATION**

Sec. 13501. Ineffectiveness of Maritime Administration provisions.

Sec. 13502. Authorization of the Maritime Administration.

Sec. 13503. Removal adjunct professor limit at United States Merchant Marine Academy.

Sec. 13504. Acceptance of guarantees in conjunction with partial donations for major projects of the United States Merchant Marine Academy.

Sec. 13505. Authority to pay conveyance or transfer expenses in connection with acceptance of a gift to the United States Merchant Marine Academy.

Sec. 13506. Authority to participate in Federal, State or other research grants.

Sec. 13507. Assistance for small shipyards and maritime communities.

Sec. 13508. Domestic maritime centers of excellence.

Sec. 13509. Access to satellite communication devices during Sea Year program.

Sec. 13510. Actions to address sexual harassment, dating violence, domestic violence, sexual assault, and stalking at the United States Merchant Marine Academy.

† HR 2810 PAP
Sec. 13511. Sexual assault prevention and response staff.
Sec. 13512. Protection of students from sexual assault onboard vessels.
Sec. 13513. Training requirement for sexual assault investigators.

TITLE CXXXI—FUNDING TABLES

Sec. 14001. Funding tables.
Sec. 14002. Additional funding table matters.
Sec. 14003. Expansion of SkillBridge initiative to include participation by Federal agencies.
Sec. 14004. Temporary extension of extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction.
Sec. 14005. Report on compliance with runway clear zone requirements.
Sec. 14006. Limitation on cancellation of designation of Secretary of the Air Force as Department of Defense Executive Agent for a certain Defense Production Act Program.
Sec. 14007. Report on the National Biodefense Analysis and Countermeasures Center (NBACC) and Limitation on Use of Funds.
Sec. 14009.
Sec. 14010. Recognition of the National Museum of World War II Aviation.
Sec. 14011. Increased term limit for intergovernmental support agreements to provide installation support services.
Sec. 14013. Venue for prosecution of maritime drug trafficking.
Sec. 14014. Sense of Congress on fire protection in Department of Defense facilities.
Sec. 14015.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

5 SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

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

DIVISION A—DEPARTMENT OF
DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT
Subtitle A—Authorization of

Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fis-
cal year 2018 for procurement for the Army, the Navy and
the Marine Corps, the Air Force, and Defense-wide activi-
ties, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. TRANSFER OF EXCESS HIGH MOBILITY MULTI-

PURPOSE WHEELED VEHICLES TO FOREIGN

COUNTRIES.

(a) TRANSFERS.—

(1) IN GENERAL.—Chapter 153 of title 10,
United States Code, is amended by inserting after sec-
tion 2581 the following new section:

“§2581a. Transfer of excess High Mobility Multipur-
pose Wheeled Vehicles (HMMWVs) to for-
eign countries

“(a) REQUIREMENTS.—(1) Before an excess High Mo-
bility Multipurpose Wheeled Vehicle (HMMWV) is trans-
ferred on a grant or sales basis to a foreign country for
the purpose of operation by that country, the Secretary of
Defense shall ensure that the HMMWV receives the same
new, modernized powertrain and a modernized, armored or
armor-capable crew compartment restored to like-new con-
dition that the HMMWV would receive if it were to be mod-
ernized for operational use by the armed forces.

“(2) For the purposes of paragraph (1), the term ‘the
same new, modernized powertrain’—

“(A) means a fully-functioning new powertrain
system; and

“(B) does not mean an individual part, compo-
nent, subassembly, assembly, or subsystem integral to
the functioning of the powertrain system such as a
new engine or transmission.

“(3) Any work performed pursuant to paragraph (1)
shall be performed in the United States and shall be covered
by section 2460(b)(1) of this title.

“(b) WAIVER.—Subject to the requirements of sub-
section (c), the Secretary may waive the requirements of
subsection (a)(1) if the Secretary determines in writing that
such an exception is required by the national security inter-
est of the United States.

“(c) NOTIFICATION.—(1) If the Secretary makes a
written determination under subsection (b), the Secretary
may not transfer excess HMMWVs until 30 days after the Secretary has provided notice of the proposed transfer to the congressional defense committees. The notification shall include—

“(A) the total quantity of HMMWVs, the serial and model numbers of each individual HMMWV, and the age, condition, and expected useful life of each individual HMMWV to be transferred;

“(B) the recipient of the HMMWVs, the intended use of the HMMWVs, and a description of the national security interests of the United States necessitating the transfer;

“(C) an explanation of why it is not in the national security interests of the United States to make the transfer in accordance with the requirements of subsection (a);

“(D) the impact on the national technology and industrial base and, particularly, any reduction of the opportunities of entities in the national technology and industrial base to sell new or used HMMWVs to the countries to which the proposed transfer of HMMWVs is to take place; and

“(E) the names of all entities in the national technology and industrial base consulted as part of the determination in subsection (D), as well as the
dates when and the names, titles, and affiliations of
all individuals with whom such consultations took
place.

“(2) The Secretary shall make the notification required
under this subsection in accordance with the procedures
specified in section 060403 of volume 3, chapter 6, of the
Department of Defense Financial Management Regula-
tion.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of such chapter is amended by
inserting after the item relating to section 2581 the
following new item:

“2581a. Transfer of excess High Mobility Multipurpose Wheeled Vehicles
(HMMWVs) to foreign countries.”.

(b) EFFECTIVE DATE.—Section 2581a of title 10,
United States Code, as added by subsection (a), shall apply
with respect to transfers of High Mobility Multipurpose
Wheeled Vehicles on and after the date of the enactment of
this Act.

SEC. 112. LIMITATION ON AVAILABILITY OF FUNDS FOR
ARMY AIR-LAND MOBILE TACTICAL COMMU-
NICATIONS AND DATA NETWORK, INCLUDING
WARFIGHTER INFORMATION NETWORK-TAC-
TICAL (WIN–T).

(a) LIMITATION.—No funds authorized to be appro-
priated by this Act or otherwise made available for fiscal
year 2018 for other procurement, Army, and available for the Warfighter Information Network-Tactical (WIN–T), Increment 2 (Inc 2) program may be obligated or expended until the Secretary of the Army submits the report required under subsection (b).

(b) REPORT.—The Secretary of the Army shall submit to the congressional defense committees a report describing how the Army intends to implement the recommendations related to air-land ad-hoc, mobile tactical communications and data networks provided by the Director of Cost Assessment and Program Evaluation (CAPE) pursuant to section 237 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 781).

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of up to 13 Virginia class submarines.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2018, for advance procurement as-
associated with the Virginia Class submarines for which au-
uthorization to enter into a multiyear procurement contract
is provided under subsection (a), and for equipment or sub-
systems associated with the Virginia Class submarine pro-
gram, including procurement of—

(1) long lead time material; or

(2) material or equipment in economic order
quantities when cost savings are achievable.

(c) CONDITION FOR OUT-YEAR CONTRACT PAY-
MENTS.—A contract entered into under subsection (a) shall
provide that any obligation of the United States to make
a payment under the contract for a fiscal year after fiscal
year 2019 is subject to the availability of appropriations
or funds for that purpose for such fiscal year.

(d) LIMITATION ON TERMINATION LIABILITY.—A con-
tract for construction of Virginia Class submarines entered
into in accordance with subsection (a) shall include a clause
that limits the liability of the United States to the con-
tractor for any termination of the contract. The maximum
liability of the United States under the clause shall be the
amount appropriated for the submarines covered by the
contract regardless of the amount obligated under the con-
tract.

SEC. 122. ARLEIGH BURKE CLASS DESTROYERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
(1) In general.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning not earlier than the fourth quarter of fiscal year 2018, for the procurement of up to 15 Arleigh Burke class Flight III guided missile destroyers.

(2) Authority for advance procurement.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2018, for advance procurement associated with the destroyers for which authorization to enter into a multiyear procurement contract is provided under paragraph (1), and for systems and subsystems associated with such destroyers in economic order quantities when cost savings are achievable.

(3) Condition for out-year contract payments.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations or funds for that purpose for such fiscal year.

(b) Modification to Procurement of Additional Arleigh Burke Class Destroyer.—Section 125(a)(1)
of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking “to be procured either” and inserting “to be procured using a fixed-price contract either”.

SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 JOINT AIRCRAFT PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of Defense may enter into one or more multiyear contracts, beginning with the fiscal year 2018 program year, for the procurement of V–22 aircraft. Notwithstanding subsection (k) of such section 2306b, the Secretary of Defense may enter into a multiyear contract under this section for up to five years.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations for that purpose for such later fiscal year.
SEC. 124. DESIGN AND CONSTRUCTION OF AMPHIBIOUS
SHIP REPLACEMENT DESIGNATED LX(R) OR
AMPHIBIOUS TRANSPORT DOCK DESIGNATED
LPD–30.

(a) IN GENERAL.—The Secretary of the Navy may
enter into a contract, beginning with the fiscal year 2018
program year, for the design and construction of the am-
phibious ship replacement designated LX(R) or the amphib-
ious transport dock designated LPD–30 using amounts au-
thorized to be appropriated for the Department of Defense
for Shipbuilding and Conversion, Navy.

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

(c) CONDITION FOR OUT-YEAR CONTRACT PAY-
MENTS.—The contract entered into under subsection (a)
shall provide that any obligation of the United States to
make a payment under such contract for any fiscal year
after fiscal year 2018 is subject to the availability of appro-
priations for that purpose for such fiscal year.

SEC. 125. MODIFICATION OF COST LIMITATION BASELINE
FOR CVN–78 CLASS AIRCRAFT CARRIER PRO-
GRAM.

Section 122(a) of the John Warner National Defense
Authorization Act for Fiscal Year 2007 (Public Law 109–
364; 120 Stat. 2105), as most recently amended by section 122 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 749), is further amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) CVN–79.—The total amount obligated from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for the aircraft carrier designated CVN–79 may not exceed $11,398,000,000 (as adjusted pursuant to subsection (b)).

“(3) FOLLOW-ON SHIPS.—The total amount obligated from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for any ship that is constructed in the CVN–78 class of aircraft carriers after CVN–79 may not exceed $12,000,000,000 (as adjusted pursuant to subsection (b)).”.

SEC. 126. EXTENSION OF LIMITATION ON USE OF SOLE-SOURCE SHIPBUILDING CONTRACTS FOR CERTAIN VESSELS.

Section 124 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking “2017” and inserting “2017 or fiscal year 2018”.

†HR 2810 PAP
SEC. 127. CERTIFICATION OF THE ENHANCED MULTI MISSION PARACHUTE SYSTEM FOR THE UNITED STATES MARINE CORPS.

(a) CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a certification—

(1) whether either the Marine Corps’ currently fielded multi mission parachute system or the Army’s RA–1 parachute system meet the Marine Corps requirements;

(2) whether the Marine Corps’ PARIS, Special Application Parachute meets the Marine Corps requirement;

(3) whether the testing plan for the enhanced multi mission parachute system meets all regulatory requirements; and

(4) whether the Department of the Navy has determined that a high glide canopy is as safe and effective as the currently fielded free fall parachute systems.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes—
(1) an explanation for using the Parachute Industry Association specification for a military parachute given that sports parachutes are employed from relatively slow flying civilian aircraft at altitudes below 10,000 feet;

(2) a cost estimate for any new equipment and training that the Marine Corps will require in order to employ a high glide parachute;

(3) justification of why the Department of the Navy is not conducting any testing until first article testing; and

(4) an assessment of the risks associated with high glide canopies with a focus on how the Department of the Navy will mitigate the risk for malfunctions experienced in other high glide canopy programs.

Subtitle D—Air Force Programs

SEC. 131. INVENTORY REQUIREMENT FOR AIR FORCE FIGHTER AIRCRAFT.

(a) INVENTORY REQUIREMENT.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) INVENTORY REQUIREMENT.—(1) Effective October 1, 2017, the Secretary of the Air Force shall maintain a total aircraft inventory of fighter aircraft of not less than
1,970 aircraft, and a total primary mission aircraft inventory (combat-coded) of not less than 1,145 fighter aircraft.

“(2) In this subsection:

“(A) The term ‘fighter aircraft’ means an aircraft that—

“(i) is designated by a mission design series prefix of F– or A–;

“(ii) is manned by one or two crew members; and

“(iii) executes single-role or multi-role missions, including air-to-air combat, air-to-ground attack, air interdiction, suppression or destruction of enemy air defenses, close air support, strike control and reconnaissance, combat search and rescue support, or airborne forward air control.

“(B) The term ‘primary mission aircraft inventory’ means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.”.

(b) LIMITATION ON RETIREMENT OF AIR FORCE FIGHTER AIRCRAFT.—

(1) LIMITATION.—Except as provided under subsection (d), the Secretary of the Air Force may not proceed with a decision to retire fighter aircraft in
any number that would reduce the total number of such aircraft in the Air Force total active inventory (TAI) below 1,970, and shall maintain a minimum of 1,145 fighter aircraft designated as primary mission aircraft inventory (PMAI).

(2) Additional limitations on retirement of fighter aircraft.—Except as provided under subsection (d), the Secretary of the Air Force may not retire fighter aircraft from the total active inventory as of the date of the enactment of this Act until the later of the following:

(A) The date that is 30 days after the date on which the Secretary submits the report required under paragraph (3).

(B) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(i) the retirement of such fighter aircraft will not increase the operational risk of meeting the National Defense Strategy; and

(ii) the retirement of such aircraft will not reduce the total fighter force structure below 1,970 fighter aircraft or the primary mission aircraft inventory below 1,145.
(3) **REPORT ON RETIREMENT OF AIRCRAFT.**—

The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(A) The rationale for the retirement of existing fighter aircraft and an operational analysis of replacement fighter aircraft that demonstrates performance of the designated mission at an equal or greater level of effectiveness as the retiring aircraft.

(B) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of the force mix ratio of fighter aircraft.

(C) Such other matters relating to the retirement of fighter aircraft as the Secretary considers appropriate.

(c) **REPORTS ON FIGHTER AIRCRAFT.**—

(1) **IN GENERAL.**—Except as provided under subsection (d), at least 90 days before the date on which a fighter aircraft is retired, the Secretary of the Air Force, in consultation with (where applicable) the Director of the Air National Guard or Chief of the Air Force Reserve, shall submit to the congressional
defense committees a report on the proposed force structure and basing of fighter aircraft.

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

(A) A list of each fighter aircraft proposed for retirement, including for each such aircraft—

(i) the mission design series type;

(ii) the variant; and

(iii) the assigned unit and military installation where such aircraft is based.

(B) A list of each unit affected by a proposed retirement listed under subparagraph (A) and a description of how such unit is affected.

(C) For each military installation and unit listed under subparagraph (A)(iii), a description of changes, if any, to the designed operational capability (DOC) statement of the unit as a result of a proposed retirement.

(D) A description of any anticipated changes in manpower authorizations as a result of a proposed retirement listed under subparagraph (A).

(d) EXCEPTION FOR CERTAIN AIRCRAFT.—The requirements of subsections (b) and (c) do not apply to individual fighter aircraft that the Secretary of the Air Force
determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

(c) FIGHTER AIRCRAFT DEFINED.—In this section, the term “fighter aircraft” has the meaning given the term in subsection (i)(2)(A) of section 8062 of title 10, United States Code, as added by subsection (a) of this section.

SEC. 132. COMPTROLLER GENERAL REVIEW OF TOTAL FORCE INTEGRATION INITIATIVES FOR RESERVE COMPONENT RESCUE SQUADRONS.

(a) Comptroller General Review.—Not later than June 30, 2018, the Comptroller General of the United States shall review the Air Force fielding plan for the HH–60 replacement programs and submit to the congressional defense committees a report on the plan.

(b) Briefing.—Not later than March 1, 2018, the Comptroller General shall provide a briefing to the congressional defense committees on the plan.

(c) Elements.—The review received under subsection (a) shall include, with respect to the HH–60 replacement programs, the following elements:

(1) A description of the National Commission on the Structure of the Air Force’s recommendations regarding the use of concurrent and proportional fielding and how the Air Force applied these principles in
the fielding plan for the HH–60G replacement programs.

(2) An evaluation of the Air Force’s fielding plan for the HH–60G replacement programs, including an assessment of the Air Force’s rationale for the plan, as well as the alternative fielding plans considered by the Air Force.

(3) An evaluation of the potential readiness impact of the Air Force’s fielding plan on active duty, National Guard, and Reserve units, including the ability to meet training, maintenance, and deployment requirements, as well as the implications for total force integration initiatives should the fielding not be proportional.

(d) HH–60G Replacement Programs Defined.—In this section, the term “HH–60G replacement programs” means the HH–60G Ops Loss Replacement and HH–60W Combat Rescue Helicopter programs.

SEC. 133. AUTHORITY TO INCREASE PRIMARY AIRCRAFT AUTHORIZATION OF AIR FORCE AND AIR NATIONAL GUARD A–10 AIRCRAFT UNITS FOR PURPOSES OF FACILITATING A–10 CONVERSION.

In the event that conversion of an A–10 aircraft unit is in the best interest of a long-term Air Force mission, the
Secretary of the Air Force may increase the Primary Aircraft Authorization of Air Force Reserve or Air National Guard A–10 units to 24 aircraft to facilitate such conversion.

SEC. 134. REQUIREMENT FOR CONTINUATION OF E–8 JSTARS RECAPITALIZATION PROGRAM.

If the Secretary of the Air Force proposes in a budget request to cancel or modify the current E–8C JSTARS recapitalization program as presented to Congress in May 2017, the Secretary of Defense shall submit a report at the same time as the Secretary of the Air Force makes such a request budget request. That report shall set forth the following:

(1) The rationale and appropriate supporting analysis for the proposed cancellation or modification.

(2) An assessment of the implications of such cancellation or modification for the Air Force, Air National Guard, Army, Army National Guard, Navy and Marine Corps, and combatant commands’ mission needs.

(3) A certification that such cancellation or modification of the previous recapitalization program plan would not result in an increased time during which there is a capability gap in providing Battle-
field Management, Command and Control/Intelligence, Surveillance, and Reconnaissance (BMC2/ISR) to the combatant commanders.

(4) Such other matters relating to the proposed cancellation or modification as the Secretary considers appropriate.

SEC. 135. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF E–8 JSTARS AIRCRAFT.

(a) Prohibition on Available of Funds for Retirement.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Air Force may be obligated or expended to retire, or prepare to retire, any E–8 Joint Surveillance Target Attack Radar System aircraft.

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

SEC. 141. F–35 ECONOMIC ORDER QUANTITY CONTRACTING AUTHORITY.

(a) In General.—The Secretary of Defense may enter into one or more contracts during fiscal year 2018 for the procurement of economic order quantities of material and equipment that has completed formal hardware qualification testing for the F–35 aircraft for use in procurement contracts to be awarded during fiscal years 2019 and 2020. The total amount obligated under all contracts entered into under this section shall not exceed $661,000,000.

(b) Authority.—To the extent that funds are otherwise available for obligation, the Secretary may enter into economic order quantity contracts for purchases under this section whenever the Secretary finds each of the following:

(1) That the use of such a contract will result in significant savings of the total anticipated costs of carrying out the program through annual contracts.

(2) That the minimum need for the property to be purchased is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities.
(3) That there is a reasonable expectation that throughout the contemplated contract period the Secretary will request funding for the contract at the level required to avoid contract cancellation.

(4) That there is a stable design for the property to be acquired and that the technical risks associated with such property are not excessive.

(5) That the estimates of both the cost of the contract and the anticipated cost avoidance through the use of an economic order quantity contract are realistic.

(6) That the use of such a contract will promote the national security of the United States.

(c) Certification Requirement.—A contract may not be entered into under this section unless the Secretary of Defense certifies in writing, not later than 30 days before entry into the contract, that each of the following conditions is satisfied:

(1) The Secretary has determined that each of the requirements in paragraphs (1) through (6) of subsection (b) will be met by such contract and has provided the basis for such determination to the congressional defense committees.

(2) Confirmation that the preliminary findings of the Secretary under paragraph (1) were made after
the completion of a cost analysis performed by the Director of Cost Assessment and Program Evaluation for the purpose of section 2334(e)(1) of title 10, United States Code, and that the analysis supports those preliminary findings.

(3) A sufficient number of end items of the system being acquired under such contract have been delivered at or within the most current estimates of the program acquisition unit cost or procurement unit cost for such system to determine that current estimates of such unit costs are realistic.

(4) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program for such fiscal year will include the funding required to execute the program without cancellation.

(5) The contract is a fixed price type contract.

(6) The proposed contract provides for production at not less than minimum economic rates given the existing tooling and facilities.
SEC. 142. AUTHORITY FOR EXPLOSIVE ORDNANCE DISPOSAL UNITS TO ACQUIRE NEW OR EMERGING TECHNOLOGIES AND CAPABILITIES.

The Secretary of Defense may provide Explosive Ordnance Disposal (EOD) units with the authority to acquire new or emerging EOD technologies and capabilities that are not specifically listed on the Table of Allowance (TOA) or Table of Equipment (TOE).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS TO SUPPORT DEPARTMENT OF DEFENSE MISSIONS.

(a) ARRANGEMENTS AUTHORIZED.—
(1) **In general.**—The Secretary of Defense may establish one or more multi-institution task order contracts, consortia, cooperative agreements, or other arrangements to facilitate expedited access to university technical expertise, including faculty, staff, and students, in support of Department of Defense missions in the areas specified in subsection (e).

(2) **Use for technical analyses and engineering support.**—The Secretary may use an arrangement under paragraph (1) to fund technical analyses and other engineering support as required to address acquisition and operational challenges, including support for classified programs and activities.

(3) **Performance by designated university performer.**—The Secretary shall ensure that work awarded through an arrangement under paragraph (1) is performed primarily by the designated university performer.

(b) **Limitation.**—An arrangement established under subsection (a)(1) may not be used to fund research programs that can be executed through other Department of Defense basic research activities.

(c) **Consultation with other Department of Defense activities.**—An arrangement established under subsection (a)(1) shall, to the degree practicable, be made
in consultation with other Department of Defense activities, including federally funded research and development centers (FFRDCs), university affiliated research centers (UARCs), and Defense laboratories and test centers, for purposes of providing technical expertise and reducing costs and duplicative efforts.

(d) POLICIES AND PROCEDURES.—If the Secretary establishes one or more arrangements under subsection (a)(1), the Secretary shall establish and implement policies and procedures to govern—

(1) selection of participants in the arrangement or arrangements;

(2) the awarding of task orders under the arrangement or arrangements;

(3) maximum award size for tasks under the arrangement or arrangements;

(4) the appropriate use of competitive awards and sole source awards under the arrangement or arrangements; and

(5) technical areas under the arrangement or arrangements.

(e) MISSION AREAS.—The areas specified in this subsection are as follows:

(1) Cybersecurity.

(2) Air and ground vehicles.
(3) Shipbuilding.

(4) Explosives detection and defeat.

(5) Undersea warfare.

(6) Trusted electronics.

(7) Unmanned systems.

(8) Directed energy.

(9) Energy, power, and propulsion.

(10) Management science and operations research.

(11) Artificial intelligence.

(12) Data analytics.

(13) Business systems.

(14) Technology transfer and transition.

(15) Biological engineering and genetic enhancement.

(16) High performance computing.

(17) Materials science and engineering.

(18) Quantum information sciences.

(19) Special operations activities.

(20) Modeling and simulation.

(21) Autonomous systems.

(22) Model based engineering.

(23) Such other areas as the Secretary considers appropriate.
(f) SUNSET.—The authorities under this section shall expire on September 30, 2020.

(g) ARRANGEMENTS ESTABLISHED UNDER SUBSECTION (A)(1) DEFINED.—In this section, the term “arrangement established under subsection (a)(1)” means a multi-institution task order contract, consortia, cooperative agreement, or other arrangement established under subsection (a)(1).

SEC. 212. CODIFICATION AND ENHANCEMENT OF AUTHORITY TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2362 the following new section:

“§2363. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions

“(a) MECHANISMS TO PROVIDE FUNDS.—(1) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall establish mechanisms under which the director of a defense laboratory may use an amount of funds equal to not less than two percent and
not more than four percent of all funds available to the defense laboratory for the following purposes:

“(A) To fund innovative basic and applied research that is conducted at the defense laboratory and supports military missions.

“(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

“(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with necessary scientific and engineering expertise that support military missions.

“(D) To fund the revitalization recapitalization, or minor military construction of the laboratory infrastructure and equipment, in accordance with subsection (b).

“(2) The mechanisms established under paragraph (1) shall provide that funding shall be used under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

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

“(b) A VAILABILITY OF FUNDS FOR INFRASTRUCTURE PROJECTS.—(1) Subject to the provisions of this subsection, funds available under a mechanism under subsection (a)(1)(D) that are solely intended to carry out a laboratory infrastructure project shall be available for such project until expended.

“(2) Funds shall be available in accordance with paragraph (1) for a project referred to in such paragraph only if the Secretary notifies the congressional defense committees of the total cost of the project before the date on which the Secretary uses a mechanism under subsection (a)(1)(D) for such project.

“(3) Funds may accumulate under a mechanism under subsection (a) for a project referred to in paragraph (1) for not more than five years.

“(4) The Secretary shall ensure that a project referred to in paragraph (1) for which funds are made available in accordance with such paragraph complies with the applicable cost limitations in the following provisions of law:

“(A) Section 2805(d) of this title, with respect to revitalization and recapitalization projects.
“(B) Section 2811 of this title, with respect to repair projects.

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

“(c) ANNUAL REPORT ON USE OF AUTHORITY.—Not later than March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2362 the following new item:

“2363. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.”.


(2) Section 2805(d)(1)(B) of title 10, United States Code, is amended by striking “under section 219(a) of the Duncan Hunter National Defense Authorization Act for
Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)” and inserting “section 2363(a) of this title”.

SEC. 213. MODIFICATION OF LABORATORY QUALITY ENHANCEMENT PROGRAM.

(a) In General.—Section 211 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “; and” and inserting a semicolon;

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

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

“(C) new interpretations of existing statutes and regulations that would enhance the ability of a director of a science and technology reinvention laboratory to manage the facility and discharge the mission of the laboratory;”;

(2) in subsection (d), by adding at the end the following new paragraph:

“(3)(A) Each panel described in paragraph (1), (2), or (3) of subsection (b) shall submit to the panel described in paragraph (4) of such subsection (relating to governance and oversight processes) the following:
“(i) The findings of the panel with respect to the
review conducted by the panel under subsection
(a)(1)(C).

“(ii) The recommendations made by the panel
under such subsection.

“(iii) Such comments, findings, and rec-
ommendations as the panel may have received by a
science and technology reinvention laboratory with re-
spect to—

“(I) the review conducted by the panel
under such subsection; or

“(II) recommendations made by the panel
under such subsection.

“(B)(i) The panel described in subsection (b)(4) shall
review and refashion such recommendations as the panel
may receive under subparagraph (A).

“(ii) In reviewing and refashioning recommendations
under clause (i), the panel may, as the panel considers ap-
propriate, consult with the science and technology executive
of the affected service.

“(C) The panel described in subsection (b)(4) shall sub-
mit to the Under Secretary of Defense for Research and En-
gineering the recommendations made by the panel under
subsection (a)(1)(C) and the recommendations refashioned
by the panel under subparagraph (B) of this paragraph.”;
(3) by redesignating subsections (e) and (f) as subsection (f) and (g), respectively; and

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

“(e) INTERPRETATION OF PROVISIONS OF LAW.—(1) The Under Secretary of Defense for Research and Engineering, acting under the guidance of the Secretary, shall issue regulations regarding the meaning, scope, implementation, and applicability of any provision of a statute relating to a science and technology reinvention laboratory.

“(2) In interpreting or defining under paragraph (1), the Under Secretary shall, to the degree practicable, emphasize providing the maximum operational flexibility to the directors of the science and technology reinvention laboratories to discharge the missions of their laboratories.

“(3) In interpreting or defining under paragraph (1), the Under Secretary shall seek recommendations from the panel described in subsection (b)(4).”.

(b) TECHNICAL CORRECTIONS.—(1) Subsections (a), (c)(1)(C), and (d)(2) of such section are amended by striking “Assistant Secretary” each place it appears and inserting “Under Secretary”.

(2) Subparagraph (C) of section 342(b)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337), as amended by section 211(f) of the Na-
tional Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as redesignated by subsection (a)(3) of this section, is amended by striking “Assistant Secretary” and inserting “Under Secretary”.

SEC. 214. PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 2374a of title 10, United States Code, is amended—

(1) in subsection (a), by striking “in recognition of” and inserting “and other types of prizes that the Secretary determines are appropriate to recognize”;

(2) in subsection (c), by striking “cash” both places it appears;

(3) in subsection (e)—

(A) by striking “and from State and local governments” and inserting “, from State and local governments, and from the private sector”;

and

(B) by adding at the end the following: “The Secretary may not give any special consideration to any private sector entity in return for a donation.”; and

(4) by amending subsection (f) to read as follows: “(f) USE OF PRIZE AUTHORITY.—Use of prize authority under this section shall be considered the use of competi-
tive procedures for the purposes of section 2304 of this title.”.

SEC. 215. EXPANSION OF DEFINITION OF COMPETITIVE PROCEDURES TO INCLUDE COMPETITIVE SELECTION FOR AWARD OF RESEARCH AND DEVELOPMENT PROPOSALS.

Section 2302(2)(B) of title 10, United States Code, is amended by striking “basic research” and inserting “research and development”.

SEC. 216. INCLUSION OF MODELING AND SIMULATION IN TEST AND EVALUATION ACTIVITIES FOR PURPOSES OF PLANNING AND BUDGET CERTIFICATION.

Section 196 of title 10, United States Code, is amended—

(1) in subsection (d)(1), in the first sentence, by inserting “, including modeling and simulation capabilities” after “and resources”; and

(2) in subsection (e)(1), by inserting “, including modeling and simulation activities,” after “evaluation activities”.

SEC. 217. DIFFERENTIATION OF RESEARCH AND DEVELOPMENT ACTIVITIES FROM SERVICE ACTIVITIES.

(a) In General.—For the purposes of activities and programs carried out by the Department of Defense, re-
search and development activities, including activities
under the Small Business Innovation Research Program
(SBIR) or the Small Business Technology Transfer Pro-
gram (STTR), shall be considered as separate and distinct
from contract service activities.

(b) GUIDANCE.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of Defense shall
issue updated guidance to carry out this section.

(c) DEFINITIONS.—

(1) IN GENERAL.—In this section:

(A) The term “advisory and assistance serv-
ance” has the meaning given such term in section
1105(g)(2) of title 31, United States Code.

(B) The term “research and development ac-
tivities”—

(i) means—

(I) creative work undertaken on a
systematic basis in order to increase
the stock of knowledge, including the
knowledge of man, culture, and society;

and

(II) the use of the stock of knowl-
edge described in subparagraph (A) to
device new applications; and
(ii) includes activities described in section 9 of the Small Business Act (15 U.S.C. 638).

(C) The term “contract service activities” has the meaning given the term “contract services” in section 2330(c) of title 10, United States Code.

(D) The terms “Small Business Innovation Research Program” and “Small Business Technology Transfer Program” have the meanings given such terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

(2) DEFINITION OF SERVICES FOR PURPOSES OF REQUIREMENTS RELATING TO TRACKING OF PURCHASES OF SERVICES.—Section 2330a(h) of title 10, United States Code, is amended by inserting after paragraph (4) the following new paragraph:

“(5) SERVICES.—The term ‘services’ has the meaning given the term ‘contract services’ in section 2330(c) of this title.”.

SEC. 218. DESIGNATION OF ADDITIONAL DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY RE-INVENTION LABORATORIES.

Section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 638(e)).

“(21) The 711th Human Performance Wing of the Air Force Research Laboratory.

“(22) The Air Vehicles Directorate of the Air Force Research Laboratory.

“(23) The Directed Energy Directorate of the Air Force Research Laboratory.

“(24) The Information Directorate of the Air Force Research Laboratory.


“(26) The Munitions Directorate of the Air Force Research Laboratory.

“(27) The Propulsion Directorate of the Air Force Research Laboratory.

“(28) The Sensors Directorate of the Air Force Research Laboratory.

“(29) The Space Vehicles Directorate of the Air Force Research Laboratory.

“(30) The Naval Facilities Engineering and Expeditionary Warfare Center.”.
SEC. 219. DEPARTMENT OF DEFENSE DIRECTED ENERGY
WEAPON SYSTEM PROTOTYPING AND DEMONSTRATION PROGRAM.

(a) Establishment.—The Secretary of Defense, acting through the Under Secretary, shall establish a program on the prototyping and demonstration of directed energy weapon systems to build and maintain the military superiority of the United States by—

(1) accelerating the fielding of directed energy weapon systems that would help counter technological advantages of potential adversaries of the United States; and

(2) supporting the military departments, the combatant commanders, the United States Special Operations Command, and the Missile Defense Agency in developing prototypes and demonstrating operational utility of high energy lasers and high powered microwave weapon systems.

(b) Guidelines.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall issue guidelines for the operation of the program established under subsection (a), including—

(A) criteria for an application for funding by a military department, defense agency, or a combatant command;
(B) the priorities, if any, to be provided to field directed energy weapon system technologies developed by research funding of the Department or industry; and

(C) criteria for evaluation of an application for funding or changes to policies or acquisition and business practices by such a department, agency, or command for purposes of improving the effectiveness and efficiency of the Program.

(2) LIMITATION.—Funding for a military department, defense agency, or combatant command under the program established under subsection (a) may only be available for advanced technology development, prototyping, and demonstrations in which the Department of Defense maintains management of the technical baseline and a primary emphasis on technology transition and evaluating military utility to enhance the likelihood that the particular directed energy weapon system will meet the Department end user’s need.

(c) APPLICATIONS FOR FUNDING.—

(1) IN GENERAL.—Not less frequently than once each year, the Under Secretary shall solicit from the heads of the military departments, the defense agencies, and the combatant commands applications for
funding under the program established under subsection (a) to be used to enter into contracts, cooperative agreements, or other transaction agreements entered into pursuant to section 2371b of title 10, United States Code, with appropriate entities for the fielding or commercialization of technologies.

(2) Treatment pursuant to certain congressional rules.—Nothing in this section shall be construed to require any official of the Department of Defense to provide funding under the program to any congressional earmark as defined pursuant to clause 9 of rule XXI of the Rules of the House of Representatives or any congressionally directed spending item as defined pursuant to paragraph 5 of rule XLIV of the Standing Rules of the Senate.

(d) Funding.—

(1) In general.—Except as provided in paragraph (2) and subject to the availability of appropriations for such purpose, of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, defense-wide, $200,000,000 shall be available to the Under Secretary to allocate to the military departments, the defense agencies, and the
combatant commands to carry out the program established under subsection (a).

(2) LIMITATION.—Not more than half of the amounts made available under paragraph (1) may be allocated as described in such paragraph until the Under Secretary—

(A) develops the strategic plan required by section 219(a)(2)(A) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note); and

(B) submits such strategic plan to the congressional defense committees.

(e) DESIGNATION OF UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING AS THE OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR DEVELOPMENT AND DEMONSTRATION OF DIRECTED ENERGY WEAPONS.—Section 219(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note) is amended by striking “Not later” and all that follows through “of Defense” and inserting “The Under Secretary of Defense for Research and Engineering shall serve”.

(f) UNDER SECRETARY DEFINED.—In this section, the term “Under Secretary” means the Under Secretary of Defense for Research and Engineering in the Under Secretary’s capacity as the official with principal responsi-
bility for the development and demonstration of directed en-
ergy weapons pursuant to section 219(a)(1) of such Act
(Public Law 114–328; 10 U.S.C. 2431 note), as amended
by subsection (e).

SEC. 220. AUTHORITY FOR THE UNDER SECRETARY OF DE-
FENSE FOR RESEARCH AND ENGINEERING TO
PROMOTE INNOVATION IN THE DEPARTMENT
OF DEFENSE.

The Secretary of Defense shall establish procedures
under which the Under Secretary of Defense for Research
and Engineering may request a time-limited review and
if necessary require coordination on and modification of
proposed directives, rules, regulations, and other policies
that in Under Secretary’s view would adversely affect the
ability of the innovation, research, and engineering enter-
prise of the Department of Defense to effectively and effi-
ciently execute its missions, including policies and practices
concerning the following:

(1) Personnel and talent management.
(2) Financial management and budgeting.
(3) Infrastructure, installations, and military
construction.
(4) Acquisition.
(5) Management.
(6) Such other areas as the Secretary may designate.

SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR F–35 JOINT STRIKE FIGHTER FOLLOW-ON MODERNIZATION.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 or any other fiscal year for the Department of Defense may be obligated for F–35 Joint Strike Fighter Follow-On Modernization until the Secretary of Defense provides the final report required under section 224(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

SEC. 222. IMPROVEMENT OF UPDATE PROCESS FOR POPULATING MISSION DATA FILES USED IN ADVANCED COMBAT AIRCRAFT.

(a) Improvements To Update Process.—

(1) In general.—The Secretary of Defense shall take such actions as may be necessary to improve the process used to update the mission data files used in advanced combat aircraft of the United States so that such updates can occur more quickly.

(2) Requirements.—In improving the process under paragraph (1), the Secretary shall ensure the following:
That under such process, updates to the mission data files are developed, operationally tested, and loaded onto systems of advanced combat aircraft while in theaters of operation in a time-sensitive manner to allow for the distinguishing of threats, including distinguishing friends from foes, loading and delivery of weapon suites, and coordination with allied and coalition armed forces.

When updates are made to the mission data files, all areas of responsibility (AoRs) are included.

The process includes best practices relating to such mission data files that have been identified by industry and allies of the United States.

The process improves the exchange of information between weapons systems of the United States and weapon systems of allies and partners of the United States, with respect to such mission data files.

(b) Consultation and Pilot Programs.—In carrying out subsection (a), the Secretary shall consult the innovation organizations resident in the Department of De-
fense and may consider carrying out a pilot program under
another provision of this Act.

(c) REPORT.—Not later than March 31, 2018, the Sec-
retary shall submit to the congressional defense committees
a report on the actions taken by the Secretary under sub-
section (a)(1) and how the process described in such sub-
section has been improved.

Subtitle C—Reports and Other Matters

SEC. 231. COMPETITIVE ACQUISITION PLAN FOR LOW PROB-
ABILITY OF DETECTION DATA LINK NET-
WORKS.

(a) PLAN REQUIRED.—The Under Secretary of De-
fense for Acquisition, Technology, and Logistics and the
Vice Chairman of the Joint Chiefs of Staff shall jointly,
in consultation with the Secretary of the Navy and the Sec-
retary of the Air Force, develop a plan to procure a secure,
low probability of detection data link network capability
with the ability to effectively operate in hostile jamming
environments while preserving the low observable character-
istics of the relevant platforms, between existing and
planned—

(1) fifth-generation combat aircraft;

(2) fifth-generation and fourth-generation combat
aircraft;
(3) fifth-generation and fourth-generation combat aircraft and appropriate support aircraft and other network nodes for command, control, communications, intelligence, surveillance, and reconnaissance purposes; and

(4) fifth-generation and fourth-generation combat aircraft and their associated network-enabled precision weapons.

(b) ADDITIONAL PLAN REQUIREMENTS.—The plan required by subsection (a) shall include—

(1) nonproprietary and open systems approaches compatible with the Rapid Capabilities Office Open Mission Systems initiative of the Air Force and the Future Airborne Capability Environment initiative of the Navy;

(2) a competitive acquisition process, to include comparative flight demonstrations in realistic airborne environments; and

(3) low risk and affordable solutions with minimal impact or changes to existing host platforms, and minimal overall integration costs.

(c) BRIEFING.—Not later than February 15, 2018, the Under Secretary and the Vice Chairman shall provide to the congressional defense committees written documentation and briefing on the plan developed under subsection (a).
(d) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for operations and maintenance for the Office of the Secretary of Defense and the Office of the Chairman of the Joint Chiefs of Staff, not more than 85 percent may be obligated or expended until a period of 15 days has elapsed following the date on which the Under Secretary and Vice Chairman submits to the congressional defense committees the plan required by subsection (a).

SEC. 232. CLARIFICATION OF SELECTION DATES FOR PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

Section 233 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) in subsection (b)(2), by striking “the enactment of this Act” both places it appears and inserting “such submittal”; and

(2) in subsection (c)(1), by striking “propose and implement” and inserting “submit to the Assistant Secretary concerned a proposal on, and implement,”.
SEC. 233. REQUIREMENT FOR A PLAN TO BUILD A PROTOTYPE FOR A NEW GROUND COMBAT VEHICLE FOR THE ARMY.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a plan to build a prototype for a new ground combat vehicle for the Army.

(b) Contents.—The plan required by subsection (a) shall include the following:

(1) A description of how the Secretary intends to exploit the latest enabling component technologies that have the potential to dramatically change basic combat vehicle design and improve lethality, protection, mobility, range, and sustainment, including an analysis of capabilities of the most advanced foreign ground combat vehicles and whether any have characteristics that should inform the development of the Army’s prototype vehicle, including whether any United States allies or partners have advanced capabilities that could be directly incorporated in the prototype.

(2) The schedule, cost, key milestones, and leadership plan to rapidly design and build the prototype ground combat vehicle.
SEC. 234. PLAN FOR SUCCESSFULLY FIELDING THE INTEGRATED AIR AND MISSILE DEFENSE BATTLE COMMAND SYSTEM.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a plan to successfully field a suitable, survivable, and effective Integrated Air and Missile Defense Battle Command System program.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act for research, development, test, and evaluation may be obligated by the Secretary of the Army for the Army Integrated Air and Missile Defense and the Integrated Air and Missile Defense Battle Command System until the date on which the plan is submitted under subsection (a).

SEC. 235. SENSE OF CONGRESS ON HYPERSONIC WEAPONS.

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

(1) The United States has gained a thorough understanding of hypersonic technology over the course of seven decades of experimentation.

(2) The requirements for technological breakthroughs in hypersonics have largely been established, allowing pursuit of hypersonic glide weapons without a prohibitive budget effect.
(3) The Department of Defense has several hypersonic research and development efforts underway, including conventional prompt global strike (CPS) weapons system, the Hypersonic Air-Breathing Weapon Concept, and the Tactical Boost Glide program.

(4) In testimony before the Committee on Armed Services of the Senate on April 4, 2017, the Commander of United States Strategic Command, General John Hyten, identified the conventional prompt global strike weapons system as the “leading technology maturation effort in the realm of hypersonics” and stated that his command sees “an operational need for a CPS capabilities by the mid-2020s.”

(5) Hypersonic weapons present a radical change in warfare, because they can circumvent many of the challenges associated with contested warfare and integrated air defenses.

(6) Hypersonic weapons may provide solutions to difficult problem sets, such as anti-access area denial schemes, deeply buried or hardened target sets, and mobile high value target sets.

(7) Other countries are aggressively pursuing hypersonic weapons at an alarming rate that threaten to outpace the United States if the United States
does not more aggressively pursue development of hypersonic weapons.

(8) The Air Force has a $10,000,000 requirement on the Unfunded Priority List for hypersonic prototyping.

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

(1) the Department of Defense should expedite testing, evaluation, and acquisition of hypersonic weapon systems to meet the stated needs of the warfighter;

(2) testing of such weapon systems should include flight testing, ground based testing, and underwater launch testing;

(3) the Department of Defense should adhere to the requirement in section 1688 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) to proceed to a Milestone A decision on the conventional prompt global strike weapons system not later than September 30, 2020, or the date that is 240 days after the successful completion of intermediate range flight 2 of such system;

(4) the United States cannot afford to lose its advantage over foreign countries in developing hypersonic weapons; and
(5) the Department of Defense should focus on
the next generation of weapon systems, including
third offset technologies, such as hypersonics.

SEC. 236. IMPORTANCE OF HISTORICALLY BLACK COL-
LEGES AND UNIVERSITIES AND MINORITY-
SERVING INSTITUTIONS.

(a) FINDINGS.—Congress finds that—

(1) historically Black colleges and universities
(HBCUs) and minority-serving institutions play a
vital role in educating low-income and underrep-
resented students in areas of national need;

(2) HBCUs and minority-serving institutions
presently are collaborating with the Department of
Defense in research and development efforts that con-
tribute to the defense readiness and national security
of the Nation;

(3) by their research these institutions are help-
ing to develop the next generation of scientists and
engineers who will help lead the Department of De-
fense in addressing high-priority national security
challenges; and

(4) it is important to further engage HBCUs
and minority-serving institutions in university re-
search and innovation, especially in prioritizing soft-
ware development and cyber security by utilizing ex-
isting Department of Defense labs, and collaborating
with existing programs that help attract candidates,
including programs like the Air Force Minority Lead-
ers Programs, which recruit Americans from diverse
background to serve their country through service in
our Nation’s military.

(b) INCREASE.—Funds authorized to be appropriated
in Research, Development, Test, and Evaluation, Defense-
wide, PE 61228D8Z, section 4201, for Basic Research, His-
torically Black Colleges and Universities/Minority Institu-
tions, Line 006, are hereby increased by $12,000,000.

(c) OFFSET.—Funding in section 4101 for Other Pro-
curement, Army, for Automated Data Processing Equip-
ment, Line 108, is hereby reduced by $12,000,000.

TITLE III—OPERATION AND
MAINTENANCE
Subtitle A—Authorization of
Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fis-
cal year 2018 for the use of the Armed Forces and other
activities and agencies of the Department of Defense for ex-
penses, not otherwise provided for, for operation and main-
tenance, as specified in the funding table in section 4301.
Subtitle B—Logistics and Sustainment

SEC. 311. SENTINEL LANDSCAPES PARTNERSHIP.

(a) Establishment.—The Secretary of Defense, in coordination with the Secretary of Agriculture and the Secretary of the Interior, may establish and carry out a program to preserve sentinel landscapes. The program shall be known as the “Sentinel Landscapes Partnership”.

(b) Designation of Sentinel Landscapes.—The Secretary of Defense, in consultation with the Secretary of Agriculture and the Secretary of the Interior, may, as the Secretary determines appropriate, collectively designate one or more sentinel landscapes.

(c) Coordination of Activities.—The Secretaries may coordinate actions between their departments and with other agencies and private organizations to more efficiently work together for the mutual benefit of conservation, working lands, and national defense, and to encourage private landowners to engage in voluntary land management and conservation activities that contribute to the sustainment of military installations, ranges, and airspace.

(d) Priority Consideration.—The Secretary of Agriculture and the Secretary of the Interior may give to any eligible landowner or agricultural producer within a designated sentinel landscape priority consideration for par-
Participation in any easement, grant, or assistance programs administered by that Secretary's department. Participation in any such program pursuant to this section shall be voluntary.

(e) DEFINITIONS.—In this section:

(1) MILITARY INSTALLATION.—The term “military installation” has the same meaning as provided in section 670(1) of title 16, United States Code.

(2) STATE-OWNED NATIONAL GUARD INSTALLATION.—The term “State-owned National Guard installation” has the same meaning as provided in section 670(3) of title 16, United States Code.

(3) SENTINEL LANDSCAPE.—The term “sentinel landscape” means a landscape-scale area encompassing—

(A) one or more military installations or state-owned National Guard installations and associated airspace; and

(B) the working or natural lands that serve to protect and support the rural economy, the natural environment, outdoor recreation, and the national defense test and training missions of the military- or State-owned National Guard installation or installations.
SEC. 312. INCREASED PERCENTAGE OF SUSTAINMENT FUNDS AUTHORIZED FOR REALIGNMENT TO RESTORATION AND MODERNIZATION AT EACH INSTALLATION.

(a) In General.—The Secretary of Defense may authorize an installation commander to realign up to 7.5 percent of an installation’s sustainment funds to restoration and modernization.

(b) Sunset.—The authority under subsection (a) shall expire at the close of September 30, 2022.

(c) Definitions.—The terms “sustainment”, “restoration”, and “modernization” have the meanings given the terms in the Department of Defense Financial Management Regulation.

Subtitle C—Reports

SEC. 321. PLAN FOR MODERNIZED, DEDICATED DEPARTMENT OF THE NAVY ADVERSARY AIR TRAINING ENTERPRISE.

(a) Plan Required.—The Chief of Naval Operations and the Commandant of the Marine Corps shall develop a plan—
(1) to establish a modernized, dedicated adversary air training enterprise for the Department of the Navy in order to—

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

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

(2) to explore all available opportunities to challenge the combat air forces of the Department of the Navy with threat representative adversary-to-friendly aircraft ratios, known and emerging adversary tactics, and high-fidelity replication of threat airborne and ground capabilities; and

(3) to execute all means available to achieve training and readiness goals and objectives of the Navy and Marine Corps with demonstrated institutional commitment to the adversary air training enterprise through the application of Department of the Navy policy and resources, partnering with the other
Armed Forces, allies, and friends, and employing the
use of industry contracted services.

(b) **Plan Elements.**—The plan required under subsection (a) shall include enterprise goals, objectives, concepts
of operations, phased implementation timelines, analysis of
expected readiness improvements, prioritized resource re-
quirements, and such other matters as the Chief of Naval
Operations and Commandant of the Marine Corps consider
appropriate.

(c) **Submittal of Plan and Briefing.**—Not later
than March 1, 2018, the Chief of Naval Operations and
Commandant of the Marine Corps shall provide to the Com-
mittees on Armed Services of the Senate and the House of
Representatives a written plan and briefing on the plan
required under subsection (a).

**Subtitle D—Other Matters**

**SEC. 331. Defense Siting Clearinghouse.**

(a) **Codification.**—Chapter 7 of title 10, United
States Code, is amended by inserting after section 183 the
following new section:

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§ 183a. Defense Siting Clearinghouse for review of
mission obstructions

(a) Establishment.—(1) The Secretary of Defense
shall establish a Defense Siting Clearinghouse (in this sec-
section referred to as the ‘Clearinghouse’).
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“(2) The Clearinghouse shall be—

“(A) organized under the authority, direction, and control of an Assistant Secretary of Defense designated by the Secretary; and

“(B) assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

“(b) FUNCTIONS.—(1) The Clearinghouse shall coordinate Department of Defense review of applications for energy projects filed with the Secretary of Transportation pursuant to section 44718 of title 49 and received by the Department of Defense from the Secretary of Transportation.

“(2) The Clearinghouse shall accelerate the development of planning tools necessary to determine the acceptability to the Department of Defense of proposals included in an application for an energy project submitted pursuant to such section.

“(3) The Clearinghouse shall perform such other functions as the Secretary of Defense assigns.

“(c) REVIEW OF PROPOSED ACTIONS.—(1) Not later than 30 days after receiving from the Secretary of Transportation a proper application for an energy project under section 44718 of title 49 that may have an adverse impact on military operations and readiness, the Clearinghouse
shall conduct a preliminary review of such application. The review shall—

“(A) assess the likely scope, duration, and level of risk of any adverse impact of such energy project on military operations and readiness; and

“(B) identify any feasible and affordable actions that could be taken by the Department, the developer of such energy project, or others to mitigate the adverse impact and to minimize risks to national security while allowing the energy project to proceed with development.

“(2) If the Clearinghouse determines under paragraph (1) that an energy project will have an adverse impact on military operations and readiness, the Clearinghouse shall issue to the applicant a notice of presumed risk that describes the concerns identified by the Department in the preliminary review and requests a discussion of possible mitigation actions.

“(3) At the same time that the Clearinghouse issues to the applicant a notice of presumed risk under paragraph (2), the Clearinghouse shall provide the same notice to the governor of the State in which the project is located and request that the governor provide the Clearinghouse any comments the governor believes of relevance to the application. The Secretary of Defense shall consider the comments
of the governor in the Secretary’s evaluation of whether the project presents an unacceptable risk to the national security of the United States and shall include the comments with the determination provided to the Secretary of Transportation pursuant to section 44718(f) of title 49.

“(4) The Clearinghouse shall develop, in coordination with other departments and agencies of the Federal Government, an integrated review process to ensure timely notification and consideration of energy projects filed with the Secretary of Transportation pursuant to section 44718 of title 49 that may have an adverse impact on military operations and readiness.

“(5) The Clearinghouse shall establish procedures for the Department of Defense for the coordinated consideration of and response to a request for a review received from another Federal agency, a State government, an Indian tribal government, a local government, a landowner, or the developer of an energy project, including guidance to personnel at each military installation in the United States on how to initiate such procedures and ensure a coordinated Department response.

“(6) The Clearinghouse shall develop procedures for conducting early outreach to parties carrying out energy projects that could have an adverse impact on military operations and readiness and to clearly communicate to such
parties actions being taken by the Department of Defense under this section. The procedures shall provide for filing by such parties of a project area and preliminary project layout at least one year before expected construction of any project proposed within a military training route or within line-of-sight of any air route surveillance radar or airport surveillance radar operated or used by the Department of Defense in order to provide adequate time for analysis and negotiation of mitigation options. Material marked as proprietary or competition sensitive by a party filing for this preliminary review shall be protected from public release by the Department of Defense.

“(d) COMPREHENSIVE REVIEW.—(1) The Secretary of Defense shall develop a comprehensive strategy for addressing the military impacts of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49.

“(2) In developing the strategy required by paragraph (1), the Secretary shall—

“(A) assess of the magnitude of interference posed by projects filed with the Secretary of Transportation pursuant to section 44718 of title 49;

“(B) for the purpose of informing preliminary reviews under subsection (c)(1) and early outreach efforts under subsection (c)(5), identify geographic areas selected as proposed locations for projects filed,
or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49 where such projects could have an adverse impact on military operations and readiness and categorize the risk of adverse impact in such areas; and

“(C) specifically identify feasible and affordable long-term actions that may be taken to mitigate adverse impacts of projects filed, or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49, on military operations and readiness, including—

“(i) investment priorities of the Department of Defense with respect to research and development;

“(ii) modifications to military operations to accommodate applications for such projects;

“(iii) recommended upgrades or modifications to existing systems or procedures by the Department of Defense;

“(iv) acquisition of new systems by the Department and other departments and agencies of the Federal Government and timelines for fielding such new systems; and
“(v) modifications to the projects for which such applications are filed, including changes in size, location, or technology.

“(e) DEPARTMENT OF DEFENSE DETERMINATION OF UNACCEPTABLE RISK.—(1) The Secretary of Defense may not object to an energy project filed with the Secretary of Transportation pursuant to section 44718 of title 49, except in a case in which the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that such project, in isolation or cumulatively with other projects, would result in an unacceptable risk to the national security of the United States. Such a determination shall constitute a finding pursuant to section 44718(f) of title 49.

“(2)(A) Not later than 30 days after making a determination of unacceptable risk under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report on such determination and the basis for such determination. Such report shall include an explanation of the operational impact that led to the determination, a discussion of the mitigation options considered, and an explanation of why the mitigation options were not feasible or did not resolve the conflict. The Secretary of Defense may provide public notice through the Federal Register of the determination.
“(B) The Secretary of Defense shall notify the appropriate State agency of a determination made under paragraph (1).

“(3) The Secretary of Defense may only delegate the responsibility for making a determination of unacceptable risk under paragraph (1) to the Deputy Secretary of Defense, an under secretary of defense, or a deputy under secretary of defense.

“(f) AUTHORITY TO ACCEPT CONTRIBUTIONS OF FUNDS.—The Secretary of Defense is authorized to request and accept a voluntary contribution of funds from an applicant for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49. Amounts so accepted shall remain available until expended for the purpose of offsetting the cost of measures undertaken by the Secretary of Defense to mitigate adverse impacts of such a project on military operations and readiness or to conduct studies of potential measures to mitigate such impacts.

“(g) EFFECT OF DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.—An action taken pursuant to this section shall not be considered to be a substitute for any assessment or determination required of the Secretary of Transportation under section 44718 of title 49.

“(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect or limit the application of, or any
obligation to comply with, any environmental law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(i) DEFINITIONS.—In this section:

“(1) The term ‘adverse impact on military operations and readiness’ means any adverse impact upon military operations and readiness, including flight operations, research, development, testing, and evaluation, and training, that is demonstrable and is likely to impair or degrade the ability of the armed forces to perform their warfighting missions.

“(2) The term ‘energy project’ means a project that provides for the generation or transmission of electrical energy.

“(3) The term ‘landowner’ means a person that owns a fee interest in real property on which a proposed energy project is planned to be located.

“(4) The term ‘military installation’ has the meaning given that term in section 2801(c)(4) of this title.

“(5) The term ‘military readiness’ includes any training or operation that could be related to combat readiness, including testing and evaluation activities.

“(6) The term ‘military training route’ means a training route developed as part of the Military
Training Route Program, carried out jointly by the Federal Aviation Administration and the Secretary of Defense, for use by the armed forces for the purpose of conducting low-altitude, high-speed military training.

“(7) The term ‘unacceptable risk to the national security of the United States’ means the construction, alteration, establishment, or expansion, or the proposed construction, alteration, establishment, or expansion, of a structure or sanitary landfill that would—

“(A) significantly endanger safety in air commerce, related to the activities of the Department of Defense;

“(B) significantly interfere with the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports, related to the activities of the Department of Defense; or

“(C) significantly impair or degrade the capability of the Department of Defense to conduct training, research, development, testing, and evaluation, and operations or to maintain military readiness.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(2) Cross-reference in Title 49, United States Code.—Section 44718(f) of title 49, United States Code, is amended by inserting “and in accordance with section 183a(e) of title 10” after “conducted under subsection (b)”.

(3) Reference to regulations.—Section 44718(g) of title 49, United States Code, is amended by striking “211.3 of title 32, Code of Federal Regulations, as in effect on January 6, 2014” both places it appears and inserting “183a(i) of title 10”.

(4) Table of sections amendment.—The table of sections at the beginning of chapter 7 of title 10 is amended by inserting after the item relating to section 183 the following new item:

“183a. Defense Siting Clearinghouse for review of mission obstructions.”.

(c) Applicability of existing rules and regulations.—Notwithstanding the amendments made by subsection (a), any rule or regulation promulgated to carry out section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (49 U.S.C. 44718 note), that is in effect on the day before the date of the enactment of this Act shall continue in effect and apply to the extent
such rule or regulation is consistent with the authority under section 183a of title 10, United States Code, as added by subsection (a), until such rule or regulation is otherwise amended or repealed.

SEC. 332. TEMPORARY INSTALLATION REUTILIZATION AUTHORITY FOR ARSENALS, DEPOTS, AND PLANTS.

(a) MODIFIED AUTHORITY.—In the case of a military manufacturing arsenal, depot, or plant, the Secretary of the Army may authorize leases and contracts under section 2667 of title 10, United States Code, for a term of up to 25 years, notwithstanding subsection (b)(1) of such section, if the Secretary determines that a lease or contract of that duration will promote the national defense for the purpose of—

(1) helping to maintain the viability of the military manufacturing arsenal, depot, or plant and any military installations on which it is located;

(2) eliminating, or at least reducing, the cost of Government ownership of the military manufacturing arsenal, depot, or plant, including the costs of operations and maintenance, the costs of environmental remediation, and other costs; and

(3) leveraging private investment at the military manufacturing arsenal, depot, or plant through long-
term facility use contracts, property management contracts, leases, or other agreements that support and advance the preceding purposes.

(b) Delegation and Review Process.—

(1) In General.—The Secretary of the Army may delegate the authority provided by this section to the commander of the major subordinate command of the Army that has responsibility for the military manufacturing arsenal, depot, or plant or, if part of a larger military installation, the installation as a whole. The commander may approve a lease or contract under such authority on a case-by-case basis or a class basis.

(2) Notice of Approval.—Upon any approval of a lease or contract by a commander pursuant to a delegation of authority under paragraph (1), the commander shall notify the Army real property manager and Congress of the approval.

(3) Review Period.—Any lease or contract that is approved utilizing the delegation authority under paragraph (1) is subject to a 90-day hold period so that the Army real property manager may review the lease or contract pursuant to paragraph (4).

(4) Disposition of Review.—If the Army real property manager disapproves of a contract or lease
submitted for review under paragraph (3), the agree-
ment shall be null and void upon transmittal by the
real property manager to the delegating authority of
a written disapproval, including a justification for
such disapproval, within the 90-day hold period. If
no such disapproval is transmitted within the 90-day
hold period, the agreement shall be deemed approved.

(5) APPROVAL OF REVISED AGREEMENT.—If, not
later than 60 days after receiving a disapproval
under paragraph (4), the delegating authority sub-
mits to the Army real property manager a new con-
tract or lease that addresses the concerns of the Army
real property manager outlined in such disapproval,
the new contract or lease shall be deemed approved
unless the Army real property manager transmits to
the delegating authority a disapproval of the new con-
tract or lease within 30 days of such submission.

(c) MILITARY MANUFACTURING ARSENAL, DEPOT, OR
PLANT DEFINED.—In this section, the term “military man-
ufacturing arsenal, depot, or plant” means a Government-
owned, Government-operated defense plant of the Army that
manufactures weapons, weapon components, or both.

(d) SUNSET.—The authority under this section shall
terminate at the close of September 30, 2020. Any contracts
entered into on or before such date shall continue in effect according to their terms.

SEC. 333. PILOT PROGRAM FOR OPERATION AND MAINTENANCE BUDGET PRESENTATION.

(a) In General.—Along with the budget for fiscal years 2019, 2020, and 2021 submitted by the President pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense and the Secretaries of the military departments shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annex for the following Operation and Maintenance sub-activity groups (SAG):

(1) For the Army:

(A) SAG 111 – Maneuver Units.

(B) SAG 123 – Land Forces Depot Maintenance.

(C) SAG 131 – Base Operations Support.

(D) SAG 322 – Flight Training.

(2) For the Navy:

(A) SAG 1A5A – Aircraft Depot Maintenance.

(B) SAG 1B1B – Mission and Other Ship Operations.

(C) SAG 1B4B – Ship Depot Maintenance.

(D) SAG BSS1 – Base Operating Support.
(3) For the Marine Corps:

(A) SAG 1A1A – Operational Forces.

(B) SAG 1A3A – Depot Maintenance.

(C) SAG 1B1B – Field Logistics.

(D) SAG BS81 – Base Operating Support.

(4) For the Air Force:

(A) SAG 011A – Primary Combat Forces.

(B) SAG 011Y – Flying Hour Program.

(C) SAG 011Z – Base Support.

(D) SAG 021M – Depot Maintenance.

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

(1) A summary by appropriation account with subtotals for Department of Defense components.

(2) A summary of each appropriation account by budget activity, activity group, and sub-activity group with budget activity and activity group sub-totals and an appropriation total.

(3) A detailed sub-activity group by program element and expense aggregate listing in budget activity and activity group sequence.

(4) A rollup document by sub-activity group with accompanying program element funding with the PB–61 program element tags included.
(5) A summary of each depot maintenance facility with information on workload, work force, sources of funding, and expenses similar to the exhibit on Mission Funded Naval Shipyards included with the 2012 Navy Budget Justification.

(6) A summary of contractor logistics support for each program element, including a measure of workload and unit cost.

(c) FORMATTING.—The annex required under subsection (a) shall be formatted in accordance with relevant Department of Defense financial management regulations that provide guidance for budget submissions to Congress.

SEC. 334. SERVICEWOMEN’S COMMEMORATIVE PARTNER-SHIPS.

(a) IN GENERAL.—The Secretary of Defense may provide not more than $5,000,000 in financial support for the acquisition, installation, and maintenance of exhibits, facilities, historical displays, and programs at military service memorials and museums that highlight the role of women in the military. The Secretary may enter into a contract, partnership, or grant with a non-profit organization for the purpose of performing such acquisition, installation, and maintenance.

(b) PURPOSES.—The contracts, partnerships, or grants shall be limited to serving the purposes of—
(1) preserving the history of the 3,000,000 women who have served in the United States Armed Forces;

(2) managing an archive of artifacts, historic memorabilia, and documents related to servicewomen;

(3) maintaining a women veterans’ oral history program; and

(4) conducting other educational programs related to women in service.

SEC. 335. AUTHORITY FOR AGREEMENTS TO REIMBURSE STATES FOR COSTS OF SUPPRESSING WILDFIRES ON STATE LANDS CAUSED BY DEPARTMENT OF DEFENSE ACTIVITIES UNDER LEASES AND OTHER GRANTS OF ACCESS TO STATE LANDS.

Section 2691 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) The Secretary of Defense may, in any lease, permit, license, or other grant of access for use of lands owned by a State, agree to reimburse the State for the reasonable costs of the State in suppressing wildland fires caused by the activities of the Department of Defense under such lease, permit, license, or other grant of access.”.
SEC. 336. REPURPOSING AND REUSE OF SURPLUS ARMY FIREARMS.

(a) REQUIRED TRANSFER.—Not later than 90 days after the date of the enactment of this Act, and subject to subsection (c), the Secretary of the Army shall transfer to Rock Island Arsenal all excess firearms, related spare parts and components, small arms ammunition, and ammunition components currently stored at Defense Distribution Depot, Anniston, Alabama, that are no longer actively issued for military service and that are otherwise prohibited from commercial sale, or distribution, under Federal law.

(b) REPURPOSING AND REUSE.—The items specified for transfer under subsection (a) shall be melted and repurposed for military use as determined by the Secretary of the Army, including—

(1) the reforging of new firearms or their components; and

(2) force protection barriers and security bollards.

(c) ITEMS EXEMPT FROM TRANSFER.—M-1 Garand, caliber .45 M1911/M1911A1 pistols, and caliber .22 rimfire rifles are not subject to the transfer requirement under subsection (a).
SEC. 337. DEPARTMENT OF THE NAVY MARKSMANSHIP AWARDS.

Section 40728 of title 36, United States Code, is amended by adding at the end the following new subsection:

“(i) AUTHORIZED NAVY TRANSFERS.—(1) Notwithstanding subsections (a) and (b), the Secretary of the Navy may transfer to the corporation, in accordance with the procedures prescribed in this subchapter, M–1 Garand and caliber .22 rimfire rifles held within the inventories of the United States Navy and the United States Marine Corps and stored at Defense Distribution Depot, Anniston, Alabama, or Naval Surface Warfare Center, Crane, Indiana, as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

“(2) The items specified for transfer under paragraph (1) shall be used as awards for competitors in marksmanship competitions held by the United States Marine Corps or the United States Navy and may not be resold.”.

SEC. 338. MODIFICATION OF THE SECOND DIVISION MEMORIAL.

(a) AUTHORIZATION.—The Second Indianhead Division Association, Inc., Scholarship and Memorials Foundation, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code, may place additional commemorative elements or engravings on the raised plat-
form or stone work of the existing Second Division Memo-
rial located in President’s Park, between 17th Street North-
west and Constitution Avenue in the District of Columbia,
to further honor the members of the Second Infantry Divi-
sion who have given their lives in service to the United
States.

(b) Application of Commemorative Works Act.—
Chapter 89 of title 40, United States Code (commonly
known as the “Commemorative Works Act”), shall apply
to the design and placement of the commemorative elements
or engravings authorized under subsection (a).

(c) Funding.—Federal funds may not be used for
modifications of the Second Division Memorial authorized
under subsection (a).

Subtitle E—Energy and
Environment

Sec. 341. Authority to carry out environmental
restoration activities at national
guard and reserve locations.

Section 2701(a) of title 10, United States Code, is
amended by adding at the end the following new paragraph:
“(5) Authority to carry out activities at
national guard and reserve locations.—The
Secretary may carry out activities under this section
at National Guard and Reserve locations.”.
SEC. 342. SPECIAL CONSIDERATIONS FOR ENERGY PERFORMANCE GOALS.

Section 2911(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting “and to reduce the future demand and the requirements for the use of energy” after “consumption of energy”; 

(2) in paragraph (2), by striking “to reduce the future demand and the requirements for the use of energy” and inserting “to enhance energy resilience to ensure the Department of Defense has the ability to prepare for and recover from energy disruptions that impact mission assurance on military installations”; and 

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

“(13) Opportunities to leverage third-party financing to address installation energy needs.”.

SEC. 343. CENTERS FOR DISEASE CONTROL STUDY ON HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention and the Agency for Toxic Sub-
stances and Disease Registry and in consultation with the
Department of Defense, shall—

(1) commence a study on the human health im-
implications of per- and polyfluoroalkyl substances
(PFAS) contamination in drinking water, ground
water, and any other sources of water and relevant
exposure vectors, including the cumulative human
health implications of multiple types of PFAS con-
tamination at levels above and below health advisory
levels;

(2) not later than 5 years after the date of enact-
ment of this Act (or 7 years after such date of enact-
ment after providing notice to the appropriate con-
gressional committees of the need for the delay)—

(A) complete such study and make any ap-
propriate recommendations; and

(B) submit a report to the appropriate con-
gressional committees on the results of such
study; and

(3) not later than one year after the date of the
enactment of this Act, and annually thereafter until
submission of the report under paragraph (2)(B), sub-
mit to the appropriate congressional committees a re-
port on the progress of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—
(1) AUTHORIZATION.—There is authorized to be appropriated $7,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2018 for the Department of Defense by section 301 for operation and maintenance is hereby reduced by $7,000,000, with the amount of such decrease to be allocated to operation and maintenance, Navy, SAG BSIT, as specified in the funding tables in section 4301.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Heath, Education, Labor, and Pensions and the Committee on Veterans’ Affairs of the Senate; and

(3) the Committee on Energy and Commerce and the Committee on Veterans’ Affairs of the House of Representatives.

SEC. 344. ENVIRONMENTAL OVERSIGHT AND REMEDIATION AT RED HILL BULK FUEL STORAGE FACILITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the Red Hill Bulk Fuel Storage Facility located on Oahu, Hawaii is a national strategic asset that—

(A) supports combatant commander theater security requirements;

(B) supports contingency operations;

(C) provides essential and timely support to the United States and allies’ military mobilizations and disaster response efforts in the Indo-Asia-Pacific and around the world; and

(D) is routinely used to support normal transit of Navy and Air Force movements in the region;

(2) the facility in its current form cannot be replicated anywhere else in the world;

(3) moving the fuel to another storage facility in the Indo-Asia-Pacific would have implications for the United States military force structure in the State of Hawaii and put at risk billions of dollars in annual economic activity that the Armed Forces bring to the State of Hawaii;

(4) if the facility were closed, the United States Armed Forces would be unable to support the National Military Strategy, including the goals of the
United States Pacific Commander, and national security interests would be significantly undermined;

(5) constant vigilance is required to ensure that facility degradation and fuel leaks do not pose a threat to the people of Hawaii, especially the drinking water on Oahu; and

(6) despite its importance, the facility continues to face long-term challenges without robust and consistent funding that provides the Navy and the Defense Logistics Agency with the resources needed to improve the tanks and associated infrastructure.

(b) **Budget Submissions.—**

(1) **Annual Budget Justification.—** The Secretary of Defense, in consultation with the Secretary of the Navy, shall ensure that the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) includes a description of how the Department will use funds to support any deliverables that the parties of the Administrative Order on Consent/Statement of Work have identified as necessary to mitigate and prevent fuel leaks at the Red Hill Bulk Fuel Storage Facility on Oahu, Hawaii.
(2) Future years defense budget.—The Secretary of Defense, in consultation with the Secretary of the Navy, shall ensure that each future-years defense program submitted to Congress under section 221 of title 10, United States Code, describes how the Department will use funds to support any deliverables that the parties of the Administrative Order on Consent/Statement of Work have identified as necessary to mitigate and prevent fuel leaks at the Red Hill Bulk Fuel Storage Facility on Oahu, Hawaii, in the period covered by the future-years defense program.

(c) Administrative Order on Consent/Statement of Work Defined.—In this section, the term “Administrative Order on Consent/Statement of Work” means a legally enforceable agreement between the United States Department of the Navy (Navy), the Defense Logistics Agency (DLA), the United States Environmental Protection Agency (EPA), Region 9, and the State of Hawaii Department of Health (DOH) that the parties voluntarily entered into on September 28, 2015 [EPA DKT NO. RCRA 7003–R9–2015–01/DOH DKT NO. 15–UST–EA–01].
TITLE IV—MILITARY PERSONNEL
AUTHORIZATIONS

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, 2018, as follows:

(1) The Army, 481,000.
(2) The Navy, 327,900.
(3) The Marine Corps, 186,000.
(4) The Air Force, 325,100.

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, 2018, as follows:

(1) The Army National Guard of the United States, 343,500.
(2) The Army Reserve, 199,500.
(3) The Navy Reserve, 59,000.
(4) The Marine Corps Reserve, 38,500.
(5) The Air National Guard of the United States, 106,600.
(6) The Air Force Reserve, 69,800.
(7) The Coast Guard Reserve, 7,000.
(b) **End Strength Reductions.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

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

(c) **End Strength Increases.**—Whenever units or individual members of the Selected Reserve of 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, 2018, 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.


(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United
    States, 16,260.


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

The minimum number of military technicians (dual
status) as of the last day of fiscal year 2018 for the reserve
components of the Army and the Air Force (notwith-
standing section 129 of title 10, United States Code) shall
be the following:

(1) For the Army National Guard of the United
    States, 22,294.

(2) For the Army Reserve, 6,492.

(3) For the Air National Guard of the United
    States, 19,135.
SEC. 414. FISCAL YEAR 2018 LIMITATION ON NUMBER OF
NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—The number of non-dual status technicians employed by the National Guard as of September 30, 2018, may not exceed the following:

(A) For the Army National Guard of the United States, 0.

(B) For the Air National Guard of the United States, 0.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2018, may not exceed 0.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2018, may not exceed 0.

(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 2018, 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. NUMBER OF MEMBERS OF THE NATIONAL GUARD ON FULL-TIME DUTY IN SUPPORT OF THE SERVICES WITHIN THE NATIONAL GUARD BUREAU.

Within the personnel authorized by paragraphs (1) and (5) of section 412, the number of personnel under each such paragraph who may serve with the National Guard Bureau may not exceed the number equal to six percent of the number authorized by such paragraph.
Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2018 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 2018.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. CLARIFICATION OF BASELINES FOR AUTHORIZED NUMBERS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AND IN JOINT DUTY ASSIGNMENTS.

(a) ACTIVE-DUTY BASELINE.—Subsection (h)(2) of section 526 of title 10, United States Code, is amended by striking “the lower of” and all that follows and inserting “the statutory limit of general officers or flag officers of that armed force under subsection (a).”.

† HR 2810 PAP
(b) **J OINT D UTY A SSIGNMENT B ASeline.**—Subsection
(i)(2) of such section is amended by striking “the lower of” and all that follows and inserting “the statutory limit on general officer and flag officer positions that are joint duty assignments under subsection (b)(1).”.

**SEC. 502. A UTHORITY OF PROMOTION B OARDS TO R ECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT THE TOP OF THE PROMOTION LIST.**

(a) **AUTHORITY OF PROMOTION B OARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT TOP OF PROMOTION LIST.**—Section 616 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) In selecting the officers to be recommended for promotion, a selection board may, when authorized by the Secretary of the military department concerned, recommend officers of particular merit, from among those officers selected for promotion, to be placed at the top of the promotion list promulgated by the Secretary under section 624(a)(1) of this title.

“(2) The number of such officers placed at the top of the promotion list may not exceed the number equal to 20 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competi-
tive category. If the number determined under this sub-
section is less than one, the board may recommend one such
officer.

“(3) No officer may be recommended to be placed at
the top of the promotion list unless the officer receives the
recommendation of at least a majority of the members of
a board for such placement.

“(4) For the officers recommended to be placed at the
top of the promotion list, the board shall recommend the
order in which these officers should be promoted.”.

(b) Officers of particular merit appearing at
Top of Promotion List.—Section 624(a)(1) of such title
is amended by inserting “, except such officers of particular
merit who were approved by the President and rec-
ommended by the board to be placed at the top of the pro-
motion list under section 616(g) of this title as these officers
shall be placed at the top of the promotion list in the order
recommended by the board” after “officers on the active-
duty list”.

SEC. 503. Clarification to Exception for Removal of
Officers from List of Officers Recommended for Promotion After 18
Months Without Appointment.

Section 629(c)(3) of title 10, United States Code, is
amended by striking “the Senate is not able to obtain the
information necessary” and inserting “the military depart-
ment concerned is not able to obtain and provide to the
Senate the information the Senate requires”.

SEC. 504. FLEXIBILITY IN PROMOTION OF OFFICERS TO PO-
SITIONS OF STAFF JUDGE ADVOCATE TO THE
COMMANDANT OF THE MARINE CORPS AND
DEPUTY JUDGE ADVOCATE GENERAL OF THE
NAVY.

(a) STAFF JUDGE ADVOCATE TO COMMANDANT OF THE
MARINE CORPS.—Section 5046(b) of title 10, United States
Code, is amended—

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

(2) by adding at the end the following new para-
graph:

“(2) If the Secretary of the Navy elects to convene a
selection board under section 611(a) of this title to consider
eligible officers for selection to appointment as Staff Judge
Advocate, the Secretary may, in connection with such con-
sideration for selection—

“(A) treat any section in chapter 36 of this title
referring to promotion to the next higher grade as if
such section referred to promotion to a higher grade;
and
“(B) waive section 619(a)(2) of this title if the Secretary determines that the needs of the Marine Corps require the waiver.”.

(b) Deputy Judge Advocate General of the Navy.—Section 5149(a) of such title is amended by adding at the end the following new paragraph:

“(3) If the Secretary of the Navy elects to convene a selection board under section 611(a) of this title to consider eligible officers for selection to appointment as Deputy Judge Advocate General, the Secretary may, in connection with such consideration for selection—

“(A) treat any section in chapter 36 of this title referring to promotion to the next higher grade as if such section referred to promotion to a higher grade; and

“(B) waive section 619(a)(2) of this title if the Secretary determines that the needs of the Navy require the waiver.”.

SEC. 505. REPEAL OF REQUIREMENT FOR SPECIFICATION OF NUMBER OF OFFICERS WHO MAY BE RECOMMENDED FOR EARLY RETIREMENT BY A SELECTIVE EARLY RETIREMENT BOARD.

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

(1) in subsection (c)—
(A) by striking paragraph (1); and

(B) by redesigning paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(2) in subsection (d)—

(A) by striking paragraph (2); and

(B) by redesigning paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 506. EXTENSION OF SERVICE-IN-GRADE WAIVER AUTHORITY FOR VOLUNTARY RETIREMENT OF CERTAIN GENERAL AND FLAG OFFICERS FOR PURPOSES OF ENHANCED FLEXIBILITY IN OFFICER PERSONNEL MANAGEMENT.

Section 1370(a)(2)(G) of title 10, United States Code, is amended by striking “2017” and inserting “2025”.

SEC. 507. INCLUSION OF PRINCIPAL MILITARY DEPUTY TO THE ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS AMONG OFFICERS SUBJECT TO REPEAL OF STATUTORY SPECIFICATION OF GENERAL OFFICER GRADE.

Section 3016(b)(5)(B) of title 10, United States Code, is amended by striking “a lieutenant general” and inserting “an officer”.

† HR 2810 PAP
SEC. 508. CLARIFICATION OF EFFECT OF REPEAL OF STATUTORY SPECIFICATION OF GENERAL OR FLAG OFFICER GRADE FOR VARIOUS POSITIONS IN THE ARMED FORCES.

(a) Retention of Grade of Incumbents in Positions on Effective Date.—Effective as of December 23, 2016, and as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) to which it relates, section 502 of that Act (130 Stat. 2102) is amended by adding at the end the following new subsection:

“(tt) Retention of Grade of Incumbents in Positions on Effective Date.—The grade of service of an officer serving as of the date of the enactment of this Act in a position whose statutory grade is affected by an amendment made by this section may not be reduced after that date by reason of such amendment as long as the officer remains in continuous service in such position after that date.”.

(b) Clarifying Amendment to Chief of Veterinary Corps of the Army Repeal.—Section 3084 of title 10, United States Code, is amended by striking the last sentence.
SEC. 509. GRANDFATHERING OF RETIRED GRADE OF ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY AS OF REPEAL OF STATUTORY SPECIFICATION OF GENERAL AND FLAG OFFICERS GRADES IN THE ARMED FORCES.

(a) IN GENERAL.—Notwithstanding the amendments made by section 502(gg)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), the officer holding a position specified in subsection (b) as of December 23, 2016, in the grade of rear admiral (lower half) or brigadier general, as applicable, may be retired after that date in such grade with the retired pay of such grade (unless entitled to higher pay under another provision of law).

(b) SPECIFIED POSITIONS.—The positions specified in this subsection are the following:

(1) The Assistant Judge Advocate General of the Navy provided for by section 5149(b) of title 10, United States Code.

(2) The Assistant Judge Advocate General of the Navy provided for by section 5149(c) of title 10, United States Code.
SEC. 510. SERVICE CREDIT FOR CYBERSPACE EXPERIENCE OR ADVANCED EDUCATION UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) ORIGINAL APPOINTMENT AS A RESERVE OFFICER.—Section 12207 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by inserting “or (e)” after “subsection (b)”;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

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

“(e)(1) Under regulations prescribed by the Secretary of Defense, if the Secretary of a military department determines that the number of commissioned officers with cyberspace-related experience or advanced education in reserve active-status in an armed force under the jurisdiction of such Secretary is critically below the number needed, such Secretary may credit any person receiving an original appointment as a reserve commissioned officer with a period of constructive service for the following:

“(A) Special experience or training in a particular cyberspace-related field if such experience or training is directly related to the operational needs of the armed force concerned.
“(B) Any period of advanced education in a cyberspace-related field beyond the baccalaureate degree level if such advanced education is directly related to the operational needs of the armed force concerned.

“(2) Constructive service credited an officer under this subsection shall not exceed one year for each year of special experience, training, or advanced education, and not more than three years total constructive service may be credited.

“(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

“(4) The authority to award constructive service credit under this subsection expires on December 31, 2023.”; and

(4) in subsection (f), as redesignated by paragraph (2), by striking “or (d)” and inserting “, (d), or (e)”.

(b) EXTENSION OF AUTHORITY IN CONNECTION WITH ORIGINAL APPOINTMENT OF REGULAR OFFICERS.—Section 533(g)(4) of such title is amended by striking “December 31, 2018” and inserting “December 31, 2023”.

† HR 2810 PAP
SEC. 510A. AUTHORITY FOR OFFICERS TO OPT-OUT OF PROMOTION BOARD CONSIDERATION.

(a) ACTIVE-DUTY LIST OFFICERS.—Section 619 of title 10, United States Code, is amended—

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

“(6) An officer excluded under subsection (e).”;

and

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

“(e) AUTHORITY TO PERMIT OFFICERS TO OPT OUT OF SELECTION BOARD CONSIDERATION.—The Secretary of Defense may authorize the Secretary of a military department to provide that an officer under the jurisdiction of that Secretary may, upon the officer’s request and with the approval of the Secretary concerned, be excluded from consideration by a selection board convened under section 611(a) of this title to consider officers for promotion to the next higher grade. The Secretary concerned may only approve such a request if—

“(1) the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Department of Defense, or a career progression requirement delayed by the assignment of education;
“(2) the Secretary concerned determines the exclusion from consideration is in the best interest of the military department concerned; and

“(3) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

(b) Reserve Active-status List Officers.—Section 14301 of such title is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking “PREVIOUSLY SELECTED OFFICERS NOT ELIGIBLE” and inserting “CERTAIN OFFICERS NOT”; and

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

“(6) An officer excluded under subsection (j).”;

and

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

“(j) Authority To Permit Officers To Opt Out Of Selection Board Consideration.—The Secretary of Defense may authorize the Secretary of a military department to provide that an officer under the jurisdiction of that Secretary may, upon the officer’s request and with the approval of the Secretary concerned, be excluded from con-
sideration by a selection board convened under section 14101(a) of this title to consider officers for promotion to the next higher grade. The Secretary concerned may only approve such a request if—

“(1) the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Department of Defense, or a career progression requirement delayed by the assignment or education;

“(2) the Secretary concerned determines the exclusion from consideration is in the best interest of the military department concerned; and

“(3) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

SEC. 510B. REAUTHORIZATION OF AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

Section 688a(f) of title 10, United States Code, is amended by striking “after December 21, 2011.” and inserting “outside a period as follows:

“(1) The period beginning on December 2, 2002, and ending on December 31, 2011.
“(2) The period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018 and ending on December 31, 2022.”.

Subtitle B—Reserve Component Management

SEC. 511. CONSOLIDATION OF AUTHORITIES TO ORDER MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES TO PERFORM DUTY.

Section 515 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 810) is amended—

(1) in the second sentence of subsection (b), by striking “such legislation as would be necessary to amend titles 10, 14, 32, and 37 of the United States Code and other provisions of law in order to implement the Secretary’s approach by October 1, 2018” and inserting “legislation implementing the alternate approach by April 30, 2019”; and

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

“(c) ATTRIBUTES OF ALTERNATE APPROACH.—The Secretary of Defense shall ensure the alternate approach described in subsection (b)—

“(1) reduces the number of statutory authorities by which members of the reserve components of the
Armed Forces may be ordered to perform duty to not more than 8 statutory authorities grouped into 4 duty categories to which specific pay and benefits may be aligned, which categories shall include—

“(A) one duty category that shall generally reflect active service performed in support of contingency type operations or other military actions in support of the commander of a combatant command;

“(B) a second duty category that shall—

“(i) generally reflect active service not described in subparagraph (A); and

“(ii) consist of training, administration, operational support, and full-time support of the reserve components;

“(C) a third duty category that shall—

“(i) generally reflect duty performed under direct military supervision while not in active service; and

“(ii) include duty characterized by partial-day service; and

“(D) a fourth duty category that shall—

“(i) generally reflect remote duty completed while not under direct military supervision; and
“(ii) include completion of correspondence courses and telework;

“(2) distinguishes among duty performed under titles 10, 14, and 32, United States Code, and ensures that the reasons the members of the reserve components are utilized under the statutory authorities which exist prior to the alternate approach are preserved and can be tracked as separate and distinct purposes;

“(3) minimizes, to the maximum extent practicable, disruptions in pay and benefits for members, and adheres to the principle that a member should receive pay and benefits commensurate with the nature and performance of the member’s duties;

“(4) ensures the Secretary has the flexibility to meet emerging requirements and to effectively manage the force; and

“(5) aligns Department of Defense programming and budgeting to the types of duty members perform.”.
SEC. 512. ESTABLISHMENT OF OFFICE OF COMPLEX INVESTIGATIONS WITHIN THE NATIONAL GUARD BUREAU.

(a) Establishment.—Chapter 1101 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 10509. Office of Complex Investigations

“(a) In General.—There is in the National Guard Bureau an Office of Complex Investigations (in this section referred to as the ‘Office’) under the authority, direction, and control of the Chief of the National Guard Bureau.

“(b) Disposition and Functions.—The Office shall be organized, trained, equipped, and managed to conduct administrative investigations in order to assist the States in the organization, maintenance, and operation of the National Guard as follows:

“(1) In investigations of allegations of sexual assault involving members of the National Guard.

“(2) In investigations in circumstances involving members of the National Guard in which other law enforcement agencies within the Department of Defense do not have, or have limited, jurisdiction or authority to investigate.

“(3) In investigations in such other circumstances involving members of the National Guard
as the Chief of the National Guard Bureau may di-
rect.

“(c) SCOPE OF INVESTIGATIVE AUTHORITY.—Individ-
uals performing investigations described in subsection
(b)(1) are authorized—

“(1) to have access to all records, reports, audits,
reviews, documents, papers, recommendations, or
other material available to the applicable establish-
ment which relate to programs and operations with
respect to the National Guard; and

“(2) to request such information or assistance as
may be necessary for carrying out those duties from
any Federal, State, or local governmental agency or
unit thereof.”.

(b) CLERICAL AMENDMENT.—The table of sections at
the beginning of chapter 1101 of such title is amended by
adding at the end the following new item:

“10509. Office of Complex Investigations.”.

SEC. 513. REVIEW OF EFFECTS OF PERSONNEL REQUIRE-
MENTS AND LIMITATIONS ON THE AVAIL-
ABILITY OF MEMBERS OF THE NATIONAL
GUARD FOR THE PERFORMANCE OF FUNERAL
HONORS DUTY FOR VETERANS.

(a) REVIEW REQUIRED.—The Secretary of Defense
shall undertake a review of the effects of the personnel re-
quirements and limitations described in subsection (b) with
respect to the members of the National Guard in order to
determine whether or not such requirements unduly limit
the ability of the Armed Forces to meet the demand for per-
sonnel to perform funeral honors in connection with funer-
als of veterans.

(b) Personnel Requirements and Limitations.—
The personnel requirements and limitations described in
this subsection are the following:

(1) Requirements, such as the ceiling on the au-
thorized number of members of the National Guard on
active duty pursuant to section 115(b)(2)(B) of title
10, United States Code, or end-strength limitations,
that may operate to limit the number of members of
the National Guard available for the performance of
funeral honors duty.

(2) Any other requirements or limitations appli-
cable to the reserve components of the Armed Forces
in general, or the National Guard in particular, that
may operate to limit the number of members of the
National Guard available for the performance of fu-
neral honors duty.

(c) Report.—Not later than six months after the date
of the enactment of this Act, the Secretary shall submit to
the Committees on Armed Services of the Senate and the
House of Representatives a report on the review undertaken
pursuant to subsection (a). The report shall include the fol-
lowing:

(1) A description of the review.

(2) Such recommendations as the Secretary con-
siders appropriate in light of the review for legislative
or administrative action to expand the number of
members of the National Guard available for the per-
formance of funeral honors functions at funerals of
veterans.

SEC. 514. TRAINING FOR NATIONAL GUARD PERSONNEL ON
WILDFIRE RESPONSE.

(a) IN GENERAL.—The Secretary of the Army and the
Secretary of the Air Force shall, in consultation with the
Chief of the National Guard Bureau, provide for training
of appropriate personnel of the National Guard on wildfire
response, with preference given to States with the most acres
of Federal forestlands administered by the U.S. Forest Serv-
ice or the Department of the Interior.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated for the Department of Defense
a total of $10,000,000, in addition to amounts authorized
to be appropriated by sections 421 and 301, in order to
carry out the training required by subsection (a) and pro-
vide related equipment.
(c) Offset.—In the funding table in section 4101, in the item relating to Fuzes, Procurement of Ammunition, Air Force, decrease the amount in the Senate Authorized column by $10,000,000.

SEC. 515. PLAN TO MEET DEMAND FOR CYBERSPACE CAREER FIELDS IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) Plan Required.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a plan for meeting the increased demand for cyberspace career fields in the reserve components of the Armed Forces.

(b) Elements.—The plan shall take into account the following:

(1) The availability of qualified local workforces.

(2) Potential best practices of private sector companies involved in cyberspace and of educational institutions with established cyberspace-related academic programs.

(3) The potential for Total Force Integration throughout the defense cyber community.

(4) Recruitment strategies to attract individuals with critical cyber training and skills to join the reserve components.
(c) **METRICS.**—The plan shall include appropriate metrics for use in the evaluation of the implementation of the plan.

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**Subtitle C—General Service Authorities**

**SEC. 516. REPORT ON POLICIES FOR REGULAR AND RESERVE OFFICER CAREER MANAGEMENT.**

(a) **REPORT REQUIRED.**—Not later than March 1, 2018, 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 a review, undertaken by the Secretary for purposes of the report, of the policies of the Department of Defense for the career management of regular and reserve officers of the Armed Forces pursuant to the Defense Officer Personnel Management Act (commonly referred to as “DOPMA”) and the Reserve Officer Personnel Management Act (commonly referred to as “ROPMA”).

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

(1) Mechanisms to increase the ability of officers to repeatedly transition between active duty and reserve active-status throughout the course of their military careers.
(2) Mechanisms to provide the Armed Forces additional flexibility in managing the populations of officers in the grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.

(3) Mechanisms to use the modernized retirement system provided by part I of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) to encourage officers to pursue careers of lengths that vary from the traditional 20-year military career.

(4) Mechanisms to provide for alternative career tracks for officers that encourage and facilitate the recruitment and retention of officers with technical expertise.

(5) Mechanisms for a career and promotion path for officers in cyber-related specialties.

(6) Mechanism to ensure the officer corps does not become disproportionately weighted toward officers serving in the grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.

(7) Any other mechanisms or matters the Secretary considers appropriate to improve the effective
recruitment, management, and retention of regular
and reserve officers of the Armed Forces.

(c) Scope of Report.—If any recommendation of the
Secretary in the report required by subsection (a) requires
legislative or administrative action for implementation, the
report shall include a proposal for legislative action, or a
description of administrative action, as applicable, to im-
plement such recommendation.

SEC. 517. RESPONSIBILITY OF CHIEFS OF STAFF OF THE
ARMED FORCES FOR STANDARDS AND QUALI-
FICATIONS FOR MILITARY SPECIALTIES
WITHIN THE ARMED FORCES.

(a) In General.—Except as provided in subsection
(d), responsibility within an Armed Force for establishing,
approving, and modifying the criteria, standards, and
qualifications for military specialty codes within that
Armed Force shall be vested solely in the Chief of Staff of
that Armed Force.

(b) Military Specialty Codes.—For purposes of
this section, a military specialty code is as follows:

(1) A Military Occupational Speciality Code
(MOS) and any other military specialty or military
occupational specialty of the Army, in the case of the
Army.
(2) A Naval Enlisted Code (NEC), Unrestricted Duty code, Restricted Duty code, Restricted Line duty code, Staff Corps code, Limited Duty code, Warrant Officer code, and any other military specialty or military occupational specialty of the Navy, in the case of the Navy.

(3) An Air Force Specialty Code (AFSC) and any other military specialty or military occupational specialty of the Air Force, in the case of the Air Force.

(4) A Military Occupational Speciality Code (MOS) and any other military specialty or military occupational specialty of the Marine Corps, in the case of the Marine Corps.

(c) CHIEF OF STAFF FOR MARINE CORPS.—For purposes of this section, the Commandant of the Marine Corps shall be deemed to be the Chief of Staff of the Marine Corps.

(d) GENDER INTEGRATION.—Nothing in this section shall be construed to terminate, alter, or revise the authority of the Secretary of Defense to establish, approve, modify, or otherwise regulate gender-based criteria, standards, and qualifications for military specialties within the Armed Forces.
SEC. 518. CONFIDENTIAL REVIEW OF CHARACTERIZATION

OF TERMS OF DISCHARGE OF MEMBERS OF

THE ARMED FORCES WHO ARE SURVIVORS OF

SEXUAL ASSAULT.

(a) CODIFICATION OF CURRENT CONFIDENTIAL PROC-

ESS.—

(1) CODIFICATION.—Chapter 79 of title 10,

United States Code, is amended by inserting after sec-

tion 1554a a new section 1554b consisting of—

(A) a heading as follows:

“§1554b. Confidential review of characterization of

terms of discharge of members of the

armed forces who are survivors of sex-re-

lated offenses”; and

(B) a text consisting of the text of section

547 of the Carl Levin and Howard P. “Buck”

McKeon National Defense Authorization Act for

Fiscal Year 2015 (Public Law 113–291; 128


(2) CLERICAL AMENDMENT.—The table of sec-

tions at the beginning of chapter 79 of such title is

amended by inserting after the item relating to sec-

tion 1554a the following new item:

“1554b. Confidential review of characterization of terms of discharge of members of the armed forces who are survivors of sex-related offenses.”.
(3) CONFORMING REPEAL.—Section 547 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed.

(b) TERMINOLOGY.—Subsection (a) of section 1554b of title 10, United States Code, as added by subsection (a) of this section, is amended by striking “victim” each place it appears and inserting “survivor”.

(c) CLARIFICATION OF APPLICABILITY TO INDIVIDUALS WHO ALLEGED THEY WERE A SURVIVOR OF A SEX-RELATED OFFENSE DURING MILITARY SERVICE.—Subsection (a) of such section 1554b, as so added, is further amended by inserting after “sex-related offense” the following: “, or alleges that the individual was the survivor of a sex-related offense,”.

(d) CONFORMING AMENDMENTS.—Such section 1554b, as so added, is further amended—

(1) by striking “Armed Forces” each place it appears in subsections (a) and (b) and inserting “armed forces”;

(2) in subsection (a)—

(A) by striking “boards for the correction of military records of the military department concerned” and inserting “boards of the military de-
partment concerned established in accordance with this chapter”; and

(B) by striking “such an offense” and inserting “a sex-related offense”;

(3) in subsection (b), by striking “boards for the correction of military records” and inserting “boards of the military department concerned established in accordance with this chapter”; and

(4) in subsection (d)—

(A) in paragraph (1), by striking “title 10, United States Code” and inserting “this title”; and

(B) in paragraphs (2) and (3), by striking “such title” and inserting “this title”.

SEC. 519. IMPROVEMENTS TO CERTAIN AUTHORITIES AND PROCEDURES OF DISCHARGE REVIEW BOARDS.

(a) Repeal of 15-year Statute of Limitations on Motions or Requests for Review.—Subsection (a) of section 1553 of title 10, United States Code, is amended by striking the second sentence.

(b) Telephonic Presentation of Evidence.—Subsection (c) of such section is amended in the second sentence by striking “or by affidavit” and inserting “, by affidavit,
or by telephone or video conference (to the extent reasonable and technically feasible)”.

(c) **Effective Date.**—The amendments made by this section shall take effect on October 1, 2018.

**SEC. 520. PUBLIC AVAILABILITY OF INFORMATION RELATED TO DISPOSITION OF CLAIMS REGARDING DISCHARGE OR RELEASE OF MEMBERS OF THE ARMED FORCES WHEN THE CLAIMS INVOLVE SEXUAL ASSAULT.**

(a) **Boards for the Correction of Military Records.**—Section 1552(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The number and disposition of claims decided during the calendar quarter preceding the calendar quarter in which such information is made available in which sexual assault is alleged to have contributed, whether in whole or in part, to the original characterization of the discharge or release of the claimant.”.

(b) **Discharge Review Boards.**—Section 1553(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The number and disposition of claims decided during the calendar quarter preceding the cal-
endar quarter in which such information is made available in which sexual assault is alleged to have contributed, whether in whole or in part, to the original characterization of the discharge or release of the former member.”.

SEC. 520A. MODIFICATION OF BASIS FOR EXTENSION OF PERIOD FOR ENLISTMENT IN THE ARMED FORCES UNDER THE DELAYED ENTRY PROGRAM.

Section 513(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (2) and indenting the left margin of such paragraph (2), as so designated, two ems from the left margin;

(3) in paragraph (2), as so designated, by inserting “described in paragraph (1)” after “the 365-day period”;

(4) by inserting after paragraph (2), as designated by this section, the following new paragraph (3):

“(3)(A) The Secretary concerned may extend by up to an additional 365 days the period of extension under para-
graph (2) for a person who enlists under section 504(b)(2) of this title if the Secretary determines that the period of extension under this paragraph is required for the performance of adequate background and security reviews of that person.

“(B) The authority to make an extension under this paragraph shall expire on December 31, 2019. The expiration of such authority shall not affect the validity of any extension made in accordance with this paragraph on or before that date.”; and

(5) in paragraph (4), as redesignated by paragraph (1) of this section, by striking “paragraph (1)” and inserting “this subsection”.

Subtitle D—Military Justice

Matters

SEC. 521. REVISION TO MANUAL FOR COURTS-MARTIAL WITH RESPECT TO DISSEMINATION OF VISUAL DEPICTIONS OF PRIVATE AREAS OR SEXUALLY EXPLICIT CONDUCT WITHOUT THE CONSENT OF THE PERSON DEPICTED.

(a) Requirement To Enumerate Offense For Purposes Of General Punitive Article.—Not later than 180 days after the date of the enactment of this Act, part IV of the Manual for Courts-Martial shall be amended to include as an enumerated offense under section 934 of
title 10, United States Code (article 134 of the Uniform Code of Military Justice), the distribution of a visual depic-
tion of the private area of a person or of sexually explicit conduct involving a person that was—

(1) photographed, videotaped, filmed, or recorded by any means with the consent of such person; and
(2) distributed by another person who knew or should have known that the depicted person did not consent to such distribution.

(b) PRIVATE AREA DEFINED.—In this section, the term “private area” has the meaning given the term in sec-
tion 920c(d) of title 10, United States Code (article 120c(d) of the Uniform Code of Military Justice).

SEC. 522. TECHNICAL AND CONFORMING AMENDMENTS IN CONNECTION WITH REFORM OF THE UNI-
FORM CODE OF MILITARY JUSTICE.

(a) ARTICLES 1, 6b, AND 137.—

(1) Section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended in the matter preceding paragraph (1) by striking “chapter:” and inserting “chapter (the Uniform Code of Military Justice):”.

(2) Section 806b(b) of title 10, United States Code (article 6b(b) of the Uniform Code of Military
Justice), is amended by striking “(the Uniform Code of Military Justice)”.

(3) Section 937 of title 10, United States Code (article 137 of the Uniform Code of Military Justice), as amended by section 5503 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is further amended by striking “(the Uniform Code of Military Justice)” each place it appears as follows:

(A) In subsection (a)(1), in the matter preceding subparagraph (A).

(B) In subsection (b), in the matter preceding subparagraph (A).

(C) In subsection (d), in the matter preceding paragraph (1).

(b) ARTICLE 6b.—Section 806b(e)(3) of title 10, United States Code (article 6b(e)(3) of the Uniform Code of Military Justice), is amended—

(1) by inserting after “President,” the following: “subject to section 830a of this title (article 30a).”;

(2) by striking “and, to the extent practicable,” and inserting “To the extent practicable, such a petition”; and

(3) by striking “before the court.” and inserting “before the Court of Criminal Appeals.”.
(c) ARTICLE 30a.—Subsection (a)(1) of section 830a of title 10, United States Code (article 30a of the Uniform Code of Military Justice), as added by section 5202 of the National Defense Authorization Act for Fiscal Year 2017, is amended—

(1) in the matter preceding subparagraph (A), by inserting “, or otherwise act on,” after “to review”;

and

(2) by adding at the end the following new sub-

paragraph:

“(D) Pre-referral matters under subsections (c)

and (e) of section 806b of this title (article 6b).”.

(d) ARTICLE 39.—Subsection (a)(4) of section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), as amended by section 5222(1) of the National Defense Authorization Act for Fiscal Year 2017, is amended by striking “in non-capital cases unless the ac-
cused requests sentencing by members under section 825 of this title (article 25)” and inserting “under section 853(b)(1) of this title (article 53(b)(1))”.

(e) ARTICLE 43.—Subsection (i) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), as added by section 5225(c) of the Na-
tional Defense Authorization Act for Fiscal Year 2017, is
amended by striking “DNA EVIDENCE.—” and inserting “DNA EVIDENCE.—”.

(f) ARTICLE 48.—Subsection (c)(1) of section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), as amended by section 5230 of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking “section 866(g) of this title (article 66(g))” and inserting “section 866(h) of this title (article 66(h))”.

(g) ARTICLE 53.—Subsection (b)(1)(B) of section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), as amended by section 5236 of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking “in a trial”.

(h) ARTICLE 53a.—Subsection (d) of section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), as added by section 5237 of the National Defense Authorization Act for Fiscal Year 2017, is amended by striking “military judge” the second place it appears and inserting “court-martial”.

(i) ARTICLE 56.—Subsection (d)(1) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by section 5301 of the National Defense Authorization Act for Fiscal Year 2017, is further amended—
(1) in the matter preceding subparagraph (A),
by inserting after “concerned,” the following: “under
standards and procedures set forth in regulations pre-
scribed by the President,”; and

(2) in subparagraph (B), by inserting after
“(B)” the following: “as determined in accordance
with standards and procedures prescribed by the
President,”.

(j) ARTICLE 58a.—

(1) Subsection (a) of section 858a of title 10,
United States Code (article 58a of the Uniform Code
of Military Justice), as amended by section 5303(1)
of the National Defense Authorization Act for Fiscal
Year 2017, is further amended in the matter after
paragraph (3) by inserting after “reduces” the fol-
lowing: “; if such a reduction is authorized by regula-
tion prescribed by the President,”.

(2) The heading of such section (article) is
amended to read as follows:

“§858a. Art 58a. Sentences: reduction in enlisted
grade”.

(k) ARTICLE 58b.—Subsection (b) of section 858b of
title 10, United States Code (article 58b of the Uniform
Code of Military Justice), is amended in the first sentence
by striking “section 860 of this title (article 60)” and in-
serting “section 860a or 860b of this title (article 60a or 60b)”.

(l) ARTICLE 62.—Subsection (b) of section 862 of title 10, United States Code (article 62 of the Uniform Code of Military Justice), is amended by striking “, notwithstanding section 866(c) of this title (article 66(c))”.

(m) ARTICLE 63.—Subsection (b) of section 863 of title 10, United States Code (article 63 of the Uniform Code of Military Justice), as added by section 5327 of the National Defense Authorization Act for Fiscal Year 2017, is amended by striking the period at the end and inserting “, subject to such limitations as the President may prescribe by regulation.”.

(n) ARTICLE 64.—Subsection (a) of section 864 of title 10, United States Code (article 64 of the Uniform Code of Military Justice), as amended by section 5328(a) of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking “(a) (a) IN GENERAL.—” and inserting “(a) IN GENERAL.—”.

(o) ARTICLE 65.—Subsection (b)(1) of section 865 of title 10, United States Code (article 65 of the Uniform Code of Military Justice), as amended by section 5329 of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking “section 866(b)(2) of this title
(article 66(b)(2))” and inserting “section 866(b)(3) of this title (article 66(b)(3))”.

(p) ARTICLE 66.—Subsection (e)(2)(C) of section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), as amended by section 5330 of the National Defense Authorization Act for Fiscal Year 2017, is further amended by inserting after “required” the following: “by regulation prescribed by the President or”.

(q) ARTICLE 69.—Subsection (c)(1)(A) of section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), as amended by section 5233 of the National Defense Authorization Act for Fiscal Year 2017, is further amended by inserting a comma after “in part”.

(r) ARTICLE 82.—Subsection (b) of section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice), as amended by section 5403 of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking “section 99” and inserting “section 899”.

(s) ARTICLE 103a.—Section 8312(b)(2)(A) of title 5, United States Code, is amended by striking “article 106a” and inserting “article 103a”.

(t) ARTICLE 119a.—Subsection (b) of section 919a of title 10, United States Code (article 119a of the Uniform
Code of Military Justice), as amended by section 5401(13)(B) of the National Defense Authorization Act for Fiscal Year 2017, is further amended—

(1) by striking “928a, 926, and 928” and inserting “926, 928, and 928a”; and

(2) by striking “128a 126, and 128” and inserting “126, 128, and 128a”.

(u) ARTICLE 120.—Subsection (g)(2) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), as amended by section 5430(b) of the National Defense Authorization Act for Fiscal Year 2017, is further amended in the first sentence by striking “brest” and inserting “breast”.

(v) ARTICLE 128.—Subsection (b)(2) of section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), as amended by section 5441 of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking the comma after “substantial bodily harm”.

(w) ARTICLE 132.—Subsection (b)(2) of section 932 of title 10, United States Code (article 132 of the Uniform Code of Military Justice), as added by section 5450 of the National Defense Authorization Act for Fiscal Year 2017, is amended by striking “section 1034(h)” and inserting “section 1034(j)”.

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(x) ARTICLE 146.—Subsection (f) of section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), as amended by section 5521 of the National Defense Authorization Act for Fiscal Year 2017, is further amended—

(1) in paragraph (2), by striking the sentence beginning “Not later than” and inserting the following new sentence: “The analysis under this paragraph shall be included in the assessment required by paragraph (1).”;

(2) by striking paragraph (5) and inserting the following new paragraph (5):

“(5) REPORTS.—With respect to each review and assessment under this subsection, the Panel shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives. Each report—

“(A) shall set forth the results of the review and assessment concerned, including the findings and recommendations of the Panel; and

“(B) shall be submitted not later than December 31 of the calendar year in which the review and assessment is concluded.”.

(y) TABLES OF SECTIONS.—
(1) The table of sections at the beginning of sub-
chapter II of chapter 47 of title 10, United States
Code (the Uniform Code of Military Justice), as
amended by section 5541(1) of the National Defense
Authorization Act for Fiscal Year 2017, is further
amended in the items relating to sections 810 and
812 (articles 10 and 12) by striking “Art.”.

(2) The table of sections at the beginning of sub-
chapter V of chapter 47 of title 10, United States
Code (the Uniform Code of Military Justice), as
amended by section 5541(2) of the National Defense
Authorization Act for Fiscal Year 2017, is further
amended—

(A) by striking “825.” the second place it
appears and inserting “825a.”; and

(B) in the items relating to sections 825a,
826a, and 829 (articles 25a, 26a, and 29), by
striking “Art.”.

(3) The table of sections at the beginning of sub-
chapter VI of chapter 47 of title 10, United States
Code (the Uniform Code of Military Justice), as
amended by section 5541(3) of the National Defense
Authorization Act for Fiscal Year 2017, is further
amended—
(A) by striking “830.” the second place it appears and inserting “830a.”; and
(B) in the items relating to sections 830a and 832 through 835 (articles 30a and 32 through 35), by striking “Art.”.

(4) The table of sections at the beginning of subchapter VII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), as amended by section 5541(4) of the National Defense Authorization Act for Fiscal Year 2017, is further amended in the items relating to sections 846 through 848, 850, 852, 853, and 853a (articles 46 through 48, 50, 52, 53, and 53a) by striking “Art.”.

(5) The table of sections at the beginning of subchapter VIII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), as amended by section 5541(5) of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking the item relating to section 858a (article 58a) and inserting the following new item:

“858a. 58a. Sentences: reduction in enlisted grade.”.

(6) The table of sections at the beginning of subchapter IX of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), as amended by section 5541(6) of the National Defense Authorization Act for Fiscal Year 2017, is further

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amended in the items relating to sections 860 through
861, 864 through 866, and 869 (articles 60 through
61, 64 through 66, and 69) by striking “Art.”.

(7) The table of sections at the beginning of sub-
chapter X of chapter 47 of title 10, United States
Code (the Uniform Code of Military Justice), as
amended by section 5452 of the National Defense Au-
thorization Act for Fiscal Year 2017, is further
amended—

(A) in the items relating to sections 877
through 934 (articles 77 through 134), by strik-
ing “Art.”;

(B) in the item relating to section 887a (ar-
ticle 87a), by striking “Resistence” and inserting
“Resistance”;

(C) in the item relating to section 908 (arti-
cle 108), by striking “of the United States–Loss”
and inserting “of United States–Loss,”; and

(D) in the item relating to section 909 (ar-
ticle 109), by striking “of the” and inserting
“of”.

(8) The table of sections at the beginning of sub-
chapter XI of chapter 47 of title 10, United States
Code (the Uniform Code of Military Justice), as
amended by section 5541(7) of the National Defense
Authorization Act for Fiscal Year 2017, is further amended in the items relating to sections 936 and 940a (articles 136 and 140a) by striking “Art.”.

(9) The table of sections at the beginning of subchapter XII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), as amended by section 5541(8) of the National Defense Authorization Act for Fiscal Year 2017, is further amended in the items relating to sections 946 and 946a (articles 146 and 146a) by striking “Art.”.

(z) OTHER PROVISIONS OF TITLE 10 IN CONNECTION WITH UCMJ REFORM.—

(1) Section 673(a) of title 10, United States Code, is amended by striking “section 920, 920a, or 920c of this title (article 120, 120a, or 120c of the Uniform Code of Military Justice)” and inserting “section 920, 920c, or 930 of this title (article 120, 120c, or 130 of the Uniform Code of Military Justice)”.

(2) Section 674(a) of such title is amended by striking “section 920, 920a, 920b, 920c, or 925 of this title (article 120, 120a, 120b, 120c, or 125 of the Uniform Code of Military Justice)” and inserting “section 920, 920b, 920c, or 930 of this title (article 120,
120b, 120c, or 130 of the Uniform Code of Military Justice).

(3) Section 1034(c)(2)(A) of such title is amended by striking “sections 920 through 920c of this title (articles 120 through 120c of the Uniform Code of Military Justice)” and inserting “section 920, 920b, 920c, or 930 of this title (article 120, 120b, 120c, or 130 of the Uniform Code of Military Justice)”.

(4) Section 1044e(g)(1) of such title is amended by striking “section 920, 920a, 920b, 920c, or 925 of this title (article 120, 120a, 120b, 120c, or 125 of the Uniform Code of Military Justice)” and inserting “section 920, 920b, 920c, or 930 of this title (article 120, 120b, 120c, or 130 of the Uniform Code of Military Justice)”.

(5) Section 1059(e) of such title is amended—

(A) in paragraph (1)(A)(ii), by striking “the approval of” and all that follows through “as approved,” and inserting “entry of judgment under section 860c of this title (article 60c of the Uniform Code of Military Justice) if the sentence”; and

(B) in paragraph (3)(A), by striking “by a court-martial” the second place it appears and all that follows through “include any such pun-
ishment,’’ and inserting “for a dependent-abuse offense and the conviction is disapproved or is otherwise not part of the judgment under section 860c of this title (article 60c of the Uniform Code of Military Justice) or the punishment is disapproved or is otherwise not part of the judgment under such section (article),”.

(6) Section 1408(h)(10)(A) of such title is amended by striking “the approval” and all that follows and inserting “entry of judgment under section 860c of this title (article 60c of the Uniform Code of Military Justice).”.

(aa) EFFECTIVE DATE.—The amendments made by this section shall take effect immediately after the coming into effect of the amendments made by division E of the National Defense Authorization Act for Fiscal Year 2017, as provided for in section 5542 of that Act.

SEC. 523. PRIORITY OF REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES OF DECISIONS OF COURTS OF CRIMINAL APPEALS ON PETITIONS FOR ENFORCEMENT OF VICTIMS’ RIGHTS.

(a) PRIORITY.—Section 806b(e)(3) of title 10, United States Code (article 6b(e)(3) of the Uniform Code of Military Justice), as amended by section 522(b) of this Act, is
further amended by adding at the end the following new sentence: “Review of any decision on such a petition by the Court of Appeals for the Armed Forces shall have priority in the Court of Appeals for the Armed Forces, as determined under the rules of the Court of Appeals for the Armed Forces.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect immediately after the coming into effect of the following (in the order specified):

(1) The amendments made by division E of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as provided for in section 5542 of that Act.

(2) The amendments made by section 522(b) of this Act, as provided in section 522(aa) of this Act.

SEC. 524. ASSISTANCE OF DEFENSE COUNSEL IN ADDITIONAL POST-TRIAL MATTERS FOR ACCUSED CONVICTED BY COURT-MARTIAL.

(a) ASSISTANCE.—Subsection (c)(2) of section 838 of title 10, United States Code (article 38 of the Uniform Code of Military Justice), is amended by striking “section 860 of this title (article 60)” and inserting “section 860, 860a, or 860b of this title (article 60, 60a, or 60b)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect immediately after the coming
into effect of the amendments made by division E of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as provided for in section 5542 of that Act.

SEC. 525. ENUMERATION OF ADDITIONAL LIMITATIONS ON ACCEPTANCE OF PLEA AGREEMENTS BY MILITARY JUDGES OF GENERAL OR SPECIAL COURTS-MARTIAL.

(a) In General.—Subsection (b) of section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), as added by section 5237 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended—

(1) in paragraph (2), by striking “or” after the semicolon;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

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

“(4) is prohibited by law; or

“(5) is contrary to, or is inconsistent with, a regulation prescribed by the President with respect to terms, conditions, or other aspects of plea agreements.”.
(b) **Effective Date.**—The amendments made by subsection (a) shall take effect immediately after the coming into effect of the amendments made by division E of the National Defense Authorization Act for Fiscal Year 2017, as provided for in section 5542 of that Act.

**SEC. 526. ADDITIONAL PROCEEDINGS BY COURTS OF CRIMINAL APPEALS BY ORDER OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.**

(a) In General.—Subsection (f)(3) of section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), as amended by section 5330 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is further amended—

(1) by inserting after “Court” the first place it appears the following: “of Criminal Appeals”; and

(2) by adding at the end the following new sentence: “If the Court of Appeals for the Armed Forces determines that additional proceedings are warranted, the Court of Criminal Appeals shall order a hearing or other proceeding in accordance with the direction of the Court of Appeals for the Armed Forces.”.

(b) **Effective Date.**—The amendments made by subsection (a) shall take effect immediately after the coming
into effect of the amendments made by division E of the National Defense Authorization Act for Fiscal Year 2017, as provided for in section 5542 of that Act.

SEC. 527. CLARIFICATION OF APPLICABILITY AND EFFECTIVE DATES FOR STATUTE OF LIMITATIONS AMENDMENTS IN CONNECTION WITH UNIFORM CODE OF MILITARY JUSTICE REFORM.

(a) Applicability of Certain Amendments.—Effective as of December 23, 2016, and immediately after the enactment of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), to which such amendment relates, section 5225(f) of that Act is amended by striking “this subsection” and inserting “this section”.

(b) Child Abuse Offenses.—With respect to offenses committed before the date designated by the President under section 5542(a) of the National Defense Authorization Act for Fiscal Year 2017, subsection (b)(2)(B) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), shall be applied as in effect on December 22, 2016.

(c) Fraudulent Enlistment or Appointment Offenses.—With respect to the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 and ending on the day before the date designated by the President under section 5542(a) of that
Act, in the application of subsection (h) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), as added by section 5225(b) of that Act, the reference in such subsection (h) to section 904a(1) of title 10, United States Code (article 104a(1) of the Uniform Code of Military Justice), shall be deemed to be a reference to section 883(1) of title 10, United States Code (article 83(1) of the Uniform Code of Military Justice).

SEC. 528. MODIFICATION OF YEAR OF INITIAL REVIEW BY MILITARY JUSTICE REVIEW PANEL OF UNIFORM CODE OF MILITARY JUSTICE REFORM AMENDMENTS.

(a) IN GENERAL.—Subsection (f)(1) of section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), as amended by section 5521 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is further amended by striking “fiscal year 2020” and inserting “fiscal year 2021”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect immediately after the coming into effect of the amendments made by division E of the National Defense Authorization Act for Fiscal Year 2017, as provided for in section 5542 of that Act.
SEC. 529. CLARIFICATION OF APPLICABILITY OF CERTAIN PROVISIONS OF LAW TO CIVILIAN JUDGES OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW.

Section 950f(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) For purposes of sections 203, 205, 207, 208, and 209 of title 18, the term ‘special Government employee’ shall include a judge of the Court appointed under paragraph (3).

“(B) A person appointed as a judge of the Court under paragraph (3) shall be considered to be an officer or employe of the United States with respect to such person’s status as a judge, but only during periods in which such person is performing the duties of such a judge. Any provision of law that prohibits or limits the political or business activities of an employee of the United States shall only apply to such a judge during such periods.”.

SEC. 530. ENHANCEMENT OF EFFECTIVE PROSECUTION AND DEFENSE IN COURTS-MARTIAL AND RELATED MATTERS.

(a) ADDITIONAL ELEMENT IN PROGRAM FOR EFFECTIVE PROSECUTION AND DEFENSE.—Subsection (a)(1) of section 542 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2126; 10 U.S.C. 827 note) is amended by inserting before the
semicolon the following: “or there is adequate supervision and oversight of trial counsel and defense counsel so detailed to ensure effective prosecution and defense in the court-martial.”

(b) ASSIGNMENT OF CIVILIAN EMPLOYEES TO SUPERVISE LESS EXPERIENCED JUDGE ADVOCATES IN PROSECUTION AND DEFENSE.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) ASSIGNMENT OF CIVILIAN EMPLOYEES TO SUPERVISE LESS EXPERIENCED JUDGE ADVOCATES IN PROSECUTION AND DEFENSE.—

“(1) ASSIGNMENT AUTHORIZED.—The Secretary concerned may assign the function of supervising and overseeing prosecution or defense in courts-martial by less experienced judge advocates to civilian employees of the military department concerned or the Department of Homeland Security, as applicable, who have extensive litigation expertise.

“(2) STATUS AS SUPERVISOR.—A civilian employee assigned to supervise and oversee the prosecution or defense in a court-martial pursuant to this subsection is not required to be detailed to the case,
but must be reasonably available for consultation during court-martial proceedings.”.

(c) PILOT PROGRAMS ON PROFESSIONAL DEVELOPMENTAL PROCESS FOR JUDGE ADVOCATES.—Subsection (d) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) in paragraph (1), striking “establishing” and all that follows and inserting “a military justice career track for judge advocates under the jurisdiction of the Secretary.”;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) ELEMENTS.—Each pilot program shall include the following:

“(A) A military justice career track for judge advocates that leads to judge advocates with military justice expertise in the grade of colonel, or in the grade of captain in the case of judge advocates of the Navy.

“(B) The use of skill identifiers to identify judge advocates for participation in the pilot program from among judge advocates having ap-
propriate skill and experience in military justice
matters.

“(C) Guidance for promotion boards consid-
ering the selection for promotion of officers par-
ticipating in the pilot program in order to en-
sure that judge advocates who are participating
in the pilot program have the same opportunity
for promotion as all other judge advocate officers
being considered for promotion by such boards.

“(D) Such other matters as the Secretary
concerned considers appropriate.”.

SEC. 531. COURT OF APPEALS FOR THE ARMED FORCES JU-
RISDICTION TO REVIEW INTERLOCUTORY AP-
PEALS OF DECISIONS ON CERTAIN PETITIONS
FOR WRITS OF MANDAMUS.

Section 806b(e) of title 10, United States Code (article
6b(e) of the Uniform Code of Military Justice), is amend-
ed—

(1) in paragraph (1), by striking “paragraph
(4)”and inserting “paragraph (5)”;

(2) by redesignating paragraph (4) as para-
graph (5); and

(3) by inserting after paragraph (3) the fol-
lowing new paragraph (4):
“(4) The Court of Appeals for the Armed Forces may review for legal error a grant or denial of a petition for a writ of mandamus under this subsection by the Court of Criminal Appeals, upon petition of a victim of an offense under this chapter or of the accused, and on good cause shown. Any such review shall, to the extent practicable, have priority over all other proceedings of the Court of Appeals.”.

SEC. 532. PUNITIVE ARTICLE ON WRONGFUL BROADCAST OR DISTRIBUTION OF INTIMATE VISUAL IMAGES OR VISUAL IMAGES OF SEXUALLY EXPLICIT CONDUCT UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) PROHIBITION.—Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 917 (article 117 of the Uniform Code of Military Justice) the following new section (article):

“§917a. Art. 117a. Wrongful broadcast or distribution of intimate visual images

“(a) PROHIBITION.—Any person subject to this chapter who—

“(1) knowingly and wrongfully broadcasts or distributes an intimate visual image of another person or a visual image of sexually explicit conduct involving a person who—
“(A) is at least 18 years of age at the time
the intimate visual image or visual image of sex-
ually explicit conduct was created;

“(B) is identifiable from the intimate visual
image or visual image of sexually explicit con-
duct itself, or from information displayed in
connection with the intimate visual image or
visual image of sexually explicit conduct; and

“(C) does not explicitly consent to the
broadcast or distribution of the intimate visual
image or visual image of sexually explicit con-
duct;

“(2) knows or reasonably should have known
that the intimate visual image or visual image of sex-
ually explicit conduct was made under circumstances
in which the person depicted in the intimate visual
image or visual image of sexually explicit conduct re-
tained a reasonable expectation of privacy regarding
any broadcast or distribution of the intimate visual
image or visual image of sexually explicit conduct;
and

“(3) knows or reasonably should have known
that the broadcast or distribution of the intimate vis-
ual image or visual image of sexually explicit conduct
is likely—
“(A) to cause harm, harassment, intimidation, emotional distress, or financial loss for the person depicted in the intimate visual image or visual image of sexually explicit conduct; or

“(B) to harm substantially the depicted person with respect to that person’s health, safety, business, calling, career, financial condition, reputation, or personal relationships,

is guilty of wrongful distribution of intimate visual images or visual images of sexually explicit conduct and shall be punished as a court-martial may direct.

“(b) DEFINITIONS.—In this section (article):

“(1) BROADCAST.—The term ‘broadcast’ means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

“(2) DISTRIBUTE.—The term ‘distribute’ means to deliver to the actual or constructive possession of another person, including transmission by mail or electronic means.

“(3) INTIMATE VISUAL IMAGE.—The term ‘intimate visual image’ means a visual image that depicts a private area of a person.

“(4) PRIVATE AREA.—The term ‘private area’ means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.
“(5) Reasonable expectation of privacy.—

The term ‘reasonable expectation of privacy’ refers to circumstances in which a reasonable person would believe that an intimate visual image of the person, or a visual image of sexually explicit conduct involving the person, would not be broadcast or distributed to another person.

“(6) Sexually explicit conduct.—The term ‘sexually explicit conduct’ means actual or simulated genital-genital contact, oral-genital contact, anal-genital contact, or oral-anal contact, whether between persons of the same or opposite sex, bestiality, masturbation, or sadistic or masochistic abuse.

“(7) Visual image.—The term ‘visual image’ means the following:

“(A) Any developed or undeveloped photograph, picture, film or video.

“(B) Any digital or computer image, picture, film, or video made by any means, including those transmitted by any means, including streaming media, even if not stored in a permanent format.

“(C) Any digital or electronic data capable of conversion into a visual image.”.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 917 (article 117) the following new item:

“917a. 117a. Wrongful broadcast or distribution of intimate visual images.”.

SEC. 533. REPORT ON AVAILABILITY OF POSTSECONDARY CREDIT FOR SKILLS ACQUIRED DURING MILITARY SERVICE.

Not later than 60 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of Veterans Affairs, Education, and Labor, shall submit to Congress a report on the transfer of skills into equivalent postsecondary credits or technical certifications for members of the armed forces leaving the military. Such report shall describe each the following:

(1) Each skill that may be acquired during military service that is eligible for transfer into an equivalent postsecondary credit or technical certification.

(2) The academic level of the equivalent postsecondary credit or technical certification for each such skill.

(3) Each academic institution that awards an equivalent postsecondary credit or technical certification for such skills, including—
(A) each such academic institution’s status as a public or private institution, and as a non-profit or for-profit institution; and

(B) the number of veterans that applied to such academic institution who were able to receive equivalent postsecondary credits or technical certifications in the preceding fiscal year, and the academic level of the credits or certifications.

(4) The number of members of the armed forces who left the military in the preceding fiscal year, and the number of such members who met with an academic or technical training advisor as part of the member’s participation in the Transition Assistance Program of the Department of Defense.

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

SEC. 541. READY, RELEVANT LEARNING INITIATIVE OF THE NAVY.

(a) CERTIFICATIONS REQUIRED.—Not later than October 1, 2017, and each year thereafter, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a certification on the status of implementation of the Ready, Relevant
Learning initiative of the Navy for each applicable enlisted rating.

(b) ELEMENTS.—Each certification under subsection (a) shall include the following:

(1) A certification by the Commander of the United States Fleet Forces Command that the block learning and modernized delivery methods of the Ready, Relevant Learning initiative to be implemented during the fiscal year beginning in which such certification is submitted will meet or exceed the existing training delivery approach for all associated training requirements.

(2) A certification by the Secretary that the content re-engineering necessary to meet all training objectives and transition from the traditional training curriculum to the modernized delivery format to be implemented during such fiscal year will be complete prior to such transition, including full functionality of all required course software and hardware.

(3) A detailed cost estimate of transitioning to the block learning and modernized delivery approaches to be implemented during such fiscal year with funding listed by purpose, amount, appropriations account, budget program element or line item, and end strength adjustments.
(4) A detailed phasing plan associated with transitioning to the block learning and modernized delivery approaches to be implemented during such fiscal year, including the current status, timing, and identification of reductions in “A” school and “C” school courses, curricula, funding, and personnel.

(5) A certification by the Secretary that—

(A) the contracting strategy associated with transitioning to the modernized delivery approach to be implemented during such fiscal year has been completed; and

(B) contracting actions contain sufficient specification detail to enable a low risk approach to receiving the deliverable end item or items on-budget, on-schedule, and with satisfactory performance.

SEC. 542. ELEMENT IN PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES ON ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS OF CERTAIN VETERANS THROUGH THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:
“(18) A description, developed in consultation with the Secretary of Veterans Affairs, of the assistance and support services for family caregivers of eligible veterans under the program conducted by the Secretary of Veterans Affairs pursuant to section 1720G of title 38, including the veterans covered by the program, the caregivers eligible for assistance and support through the program, and the assistance and support available through the program.”.

(b) Participation of Potential Caregivers in Appropriate Preseparation Counseling.—

(1) In general.—In accordance with procedures established by the Secretary of Defense, each Secretary of a military department shall take appropriate actions to achieve the following:

(A) To determine whether each member of the Armed Forces under the jurisdiction of such Secretary who is undergoing preseparation counseling pursuant to section 1142 of title 10, United States Code (as amended by subsection (a)), and who may require caregiver services after separation from the Armed Forces has identified an individual to provide such services after the member’s separation.
(B) In the case of a member described in subparagraph (A) who has identified an individual to provide caregiver services after the member’s separation, at the election of the member, to permit such individual to participate in appropriate sessions of the member’s preseparation counseling in order to inform such individual of—

(i) the assistance and support services available to caregivers of members after separation from the Armed Forces; and

(ii) the manner in which the member’s transition to civilian life after separation may likely affect such individual as a caregiver.

(2) CAREGIVERS.—For purposes of this subsection, individuals who provide caregiver services refers to individuals (including a spouse, partner, parent, sibling, adult child, other relative, or friend) who provide physical or emotional assistance to former members of the Armed Forces during and after their transition from military life to civilian life following separation from the Armed Forces.

(3) DEADLINE FOR COMMENCEMENT.—Each Secretary of a miliary department shall commence the
actions required pursuant to this subsection by not later than 180 days after the date of the enactment of this Act.

SEC. 543. DISCHARGE IN THE SELECTED RESERVE OF THE COMMISSIONED SERVICE OBLIGATION OF MILITARY SERVICE ACADEMY GRADUATES WHO PARTICIPATE IN PROFESSIONAL ATHLETICS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) That, if upon graduation the cadet obtains employment as a professional athlete in lieu of the acceptance of an appointment tendered under paragraph (2), the cadet—

“(A) will accept an appointment as a commissioned officer as a Reserve in the Army for service in the Army Reserve; and

“(B) will remain in that reserve component as a member of the Selected Reserve until completion of the commissioned service obligation of the cadet.”.

(b) UNITED STATES NAVAL ACADEMY.—Section 6959(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:
“(5) That, if upon graduation the midshipman obtains employment as a professional athlete in lieu of the acceptance of an appointment tendered under paragraph (2), the midshipman—
“(A) will accept an appointment as a commissioned officer as a Reserve in the Navy for service in the Navy Reserve or the Marine Corps Reserve; and
“(B) will remain in that reserve component as a member of the Selected Reserve until completion of the commissioned service obligation of the midshipman.”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:
“(5) That, if upon graduation the cadet obtains employment as a professional athlete in lieu of the acceptance of an appointment tendered under paragraph (2), the cadet—
“(A) will accept an appointment as a commissioned officer as a Reserve in the Air Force for service in the Air Force Reserve; and
“(B) will remain in that reserve component as a member of the Selected Reserve until com-
pletion of the commissioned service obligation of the cadet.”.

(d) APPLICATION OF AMENDMENTS.—The Secretaries of the military departments shall promptly revise the cadet and midshipman service agreements under sections 4348, 6959, and 9348 of title 10, United States Code, to reflect the amendments made by this section. The revised agreement shall apply to cadets and midshipmen who are attending the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on the date of the enactment of this Act and to persons who begin attendance at such military service academies on or after that date.

SEC. 544. PILOT PROGRAMS ON APPOINTMENT IN THE EXCEPTED SERVICE IN THE DEPARTMENT OF DEFENSE OF PHYSICALLY DISQUALIFIED FORMER CADETS AND MIDSHIPMEN.

(a) Pilot Programs Authorized.—

(1) In general.—Each Secretary of a military department may carry out a pilot program under which former cadets or midshipmen described in paragraph (2) (in this section referred to as “eligible individuals”) under the jurisdiction of such Secretary may be appointed by the Secretary of Defense in the
excepted service under section 3320 of title 5, United States Code, in the Department of Defense.

(2) CADETS AND MIDSHIPMEN.—Except as provided in paragraph (3), a former cadet or midshipman described in this paragraph is any former cadet at the United States Military Academy or the United States Air Force Academy, and any former midshipman at the United States Naval Academy, who—

(A) completed the prescribed course of instruction and graduated from the applicable service academy; and

(B) is determined to be medically disqualified to complete a period of active duty in the Armed Forces prescribed in an agreement signed by such cadet or midshipman in accordance with section 4348, 6959, or 9348 of title 10, United States Code.

(3) EXCEPTION.—A former cadet or midshipman whose medical disqualification as described in paragraph (2)(B) is the result of the gross negligence or misconduct of the former cadet or midshipman is not an eligible individual for purposes of appointment under a pilot program.
(b) PURPOSE.—The purpose of the pilot programs is to evaluate the feasibility and advisability of permitting eligible individuals who cannot accept a commission or complete a period of active duty in the Armed Forces prescribed by the Secretary of the military department concerned to fulfill an obligation for active duty service in the Armed Forces through service as a civilian employee of the Department of Defense.

(c) POSITIONS.—

(1) IN GENERAL.—The positions to which an eligible individual may be appointed under a pilot program are existing positions within the Department of Defense in grades up to GS–9 under the General Schedule under section 5332 of title 5, United States Code (or equivalent). The authority in subsection (a) does not authorize the creation of additional positions, or create any vacancies to which eligible individuals may be appointed under a pilot program.

(2) TERM POSITIONS.—Any appointment under a pilot program shall be to a position having a term of five years or less.

(d) SCOPE OF AUTHORITY.—

(1) RECRUITMENT AND RETENTION OF ELIGIBLE INDIVIDUALS.—The authority in subsection (a) may be used only to the extent necessary to recruit and re-
tain on a non-competitive basis cadets and mid-
shipmen who are relieved of an obligation for active
duty in the Armed Forces due to becoming medically
disqualified from serving on active duty in the Armed
Forces, and may not be used to appoint any other indi-
viduals in the excepted service.

(2) Voluntary Acceptance of Appointments.—A pilot program may not be used as an im-
plicit or explicit basis for compelling an eligible indi-
vidual to accept an appointment in the excepted serv-
ice in accordance with this section.
(e) Relationship to Repayment Provisions.—
Completion of a term appointment pursuant to a pilot pro-
gram shall relieve the eligible individual concerned of any
repayment obligation under section 303a(e) or 373 of title
37, United States Code, with respect to the agreement of
the individual described in subsection (b)(2)(B).

(f) Termination.—

(1) In General.—The authority to appoint eli-
gible individuals in the excepted service under a pilot
program shall expire on the date that is four years
after the date of the enactment of this Act.

(2) Effect on Existing Appointments.—The
termination by paragraph (1) of the authority in sub-
section (a) shall not affect any appointment made
under that authority before the termination date specified in paragraph (1) in accordance with the terms of such appointment.

SEC. 545. LIMITATION ON AVAILABILITY OF FUNDS FOR ATTENDANCE OF AIR FORCE ENLISTED PERSONNEL AT AIR FORCE OFFICER PROFESSIONAL MILITARY EDUCATION IN-RESIDENCE COURSES.

(a) LIMITATION.—None of the funds authorized to be appropriated or otherwise available for the Department of the Air Force may be obligated or expended for the purpose of the attendance of Air Force enlisted personnel at Air Force officer professional military education (PME) in-residence courses until the later of—

(1) the date on which the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and the House of Representatives, and to the Comptroller General of the United States, a report on the attendance of such personnel at such courses as described in subsection (b);

(2) the date on which the Comptroller General submits to such committees the report setting forth an assessment of the report under paragraph (1) as described in subsection (c); or
(3) 180 days after the date of the enactment of this Act.

(b) SECRETARY OF THE AIR FORCE REPORT.—The report of the Secretary described in subsection (a)(1) shall include the following:

(1) The purpose of the attendance of Air Force enlisted personnel at Air Force officer professional military education in-residence courses.

(2) The objectives for the attendance of such enlisted personnel at such officer professional military education courses.

(3) The required prerequisites for such enlisted personnel to attend such officer professional military education courses.

(4) The process for selecting such enlisted personnel to attend such officer professional military education courses.

(5) The impact of the attendance of such enlisted personnel at such officer professional military education courses on the availability of officer allocations for the attendance of officers at such courses.

(6) The impact of the attendance of such enlisted personnel at such officer professional military education courses on the morale and retention of officers attending such courses.
(7) The resources required for such enlisted personnel to attend such officer professional military education courses.

(8) The impact on unit and overall Air Force manning levels of the attendance of such enlisted personnel at such officer professional military education courses, especially at the statutorily-limited end strengths of grades E–8 and E–9.

(9) The extent to which graduation by such enlisted personnel from such officer professional military education courses is a requirement for Air Force or joint assignments.

(10) The planned assignment utilization for Air Force enlisted graduates of such officer professional military education courses.

(11) Any other matters in connection with the attendance of such enlisted personnel at such officer professional military education courses that the Secretary considers appropriate.

(c) Comptroller General of the United States Report.—

(1) In general.—Not later than 90 days after the date the Secretary submits the report described in subsection (a)(1), the Comptroller General shall submit to the Committees on Armed Services of the Sen-
ate and the House of Representatives a briefing on an
assessment of the report by the Comptroller General.
As soon as practicable after the briefing, the Com-
troller General shall submit to such committees a re-
port on such assessment for purposes of subsection
(a)(2).

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

(A) An assessment of whether the conclu-
sions and assertions included in the report of the
Secretary under subsection (a) are comprehen-
sive, fully supported, and sufficiently detailed.

(B) An identification of any shortcomings,
limitations, or other reportable matters that af-
flect the quality of the findings or conclusions of
the report of the Secretary.

SEC. 546. PILOT PROGRAM ON INTEGRATION OF DEPART-
MENT OF DEFENSE AND NON-FEDERAL EF-
FORTS FOR CIVILIAN EMPLOYMENT OF MEM-
BERS OF THE ARMED FORCES FOLLOWING
TRANSITION FROM ACTIVE DUTY TO CIVILIAN
LIFE.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall
conduct a pilot program to assess the feasibility and
advisability of assisting members of the Armed Forces described in subsection (c) who are undergoing the transition from active duty in the Armed Forces to civilian life by accelerating and improving their access to employment following their transition to civilian life through the coordination, integration, and leveraging of existing programs and authorities of the Department of Defense for such purposes with programs and resources of State and local agencies, institutions of higher education, employers, and other public, private, and nonprofit entities applicable to the pilot program.

(2) **Existing Community Programs and Resources.**—For purposes of this section, existing programs and resources of State and local agencies, institutions of higher education, employers, and other public, private, and nonprofit entities described in paragraph (1) in the vicinity of a location of the pilot program are referred to as the “existing community programs and resources” in that vicinity.

(b) **Goals.**—The goals of the pilot program shall be as follows:

(1) To facilitate the coordination of existing community programs and resources in the locations of the pilot program in order to identify a model for the
coordination of such programs and authorities that can be replicated nationwide in communities in which members of the Armed Forces described in subsection (c) are undergoing the transition from active duty to civilian life.

(2) To identify mechanisms by which the Department of Defense and existing community programs and resources may work with employers and members of the Armed Forces described in subsection (c) in order to—

(A) identify workforce needs that may be satisfiable by such members following their transition to civilian life;

(B) identify military occupational skills that may satisfy the workforce needs identified pursuant to subparagraph (A); and

(C) identify gaps in the training of members of the Armed Forces that may require remediation in order to satisfy workforce needs identified pursuant to subparagraph (A), and identify mechanisms by which members of the Armed Forces described in subsection (c) may receive training to remediate such gaps.

(3) To identify mechanisms to assist members of the Armed Forces described in subsection (c) in bridg-
ing geographical gaps between their final military in-
stallations and nearby metropolitan areas in which
employment and necessary training are likely to be
available to such members during or following their
transition to civilian life.

(c) COVERED MEMBERS.—The members of the Armed
Forces described in this subsection are the following:

(1) Regular members of the Armed Forces who
are within 180 days of discharge or release from the
Armed Forces.

(2) Members of the reserve components of the
Armed Forces (whether National Guard or Reserve)
who are on active duty for a period of more than 365
days and are within 180 days of release from such ac-
tive duty.

(d) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out
the pilot program at not less than five locations se-
lected by the Secretary for purposes of the pilot pro-
gram.

(2) SELECTION REQUIREMENTS.—Each location
selected pursuant to paragraph (1) shall—

(A) include a military installation—
(i) that has a well-established military-
civilian community relationship with the
civilian communities nearby; and

(ii) at which serves an appropriate
population of members of the Armed Forces
described in subsection (c);

(B) have a large employment or industry
base that supports a variety of occupational op-
portunities;

(C) have appropriate institutional infra-
structure for the provision of worker training;
and

(D) take place in a different geographic re-
gion of the United States.

(e) ELEMENTS.—At each location selected for the pilot
program there shall be the following:

(1) A mechanism to identify existing community
programs and resources for participation in the pilot
program, including programs and resources that are
currently working with programs and authorities of
the Department of Defense to assist members of the
Armed Forces described in subsection (c), and, espe-
cially, programs and resources that are recognized as
engaging in best practices in working with such pro-
grams and authorities of the Department.
(2) A mechanism to assess the willingness of employers in the vicinity of such location to participate in the pilot program and employ members of the Armed Forces participating in the pilot program following their transition to civilian life.

(3) A mechanism to assess the willingness of the State in which such location is located to recognize military training for credit for professional and occupational licenses.

(4) A civilian community coordinator for the pilot program, who shall be responsible for implementation and execution of the pilot program for the Department, and for coordinating existing community programs and resources, at such location by—

(A) pursuing a multi-faceted outreach and engagement strategy that leverages relationships with appropriate public, private, and nonprofit entities in the vicinity of such location for purposes of the pilot program;

(B) developing and implementing a program using existing resources, infrastructure, and experience to maximize the benefits of the pilot program for members of the Armed Forces participating in the pilot program by minimizing the time required for completion of train-
ing provided to such members under the pilot program, which program shall—

(i) compliment continuing Department efforts to assist members of the Armed Forces in their transition from active duty in the Armed Forces to civilian life and to coordinate with existing veteran employment programs for purposes of such efforts;

(ii) provide for the cultivation of a network of partners among the entities described in subparagraph (A) in order to maximize the number of opportunities for civilian employment for members of the Armed Forces participating in the pilot program following their transition to civilian life;

(iii) provide for the use of comprehensive assessments of the military experience gained by members of the Armed Forces participating in the pilot program in order to assist them in obtaining civilian employment relating to their military occupations following their transition to civilian life;

(iv) seek to secure for members of the Armed Forces participating in the pilot
program maximum credit for prior military service in their pursuit of civilian employment following their transition to civilian life;

(v) seek to eliminate unnecessary and redundant elements of the training provided for purposes of the pilot program to members of the Armed Forces participating in the pilot program;

(vi) seek to minimize the time required for members of the Armed Forces participating in the pilot program in obtaining skills, credentials, or certifications required for civilian employment following their transition to civilian life; and

(vii) provide for the continuous collection of data and feedback from employers in the vicinity of such location in order to tailor training provided to members of the Armed Forces for purposes of the pilot program to meet the needs of such employers.

(5) A plan of action for delivering additional training and credentialing modules for members of the Armed Forces described in subsection (c) in order to seek to provide such members with skills that are
in high demand in the vicinity and region of such location.

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the commencement of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include, for each location selected for the pilot program pursuant to subsection (d), the following:

(A) A full description of the pilot program, including—

(i) the number of members of the Armed Forces participating in the pilot program;

(ii) the outreach to public, private, and nonprofit entities conducted for purposes of the pilot program to encourage such entities to participate in the pilot program;

(iii) the entities participating in the pilot program, set forth by employment sector;

(iv) the number of members participating in the pilot program who obtained
employment with an entity participating in
the pilot program, set forth by employment
sector;

(v) a description of any additional
training provided to members participating
in the pilot program for purposes of the
pilot program, including the amount of
time required for such additional training;
and

(vi) a description of the cost of the
pilot program.

(B) A current assessment of the effect of the
pilot program on Department of Defense and
community efforts to assist members of the
Armed Forces described in subsection (c) in ob-
taining civilian employment following their
transition to civilian life.

(2) FINAL REPORT.—Not later than 90 days be-
before the date on which the pilot program terminates,
the Secretary shall submit to the Committees on
Armed Services of the Senate and the House of Rep-
resentatives an update of the report submitted under
paragraph (1).

(g) CONSTRUCTION.—Nothing in this section may be
construed to authorize the Secretary to hire additional em-

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ployees for the Department of Defense to carry out the pilot program.

(h) TERMINATION.—The authority of the Secretary to carry out the pilot program shall terminate on the date that is two years after the date on which the pilot program commences.

SEC. 547. TWO-YEAR EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAM FOR THE NATIONAL GUARD AND RESERVES.

Section 10219(g) of title 10, United States Code, is amended by striking “October 1, 2018” and inserting “October 1, 2020”.

SEC. 548. SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING FOR ALL INDIVIDUALS ENLISTED IN THE ARMED FORCES UNDER A DELAYED ENTRY PROGRAM.

(a) TRAINING REQUIRED.—Commencing not later than January 1, 2018, each Secretary concerned shall, insofar as practicable, provide training on sexual assault prevention and response to each individual under the jurisdiction of such Secretary who is enlisted in the Armed Forces under a delayed entry program such that each such individual completes such training before the date of commencement of basic training or initial active duty for training in the Armed Forces.
(b) ELEMENTS.—

(1) IN GENERAL.—The training provided pursuant to subsection (a) shall meet such requirements as the Secretary of Defense shall establish for purposes of this section. Such training shall, to the extent practicable, be uniform across the Armed Forces.

(2) SENSE OF CONGRESS ON PROVISION AND NATURE OF TRAINING.—It is the sense of Congress that the training should—

(A) be provided through in-person instruction, whenever possible; and

(B) include instruction on the proper use of social media.

(c) DEFINITIONS.—In this section:

(1) The term “delayed entry program” means the following:

(A) The Future Soldiers Program of the Army.

(B) The Delayed Entry Program of the Navy and the Marine Corps.

(C) The program of the Air Force for the delayed entry of enlistees into the Air Force.

(D) The program of the Coast Guard for the delayed entry of enlistees into the Coast Guard.
(E) Any successor program to a program referred to in subparagraphs (A) through (D).

(2) The term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 549. USE OF ASSISTANCE UNDER DEPARTMENT OF DEFENSE TUITION ASSISTANCE PROGRAM FOR NON-TRADITIONAL EDUCATION TO DEVELOP CYBERSECURITY AND COMPUTER CODING SKILLS.

(a) BRIEFING ON USE REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide the Committees on Armed Services of the Senate and the House of Representatives a briefing on the feasibility and advisability of the enactment into law of the authority described in subsection (b).

(b) AUTHORITY.—The authority described in this subsection is authority for a member of the Armed Forces who is eligible for tuition assistance under the Department of Defense Tuition Assistance (TA) Program to use such assistance at or with an educational institution described in subsection (c) for courses or programs of education of such educational institution in connection with the following:

(1) Cybersecurity skills or related skills.

(2) Computer coding skills or related skills.
(c) **Educational Institutions.**—

(1) **In General.**—An educational institution described in this subsection is an educational institution not otherwise approved for participation in the Department of Defense Tuition Assistance Program that receives approval from the Department of Defense for participation in the program for courses or programs of education described in subsection (b).

(2) **Approval.**—Any approval of the participation of an educational institution in the Program under this subsection would be granted by the Under Secretary of Defense for Personnel and Readiness in accordance with such guidance as the Under Secretary would issue for purposes of this section.

(3) **Memoranda of Understanding.**—The Under Secretary would enter into a memorandum of understanding with each educational institution approved for participation in the Program pursuant to this subsection regarding the participation of such educational institution in the Program. Each memorandum of understanding would set forth such terms and conditions regarding the participation of the educational institution concerned in the Program, including terms and conditions applicable to the courses or programs for which tuition assistance under the...
Program could be used, as the Under Secretary would consider appropriate for purposes of this section.

(d) COURSES AND PROGRAMS.—The courses and programs of education for which tuition assistance could be used pursuant to the authority in subsection (b) would include the following:

(1) Massive online open courses (MOOCs).

(2) Short-term certification courses, including so-called computer coding “boot camps”.

(3) Such other non-traditional courses and programs of education leading to skills specified in subsection (b) as the Under Secretary would consider appropriate for purposes of this section.

SEC. 550. SENSE OF SENATE ON INCREASING ENROLLMENT IN SENIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAMS AT MINORITY-SERVING INSTITUTIONS.

(a) SENSE OF SENATE.—It is the sense of the Senate that the Armed Forces should take appropriate actions to increase enrollment in Senior Reserve Officers’ Training Corps (SROTC) programs at minority-serving institutions.

(b) MINORITY-SERVING INSTITUTION DEFINED.—In this section, the term “minority-serving institution” means an institution of higher education described in section
Subtitle F—Defense Dependents’ Education and Military Family Readiness Matters

PART I—DEFENSE DEPENDENTS’ EDUCATION MATTERS

SEC. 551. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2018 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

(b) USE OF CERTAIN AMOUNT.—Of the amount available under subsection (a) for payments as described in that subsection, $5,000,000 shall be available for such payments to local educational agencies determined by the Secretary of Defense, in the discretion of the Secretary, to have higher concentrations of military children with severe disabilities.
SEC. 552. 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 2018 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 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) Local Educational Agency Defined.—In this section, the term “local educational agency” has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 553. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.

PART II—MILITARY FAMILY READINESS MATTERS

SEC. 556. HOUSING TREATMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES, AND THEIR SPOUSES AND OTHER DEPENDENTS, UNDERGOING A PERMANENT CHANGE OF STATION WITHIN THE UNITED STATES.

(a) HOUSING TREATMENT.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section:

“§ 403a. Housing treatment for certain members of the armed forces, and their spouses and other dependents, undergoing a permanent change of station within the United States

“(a) HOUSING TREATMENT FOR CERTAIN MEMBERS WHO HAVE A SPOUSE OR OTHER DEPENDENTS.—

“(1) HOUSING TREATMENT REGULATIONS.—The Secretary of Defense shall prescribe regulations that permit a member of the armed forces described in paragraph (2) who is undergoing a permanent change of station within the United States to request the housing treatment described in subsection (b) during the covered relocation period of the member.
“(2) Eligible Members.—A member described in this paragraph is any member who—

“(A) has a spouse who is gainfully employed or enrolled in a degree, certificate or license granting program at the beginning of the covered relocation period;

“(B) has one or more dependents attending an elementary or secondary school at the beginning of the covered relocation period;

“(C) has one or more dependents enrolled in the Exceptional Family Member Program; or

“(D) is caring for an immediate family member with a chronic or long-term illness at the beginning of the covered relocation period.

“(b) Housing Treatment.—

“(1) Continuation of Housing for the Spouse and Other Dependents.—If a spouse or other dependent of a member whose request under subsection (a) is approved resides in Government-owned or Government-leased housing at the beginning of the covered relocation period, the spouse or other dependent may continue to reside in such housing during a period determined in accordance with the regulations prescribed pursuant to this section.
“(2) **Early Housing Eligibility.**—If a spouse or other dependent of a member whose request under subsection (a) is approved is eligible to reside in Government-owned or Government-leased housing following the member’s permanent change of station within the United States, the spouse or other dependent may commence residing in such housing at any time during the covered relocation period.

“(3) **Temporary Use of Government-Owned or Government-Leased Housing Intended for Members Without a Spouse or Dependent.**—If a spouse or other dependent of a member relocates at a time different from the member in accordance with a request approved under subsection (a), the member may be assigned to Government-owned or Government-leased housing intended for the permanent housing of members without a spouse or dependent until the member’s detachment date or the spouse or other dependent’s arrival date, but only if such Government-owned or Government-leased housing is available without displacing a member without a spouse or dependent at such housing.

“(4) **Equitable Basic Allowance for Housing.**—If a spouse or other dependent of a member relocates at a time different from the member in accord-
ance with a request approved under subsection (a),
the amount of basic allowance for housing payable
may be based on whichever of the following areas the
Secretary concerned determines to be the most equi-
table:

“(A) The area of the duty station to which
the member is reassigned.

“(B) The area in which the spouse or other
dependent resides, but only if the spouse or other
dependent resides in that area when the member
departs for the duty station to which the member
is reassigned, and only for the period during
which the spouse or other dependent resides in
that area.

“(C) The area of the former duty station of
the member, but only if that area is different
from the area in which the spouse or other de-
dependent resides.

“(c) Rule of Construction Related to Certain
Basic Allowance for Housing Payments.—Nothing in
this section shall be construed to limit the payment or the
amount of basic allowance for housing payable under sec-
tion 403(d)(3)(A) of this title to a member whose request
under subsection (a) is approved.
“(d) Inapplicability to Coast Guard.—This section does not apply to members of the Coast Guard.

“(e) Housing Treatment Education.—The regulations prescribed pursuant to this section shall ensure the relocation assistance programs under section 1056 of title 10 include, as part of the assistance normally provided under such section, education about the housing treatment available under this section.

“(f) Definitions.—In this section:

“(1) Covered relocation period.—(A) Subject to subparagraph (B), the term ‘covered relocation period’, when used with respect to a permanent change of station of a member of the armed forces, means the period that—

“(i) begins 180 days before the date of the permanent change of station; and

“(ii) ends 180 days after the date of the permanent change of station.

“(B) The regulations prescribed pursuant to this section may provide for a shortening or lengthening of the covered relocation period of a member for purposes of this section.

“(2) Dependent.—The term ‘dependent’ has the meaning given that term in section 401 of this title.
“(3) PERMANENT CHANGE OF STATION.—The term ‘permanent change of station’ means a permanent change of station described in section 452(b)(2) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 such title is amended by inserting after the item relating to section 403 the following new item:

“403a. Housing treatment for certain members of the armed forces, and their spouses and other dependents, undergoing a permanent change of station within the United States.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2018.

SEC. 557. DIRECT HIRE AUTHORITY FOR DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Secretary of Defense may, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, recruit and appoint qualified childcare services providers to positions within the Department of Defense child development centers.

(b) REGULATIONS.—The Secretary shall carry out this section in accordance with regulations prescribed by the Secretary for purposes of this section.

(c) DEADLINE FOR IMPLEMENTATION.—The Secretary shall prescribe the regulations required by subsection (b),
and commence implementation of subsection (a), by not later than May 1, 2018.

(d) Childcare Services Provider Defined.—In this section, the term “childcare services provider” means a person who provides childcare services for dependent children of members of the Armed Forces and civilian employees of the Department of Defense in child development centers on Department installations.

SEC. 558. REPORT ON EXPANDING AND CONTRACTING FOR CHILDCARE SERVICES OF THE DEPARTMENT OF DEFENSE.

Not later than March 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment, undertaken by the Secretary for purposes of the report, of the feasibility and advisability of the following:

(1) Expanding the operating hours of childcare facilities of the Department of Defense in order to meet childcare services requirements for swing-shift, night-shift, and weekend workers.

(2) Using contracts with private-sector childcare services providers to expand the availability of childcare services for members of the Armed Forces at locations outside military installations at costs simi-
lar to the current costs for childcare services through
child development centers on military installations.

(3) Contracting with private-sector childcare
services providers to operate childcare facilities of the
Department on military installations.

(4) Expanding childcare services as described in
paragraphs (1) through (3) to members of the Na-
tional Guard and Reserves in a manner that does not
substantially raise costs of childcare services for the
military departments or conflict with others who have
a higher priority for space in childcare services pro-
grams, such as members of the Armed Forces on ac-
tive duty.

SEC. 559. REPORT ON REVIEW OF GENERAL SCHEDULE PAY
GRADES OF CHILDCARE SERVICES PROVIDERS OF THE DEPARTMENT OF DEFENSE.

(a) Report Required.—Not later than March 1,
2018, the Secretary of Defense shall submit to the Commit-
tees on Armed Services of the Senate and the House of Rep-
resentatives a report on a review, undertaken by the Sec-
retary for purposes of the report, of the General Schedule
pay grades for childcare services provider positions within
the Department of Defense.

(b) Elements of Review.—The review undertaken
for purposes of subsection (a) shall include the following:
(1) A comparison of the compensation provided for current General Schedule pay grades for childcare services provider positions within the Department with the compensation provided to childcare services providers in the private sector providing similar childcare services.

(2) An assessment of the mix of General Schedule pay grades currently required by the Department to most effectively recruit and retain childcare services providers for military dependents.

(3) A comparison of the budget implications of the current General Schedule pay grade mix with the General Schedule pay grade mix determined pursuant to paragraph (2) to be required by the Department to most effectively recruit and retain childcare services providers for military dependents.

SEC. 560. PILOT PROGRAM ON PUBLIC-PRIVATE PARTNERSHIPS FOR TELEWORK FACILITIES ON MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

(a) In General.—Commencing not later than one year after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing telework facilities for military spouses on military installations outside
the United States. The Secretary shall consult with the host
nation or nations concerned in carrying out the pilot pro-
gram.

(b) **NUMBER OF INSTALLATIONS.**—The Secretary shall
carry out the pilot program at not less than two military
installations outside the United States selected by the Sec-
retary for purposes of the pilot program.

(c) **DURATION.**—The duration of the pilot program
shall be a period selected by the Secretary, but not more
than three years.

(d) **ELEMENTS.**—The pilot program shall include the
following elements:

(1) The pilot program shall be conducted as one
or more public-private partnerships between the De-
partment of Defense and a private corporation or
partnership of private corporations.

(2) The corporation or corporations partici-
pating in the pilot program shall contribute to the
carrying out of the pilot program an amount equal
to the amount committed by the Secretary to the pilot
program at the time of its commencement.

(3) The Secretary shall enter into one or more
memoranda of understanding with the corporation or
corporations participating in the pilot program for
purposes of the pilot program, including the amounts
to be contributed by such corporation or corporations
pursuant to paragraph (2).

(4) The telework undertaken by military spouses
under the pilot program may only be for United
States companies.

(5) The pilot program shall permit military
spouses to provide administrative, informational tech-
nology, professional, and other necessary support to
companies through telework from Department instal-
lations outside the United States.

(e) FUNDING.—Of the amount authorized to be appro-
priated for fiscal year 2018 by section 401 and available
for military personnel as specified in the funding table in
section 4401, up to $1,000,000 may be available to carry
out the pilot program, including entry into memoranda of
understanding pursuant to subsection (d)(3) and payment
by the Secretary of the amount committed by the Secretary
to the pilot program pursuant to subsection (d)(2).

SEC. 561. REPORT ON MECHANISMS TO FACILITATE THE
OBTAINING BY MILITARY SPOUSES OF PRO-
FESSIONAL LICENSES OR CREDENTIALS IN
OTHER STATES.

Not later than March 1, 2018, the Secretary of Defense
shall submit to the Committees on Armed Services of the
Senate and the House of Representatives a report setting
forth an assessment of the feasability and advisability of the following:

(1) The development and maintenance of a joint Federal-State clearing house to process the professional license and credential information of military spouses in order—

(A) to facilitate the matching of such information with State professional licensure and credentialing requirements; and

(B) to provide military spouses information on the actions required to obtain professional licenses or credentials in other States.

(2) The establishment of a joint Federal-State taskforce dedicated to the elimination of unnecessary or duplicative professional licensure and credentialing requirements among the States.

(3) The development and maintenance of an Internet website that serves as a one-stop resource on professional licenses and credentials for military spouses that sets forth license and credential requirements for common professions in the States and provides assistance and other resources for military spouses seeking to obtain professional licenses or credentials in other States.
SEC. 562. ADDITIONAL MILITARY CHILDCARE MATTERS.

(a) HOURS OF OPERATION OF CHILDCARE DEVELOPMENT CENTERS OF THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—The hours of operation of each childcare development center (CDC) of the Department of Defense shall, to the extent practicable, be set and maintained in manner that takes into account the demands and circumstances of members of the Armed Forces, including members of the reserve components, who use such center in facilitation of the performance of their military duties.

(2) MATTERS TO BE TAKEN INTO ACCOUNT.—The demands and circumstances to be taken into account under paragraph (1) for purposes of setting and maintaining the hours of operation of a childcare development center shall include the following:

(A) Mission requirements of units whose members use such center.

(B) The unpredictability of work schedules, and fluctuations in day-to-day work hours, of such members.

(C) The potential for frequent and prolonged absences of such members for training, operations, and deployments.

(D) The location of such center on the military installation concerned, including the loca-
tion in connection with duty locations of mem-
bers and applicable military family housing.

(E) The geographic separation of such mem-
bers from their extended family.

(F) The impact on the ability of such mem-
bers to perform their military duties of employ-
ment of their spouses or educational pursuits of
their spouses.

(G) Such other matters as the Secretary of
the military department concerned considers ap-
propriate for purposes of this subsection.

(b) Childcare Coordinators for Military In-
stallations.—

(1) Childcare Coordinators.—Each Sec-
retary of a military department shall provide for a
childcare coordinator at each military installation
under the jurisdiction of such Secretary at which are
stationed significant numbers of members of the
Armed Forces with accompanying dependent children,
as determined by such Secretary.

(2) Nature of Position.—The childcare coordi-
nator for a military installation may be an indi-
individual appointed to that position on full-time or
part-time basis or an individual appointed to another
position whose duties in such other position are con-
sistent with the discharge by the person of the duties of childcare coordinator.

(3) DUTIES.—Each childcare coordinator for an installation shall carry out the duties as follows:

(A) Act as an advocate for military families at the installation on childcare matters both on-installation and off-installation.

(B) Work with the commander of the installation in order to seek to ensure that the childcare development centers at the installation, together with any other available childcare options on or in the vicinity of the installation—

(i) provide a quality of care (including a caregiver-to-child ratio) commensurate with best practices of private providers of childcare services; and

(ii) are responsive to the childcare needs of members stationed at the installation and their families.

(C) Work with private providers of childcare services in the vicinity of the installation in order to—

(i) track vacancies in the childcare facilities of such providers;
(ii) seek to increase the availability of affordable childcare services for such members; and

(iii) otherwise ease the use of such services by such members.

(D) Such other duties as the Secretary of the military department concerned shall specify.

SEC. 563. MECHANISMS TO FACILITATE THE OBTAINING BY MILITARY SPOUSES OF OCCUPATIONAL LICENSES OR CREDENTIALS IN OTHER STATES.

Not later than March 1, 2018, the Secretary of Defense shall—

(1) develop and maintain a joint Federal-State clearing house to process the occupational license and credential information of military spouses in order—

(A) to facilitate the matching of such information with State occupational licensure and credentialing requirements; and

(B) to provide military spouses information on the actions required to obtain occupational licenses or credentials in other States;

(2) develop and maintain an Internet website that serves as a one-stop resource on occupational licenses and credentials for military spouses that sets forth license and credential requirements for common
occupations in the States and provides assistance and other resources for military spouses seeking to obtain occupational licenses or credentials in other States; and

(3) submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of the establishment of a joint Federal-State task force dedicated to the elimination of unnecessary or duplicative occupational licensure and credentialing requirements among the States, including through the use of alternative, less restrictive and burdensome forms of occupational regulation.

Subtitle G—Decorations and Awards

SEC. 571. AUTHORITY OF SECRETARY OF THE ARMY TO AWARD THE PERSONNEL PROTECTION EQUIPMENT AWARD OF THE ARMY TO FORMER MEMBERS OF THE ARMY.

Notwithstanding any requirement in section 1125 of title 10, United States Code, relating to the award of awards only to current members of the Armed Forces, the Secretary of the Army may award the Personnel Protection Equipment (PPE) award of the Army to former members of the Army.
SEC. 572. AUTHORIZATION FOR AWARD OF DISTINGUISHED SERVICE CROSS TO SPECIALIST FRANK M. CRARY FOR ACTS OF VALOR IN VIETNAM.

(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 President may award the Distinguished Service Cross under section 3742 of such title to Specialist Frank M. Crary for the acts of valor in Vietnam described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Frank M. Crary on April 7, 1966, as a member of the Army serving in the grade of Specialist in Vietnam while serving with Company D, 1st Battalion (Airborne), 12th Cavalry Regiment, 1st Cavalry Division.

Subtitle H—Other Matters

SEC. 581. MODIFICATION OF SUBMITTAL DATE OF COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON INTEGRITY OF THE DEPARTMENT OF DEFENSE WHISTLEBLOWER PROGRAM.

Section 536(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2124) is amended by striking “18 months after the date
of the enactment of this Act” and inserting “December 31, 2018”.

SEC. 582. REPORT TO CONGRESS ON ACCOMPANIED AND UNACCOMPANIED TOURS OF DUTY IN REMOTE LOCATIONS WITH HIGH FAMILY SUPPORT COSTS.

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 setting forth a comparative analysis, undertaken by the Secretary for purposes of the report, of accompanied tours of duty and unaccompanied tours of duty of members of the Armed Forces in remote locations with high family support costs (including facility construction and operation costs), including the following:

(1) United States Naval Station, Guantanamo Bay, Cuba.

(2) Kwajalein Atoll.

(3) Al Udeid Air Base, Qatar.

SEC. 583. AUTHORIZATION OF SUPPORT FOR BEYOND YELLOWS PROGRAMS.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—
(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

“(k) SUPPORT FOR BEYOND YELLOW RIBBON PROGRAMS.—The Secretary of Defense may award grants to States to carry out programs that provide deployment cycle information, services, and referrals to members of reserve components of the Armed Forces, members of active components of the Armed Forces, and the families of such members throughout the deployment cycle. Such programs may include the provision of access to outreach services, including the following:

“(1) Employment counseling.

“(2) Behavioral health counseling.

“(3) Suicide prevention.

“(4) Housing advocacy.

“(5) Financial counseling.

“(6) Referrals to for the receipt of other services.”.
TITLE VI—COMPENSATION AND
OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2018 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2018 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2018, the rates of monthly basic pay for members of the uniformed services are increased by 2.1 percent.

SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2017” and inserting “December 31, 2018”.
SEC. 603. ADJUSTMENT TO BASIC ALLOWANCE FOR HOUSING AT WITH DEPENDENTS RATE OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.

(a) In General.—Section 403 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(p) Ineligibility for With Dependents Rate of Certain Members.—A member who is married to another member, is assigned to the same geographic location as such other member, and has one or more dependent children with such other member is not eligible for a basic allowance for housing at the with dependents rate.”.

(b) Effective Date.—

(1) In General.—The amendment made by subsection (a) shall take effect on October 1, 2017, and shall, except as provided in paragraph (2), apply with respect to allowances for basic housing payable for months beginning on or after that date.

(2) Preservation of Current BAH for Members with Uninterrupted Eligibility for BAH.—Notwithstanding the amendment made by subsection (a), the monthly amount of basic allowance for housing payable to a member of the uniformed services under section 403 of title 37, United States Code, as of September 30, 2017, shall not be reduced by reason of the amendment so long as the member retains un-
interrupted eligibility for such basic allowance for
housing within an area of the United States or with-
in an overseas location (as applicable).

SEC. 604. MODIFICATION OF AUTHORITY OF PRESIDENT TO
DETERMINE ALTERNATIVE PAY ADJUSTMENT
IN ANNUAL BASIC PAY OF MEMBERS OF THE
UNIFORMED SERVICES.

(a) MODIFICATION.—Section 1009(e) of title 37,
United States Code, is amended—

(1) in paragraph (1), by striking “or serious eco-
nomic conditions affecting the general welfare”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as para-
graph (2).

(b) EFFECTIVE DATE.—The amendments made by sub-
section (a) shall take effect on the date of the enactment
of this Act, and—

(1) if the date of the enactment of this Act occurs
before September 1 of a year, shall apply with respect
to plans for alternative pay adjustments for any year
beginning after such year; and

(2) if the date of the enactment of this Act occurs
after August 31 of a year, shall apply with respect to
plans for alternative pay adjustments for any year
beginning after the year following such year.
Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.
(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.
(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.
(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

**SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.
(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.
(6) Section 324(g), relating to accession bonus for new officers in critical skills.

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. AVIATION BONUS MATTERS.

Section 334(c) of title 37, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following new paragraphs:

“(2) BUSINESS CASE FOR PAYMENT OF AVIATION BONUS AMOUNTS.—

“(A) IN GENERAL.—The amount of the aviation bonus payable under paragraph (1)(B) under agreements entered into under subsection (d) during a fiscal year shall be determined solely through a business case analysis of the amount required to be paid under such agreements in order to address anticipated manning
shortfalls for such fiscal year by aircraft type category.

“(B) Budget Justification Documents.—The budget justification documents in support of the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105 of title 31) shall set forth for each uniformed service the following:

“(i) The amount requested for the payment of aviation bonuses under this section using amounts authorized to be appropriated for the fiscal year concerned by aircraft type category.

“(ii) The business case analysis supporting the amount so requested by aircraft type category.

“(iii) For each aircraft type category, whether or not the amount requested will permit the payment during the fiscal year concerned of the maximum amount of the aviation bonus authorized by paragraph (1).

“(iv) If any amount requested is to address Manning shortfalls, a description of any plans of the Secretary concerned to ad-
dress such shortfalls by non-monetary means.

“(3) TIERED LIMITATION ON MAXIMUM AMOUNT OF AVIATION BONUS.—

“(A) IN GENERAL.—The maximum amount of the aviation bonus payable under paragraph (1)(B) under agreements entered into under subsection (d) during a fiscal year shall vary by anticipated manning shortfalls for such fiscal year by aircraft type category. The variance shall be stated by tier correlating maximum bonus amounts with anticipated manning and retention levels, as follows:

“(i) Maximum amount payable (known as ‘Tier I’) is the amount specified for the fiscal year concerned by paragraph (1)(B) and is payable under agreements for duty by aircraft type category in which—

“(I) the projected manning level for the fiscal year does not exceed 90 percent of the required manning level; or

“(II) the two-year retention trend for personnel performing such duty does not exceed 50 percent.
“(ii) Maximum amount payable (known as ‘Tier II’) is an amount equal to 68 percent of the amount specified for the fiscal year concerned by paragraph (1)(B) and is payable under agreements for duty by aircraft type category in which—

“(I) the projected manning level for the fiscal year is between 90 and 95 percent of the required manning level; or

“(II) the two-year retention trend for personnel performing such duty is between 50 and 55 percent.

“(iii) Maximum amount payable (known as ‘Tier III’) is an amount equal to 34 percent of the amount specified for the fiscal year concerned by paragraph (1)(B) and is payable under agreements for duty by aircraft type category in which—

“(I) the projected manning level for the fiscal year is between 95 and 100 percent of the required manning level; or
“(II) the two-year retention trend for personnel performing such duty is between 55 and 65 percent.

“(iv) Maximum amount payable (known as ‘Tier IV’) is zero for duty by aircraft type category in which—

“(I) the projected manning level for the fiscal year is 100 percent or more of the required manning level; or

“(II) the two-year retention trend for personnel performing such duty exceeds 65 percent.

“(B) LIMITATION ON TOTAL NUMBER OF AGREEMENTS PROVIDING FOR TIER I PAYMENT.—In no event may all the agreements entered into under subsection (d) during a fiscal year by a Secretary concerned provide for a maximum amount payable as described in subparagraph (A)(i).”.

SEC. 617. SPECIAL AVIATION INCENTIVE PAY AND BONUS AUTHORITIES FOR ENLISTED MEMBERS WHO PILOT REMOTELY PILOTED AIRCRAFT.

(a) In General.—Chapter 5 of title 37, United States Code, is amended by inserting after section 334 the following new section:

† HR 2810 PAP
§334a. Special aviation incentive pay and bonus authorities: enlisted members who pilot remotely piloted aircraft

"(a) Aviation Incentive Pay.—

"(1) Incentive Pay Authorized.—The Secretary concerned may pay aviation incentive pay under this section to an enlisted member in a regular or reserve component of a uniformed service who—

"(A) is entitled to basic pay under section 204 of this title or compensation under 206 of this title;

"(B) is designated as a remotely piloted aircraft pilot, or is in training leading to such a designation;

"(C) engages in, or is in training leading to, frequent and regular performance of operational flying duty or proficiency flying duty;

"(D) engages in or remains in aviation service for a specified period; and

"(E) meets such other criteria as the Secretary concerned determines appropriate.

"(2) Enlisted Members Not Currently Engaged in Flying Duty.—The Secretary concerned may pay aviation incentive pay under this section to an enlisted member who is otherwise qualified for such pay but who is not currently engaged in the per-
formance of operational flying duty or proficiency
flying duty if the Secretary determines, under regula-
tions prescribed under section 374 of this title, that
payment of aviation pay to that enlisted member is
in the best interests of the service.

“(b) AVIATION BONUS.—The Secretary concerned may
pay an aviation bonus under this section to an enlisted
member in a regular or reserve component of a uniformed
service who—

“(1) is entitled to aviation incentive pay under
subsection (a);

“(2) is within one year of completing the mem-
ber’s enlistment;

“(3) reenlists or voluntarily extends the mem-
ber’s enlistment for a period of at least one year or,
in the case of an enlisted member serving pursuant to
an indefinite reenlistment, executes a written agree-
ment to remain on active duty for a period of at least
one year or to remain in an active status in a reserve
component for a period of at least one year; and

“(4) meets such other criteria as the Secretary
concerned determines appropriate.

“(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

“(1) MAXIMUM AMOUNT.—The Secretary con-
cerned shall determine the amount of a bonus or in-
centive pay to be paid under this section, except that—

“(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate not to exceed $1,000 per month; and

“(B) an aviation bonus under subsection (b) may not exceed $35,000 for each 12-month period of obligated service agreed to under subsection (d).

“(2) Business case for payment of aviation bonus amounts.—

“(A) In general.—The amount of the aviation bonus payable under paragraph (1)(B) under agreements entered into under subsection (d) during a fiscal year shall be determined solely through a business case analysis of the amount required to be paid under such agreements in order to address anticipated manning shortfalls for such fiscal year by aircraft type category.

“(B) Budget justification documents.—The budget justification documents in support of the budget of the President for a fiscal year (as submitted to Congress pursuant to sec-
tion 1105 of title 31) shall set forth for each uni-
formed service the following:

“(i) The amount requested for the pay-
ment of aviation bonuses under this section
using amounts authorized to be appro-
priated for the fiscal year concerned by air-
craft type category.

“(ii) The business case analysis sup-
porting the amount so requested by aircraft
type category.

“(iii) For each aircraft type category,
whether or not the amount requested will
permit the payment during the fiscal year
concerned of the maximum amount of the
aviation bonus authorized by paragraph
(1).

“(iv) If any amount requested is to ad-
dress manning shortfalls, a description of
any plans of the Secretary concerned to ad-
dress such shortfalls by non-monetary
means.

“(3) LUMP SUM OR INSTALLMENTS.—A bonus
under this section may be paid in a lump sum or in
periodic installments, as determined by the Secretary
concerned.
“(4) Fixing Bonus Amount.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

“(d) Written Agreement for Bonus.—To receive an aviation bonus under this section, an enlisted member determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

“(1) the amount of the bonus;

“(2) the method of payment of the bonus under subsection (c)(2);

“(3) the period of obligated service; and

“(4) the type or conditions of the service.

“(e) Reserve Component Enlisted Members Performing Inactive Duty Training.—An enlisted member of reserve component who is entitled to compensation under section 206 of this title and who is authorized aviation incentive pay under this section may be paid an amount of incentive pay that is proportionate to the compensation received under section 206 of this title for inactive-duty training.

“(f) Relationship to Other Pay and Allowances,—
“(1) AVIATION INCENTIVE PAY.—Aviation incentive pay paid to an enlisted member under subsection (a) shall be in addition to any other pay and allowance to which the enlisted member is entitled, except that an enlisted member may not receive a payment under such subsection and section 351(a)(2) or 353(a) of this title for the same skill and period of service.

“(2) AVIATION BONUS.—An aviation bonus paid to an enlisted member under subsection (b) shall be in addition to any other pay and allowance to which the enlisted member is entitled, except that an enlisted member may not receive a bonus payment under such subsection and section 331 or 353(b) of this title for the same skill and period of service.

“(g) REPAYMENT.—An enlisted member who receives aviation incentive pay or an aviation bonus under this section and who fails to fulfill the eligibility requirements for the receipt of the incentive pay or bonus or complete the period of service for which the incentive pay or bonus is paid, as specified in the written agreement under subsection (d) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

“(h) DEFINITIONS.—In this section:

“(1) AVIATION SERVICE.—The term ‘aviation service’ means participation in aerial flight per-
formed, under regulations prescribed by the Secretary concerned, by an eligible enlisted member remotely piloted aircraft pilot.

“(2) OPERATIONAL FLYING DUTY.—The term ‘operational flying duty’ means flying performed under competent orders by enlisted members of the regular or reserve components while serving in assignments in which basic flying skills are normally maintained in the performance of assigned duties as determined by the Secretary concerned, and flying duty performed by members in training that leads to designation as a remotely piloted aircraft pilot by the Secretary concerned.

“(3) PROFICIENCY FLYING DUTY.—The term ‘proficiency flying duty’ means flying performed under competent orders by enlisted members of the regular or reserve components while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

“(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2018.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by in-
serting after the item relating to section 334 the following
new item:

“334a. Special aviation incentive pay and bonus authorities: enlisted members
who pilot remotely piloted aircraft.”.

SEC. 618. TECHNICAL AND CONFORMING AMENDMENTS RE-
LATING TO 2008 CONSOLIDATION OF SPECIAL
PAY AUTHORITIES.

(a) Repayment Provisions.—

(1) Title 10.—The following provisions of title
10, United States Code, are each amended by insert-
ing “or 373” before “of title 37”:

(A) Section 510(i).

(B) Subsections (a)(3) and (c) of section
2005.

(C) Paragraphs (1) and (2) of section
2007(e).

(D) Section 2105.

(E) Section 2123(e)(1)(C).

(F) Section 2128(c).

(G) Section 2130a(d).

(H) Section 2171(g).

(I) Section 2173(g)(2).

(J) Paragraphs (1) and (2) of section
2200a(e).

(K) Section 4348(f).

(L) Section 6959(f).
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(M) Section 9348(f).

(N) Subsections (a)(2) and (b) of section 16135.

(O) Section 16203(a)(1)(B).

(P) Section 16301(h).

(Q) Section 16303(d).

(R) Paragraphs (1) and (2) of section 16401(f).

(2) TITLE 14.—Section 182(g) of title 14, United States Code, is amended by inserting “or 373” before “of title 37”.

(b) OFFICERS APPOINTED PURSUANT TO AN AGREEMENT UNDER SECTION 329 OF TITLE 37.—Section 641 of title 10, United States Code, is amended by striking paragraph (6).

(c) REENLISTMENT LEAVE.—The matter preceding paragraph (1) of section 703(b) of title 10, United States Code, is amended by inserting “or paragraph (1) or (3) of section 351(a)” after “section 310(a)(2)”.

(d) REST AND RECUPERATION ABSENCE FOR QUALIFIED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATION OVERSEAS.—The matter following paragraph (4) of section 705(a) of title 10, United States Code, is amended by inserting “or 352” after “section 314”.

(e) Rest and Recuperation Absence for Certain Members Undergoing Extended Deployment to Combat Zone.—Section 705a(b)(1)(B) of title 10, United States Code, is amended by inserting “or 352(a)” after “section 305”.

(f) Additional Incentives for Health Professionals of the Indian Health Service.—Section 116(a) of the Indian Health Care Improvement Act (25 U.S.C. 1616i(a)) is amended by inserting “or 335(b)” after “section 302(b)”.

(g) Military Pay and Allowances Continuance While in a Missing Status.—Section 552(a)(2) of title 37, United States Code, is amended by inserting “or section 351(a)(2)” after “section 301”.

(h) Military Pay and Allowances.—Section 907(d) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “or 351” after “section 301”;

(B) in subparagraph (B), by inserting “or 352” after “section 301c”;

(C) in subparagraph (C), by inserting “or 353(a)” after “section 304”;

(D) in subparagraph (D), by inserting “or 352” after “section 305”;

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(E) in subparagraph (E), by inserting “or 352” after “section 305a”;

(F) in subparagraph (F), by inserting “or 352” after “section 305b”;

(G) in subparagraph (G), by inserting “or 352” after “section 307a”;

(H) in subparagraph (I), by inserting “or 352” after “section 314”;

(I) in subparagraph (J), by striking “316” and inserting “353(b)”; and

(J) in subparagraph (K), by striking “323” and inserting “section 355”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “or 352” after “section 307”;

(B) in subparagraph (B), by striking “308” and inserting “331”;

(C) in subparagraph (C), by striking “309” and inserting “331”; and

(D) in subparagraph (D), by inserting “or 353” after “section 320”.

(i) PAY AND ALLOWANCES OF OFFICERS OF THE PUBLIC HEALTH SERVICE.—Section 208(a)(2) of the Public Health Service Act (42 U.S.C. 210(a)(2)) is amended by inserting “or 373” after “303a(b)”.

† HR 2810 PAP
Subtitle C—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

SEC. 631. ADJUSTMENTS TO SURVIVOR BENEFIT PLAN FOR

MEMBERS ELECTING LUMP SUM PAYMENTS

OF RETIRED PAY UNDER THE MODERNIZED RETIREMENT SYSTEM FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) Definition of Base Amount.—Section 1447(6)(A) of title 10, United States Code, is amended in the matter preceding clause (i) by inserting “or 1415(b)(1)(B)” after “section 1409(b)(2)”.

(b) Coordination With Reductions In Retired Pay.—Section 1452 of such title is amended—

(1) in subsection (a)(1), by inserting “, other than retired pay received as a lump sum under section 1415(b)(1)(A) of this title,” in the matter preceding subparagraph (A) after “, the retired pay”; 

(2) in subsection (b)(1), by inserting “, other than retired pay received as a lump sum under section 1415(b)(1)(A) of this title,” after “The retired pay”; and

(3) in subsection (c)—
(A) in paragraph (1), by inserting “, other than retired pay received as a lump sum under section 1415(b)(1)(A) of this title,” after “The re-
tired pay”; and

(B) in paragraph (4), by inserting “or 1415(b)(1)(B)” after “section 1409(b)(2)”.

SEC. 632. TECHNICAL CORRECTION REGARDING ELECTION TO PARTICIPATE IN MODERNIZED RETIRE-
MENT SYSTEM FOR RESERVE COMPONENT MEMBERS EXPERIENCING A BREAK IN SERV-
ICE.

(a) PERSONS EXPERIENCING A BREAK IN SERVICE.—
Section 12739(f)(2)(B)(iii) of title 10, United States Code, is amended by striking “on the date of the reentry” and inserting “within 30 days after the date of the reentry”.

(b) EFFECTIVE DATE.—The amendment made by sub-
section (a) shall take effect on January 1, 2018, imme-
diately after the coming into effect of the amendment made by section 631(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 843), to which the amendment made by subsection (a) relates.
SEC. 633. PROMOTION OF FINANCIAL LITERACY CONCERNING RETIREMENT AMONG MEMBERS OF THE ARMED FORCES.

(a) Programs for Promotion Required.—The Secretary of Defense shall develop programs of financial literacy for members of the Armed Forces to assist members in better understanding retirement options and planning for retirement.

(b) Information on Comparative Value of Lump Sum and Monthly Payments of Retired Pay With Conventional Retired Pay.—The Secretary of Defense shall develop information to be provided to members of the Armed Forces who are eligible to make the election provided for in subsection (b)(1) of section 1415 of title 10, United States Code, to assist such members in making an informed comparison for purposes of the election between the following:

(1) The value of the lump sum payment of retired pay and monthly payments provided for in such subsection (b)(1) by reason of the election, including the manner in which the lump sum and such monthly payments are determined for any particular member.

(2) The value of retired pay payable under subsection (d) of such section in the absence of the election, including the manner in which such retired pay is determined for any particular member.
PART II—OTHER MATTERS

SEC. 636. AUTHORITY FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS TO PROVIDE FOR CARE OF REMAINS OF THOSE WHO DIE ON ACTIVE DUTY AND ARE INTERRED IN A FOREIGN CEMETERY.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(10) In the case of a decedent under the jurisdiction of a Secretary of a military department at the time of death, enduring care of remains interred in a foreign cemetery if the burial location was designated by such Secretary.”.

SEC. 637. TECHNICAL CORRECTIONS TO USE OF MEMBER’S CURRENT PAY GRADE AND YEARS OF SERVICE IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.

(a) In general.—Section 1408 of title 10, United States Code, is amended—

(1) in subsection (a)(4)—

(A) in the matter preceding clause (i) of subparagraph (A), by striking “(as determined pursuant to subparagraph (B)”; and

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

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“(B) For purposes of subparagraph (A), in the case of a division of property as part of a final decree of divorce, dissolution, annulment, or legal separation that becomes final prior to the date of a member’s retirement, the total monthly retired pay to which the member is entitled shall be—

“(i) in the case of a member not described in clause (ii), the amount of retired pay to which the member would have been entitled using the member’s retired pay base and years of service on the date of the decree of divorce, dissolution, annulment, or legal separation, as computed under section 1406 or 1407 of this title, whichever is applicable, increased by the sum of the cost-of-living adjustments that—

“(I) would have occurred under section 1401a(b) of this title between the date of the decree of divorce, dissolution, annulment, or legal separation and the time of the member’s retirement using the adjustment provisions under section 1401a of this title applicable to the member upon retirement; and

“(II) occur under 1401a of this title after the member’s retirement; or
“(ii) in the case of a member who becomes entitled to retired pay pursuant to chapter 1223 of this title, the amount of retired pay to which the member would have been entitled using the member’s retired pay base and creditable service points on the date of the decree of divorce, dissolution, annulment, or legal separation, as computed under chapter 1223 of this title, increased by the sum of the cost-of-living adjustments as described in clause (i) that apply with respect to the member.”; and

(2) in subsection (d), by adding at the end the following new paragraph:

“(8) A division of property award computed as a percentage of a member’s disposable retired pay shall be increased by the same percentage as any cost-of-living adjustment made under section 1401a after the member’s retirement.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on December 23, 2016, as if enacted immediately following the enactment of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) to which such amendments relate.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any division of prop-
property as part of a final decree of divorce, dissolution, annul-
ment, or legal separation involving a member of the Armed
Forces to which section 1408 of title 10, United States Code,
applies that becomes final after December 23, 2016.

SEC. 638. PERMANENT EXTENSION AND COST-OF-LIVING
ADJUSTMENTS OF SPECIAL SURVIVOR IN-
DEMNITY ALLOWANCES UNDER THE SUR-
VIVOR BENEFIT PLAN.

Section 1450(m) of title 10, United States Code, is
amended—

(1) in paragraph (2)—

(A) in subparagraph (H), by striking
“and” at the end; and

(B) by striking subparagraph (I) and in-
serting the following new subparagraphs:

“(I) for months from October 2016 through
December 2018, $310; and

“(J) for months during any calendar year
after 2018, the amount determined in accordance
with paragraph (6).”; and

(2) by striking paragraph (6) and inserting the
following new paragraph (6):

“(6) COST-OF-LIVING ADJUSTMENTS AFTER
2018.—
“(A) In general.—The amount of the allowance payable under paragraph (1) for months during any calendar year beginning after 2018 shall be—

“(i) the amount payable pursuant to paragraph (2) for months during the preceding calendar year, plus

“(ii) an amount equal to the percentage of the amount determined pursuant to clause (i) which percentage is equal to the percentage increase in retired pay of members and former members of the armed forces for such calendar year under section 1401a of this title.

“(B) Public notice on amount of allowance payable.—The Secretary of Defense shall publish in the Federal Register each year the amount of the allowance payable under paragraph (1) for months in such year by reason of the operation of this paragraph.”.
Subtitle D—Other Matters

SEC. 651. CONSTRUCTION OF DOMESTIC SOURCE REQUIREMENT FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES ON INITIAL ENTRY INTO THE ARMED FORCES.

Section 418(d) of title 37, United States Code, is amended by adding at the end the following new paragraphs:

“(4) This subsection does not apply to the furnishing of athletic footwear to the members of the Army, the Navy, the Air Force, or the Marine Corps upon their initial entry into the armed forces, or prohibit the provision of a cash allowance to such members for such purpose, if the Secretary of Defense determines that compliance with paragraph (2) would result in a sole source contract for procurement of athletic footwear for the purpose stated in paragraph (1) because there would be only a sole certified of supply for such footwear.

“(5) The Secretary of Defense shall ensure that all procurements of athletic footwear to which this subsection applies are made using firm fixed price contracts.”.

SEC. 652. INCLUSION OF DEPARTMENT OF AGRICULTURE IN TRANSITION ASSISTANCE PROGRAM.

(a) In General.—Subsection (a) of section 1144 of title 10, United States Code, is amended by striking “and
the Secretary of Veterans Affairs” each place it appears in paragraphs (1) and (2) and inserting “the Secretary of Veterans Affairs, and the Secretary of Agriculture”.

(b) Inclusion in Elements of Program.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(12) Provide information regarding the availability to such members of the following through the Department of Agriculture:

“(A) Grants, loans, and other assistance to enter production agriculture or engage in rural entrepreneurship.

“(B) Identification of and assistance in obtaining employment within the agricultural sector that aligns with military occupational specialties or military certifications, including employment with the Department.

“(C) Training and apprenticeships for employment in rural communities and in the agricultural and food sectors.”.

SEC. 653. Review and Update of Regulations Governing Debt Collectors Interactions with Unit Commanders.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review and update
Department of Defense Instruction 1344.09 and any associated regulations to ensure that such regulations comply with Federal consumer protection laws with respect to the collection of debt.

**TITLE VII—HEALTH CARE PROVISIONS**

**Subtitle A—TRICARE and Other Health Care Benefits**

**SEC. 701. TRICARE ADVANTAGE DEMONSTRATION PROGRAM.**

(a) Establishment.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of Health and Human Services, establish a demonstration program to enable applicable eligible individuals to enroll in Medicare Advantage plans.

(2) Duration.—The demonstration program established under paragraph (1) shall be carried out for a period of not less than five years.

(b) Plans.—

(1) Selection.—The Secretary shall competitively select one or more Medicare Advantage plans for which the Secretary of Health and Human Services has waived or modified requirements under sec-
tion 1857(i) of the Social Security Act (42 U.S.C. 1395w–27(i)) in market areas of the TRICARE program with large concentrations of beneficiaries eligible for TRICARE for Life (as determined by the Secretary) to participate in the demonstration program through the use of risk-bearing, capitated contracts with Medicare Advantage organizations.

(2) REQUIREMENTS. — Each Medicare Advantage plan selected under paragraph (1) shall meet the following requirements:

(A) The plan is an MA–PD plan (as defined in section 1860D–1(a)(3)(C) of the Social Security Act (42 U.S.C. 1395w–101(a)(3)(C))).

(B) The plan has a minimum quality star rating of four or higher under section 1853(o)(4) of such Act (42 U.S.C. 1395w–23(o)(4)).

(C) The plan and the Medicare Advantage organization offering the plan meet such other criteria as the Secretary determines appropriate for purposes of this section.

(3) USE OF DEPARTMENT FACILITIES AND SERVICES.—

(A) MILITARY TREATMENT FACILITIES. —

The Secretary may include military treatment facilities as authorized providers for applicable
eligible individuals enrolled in a Medicare Advantage plan participating in the demonstration program as a service provided by the Department of Defense.

(B) PHARMACY BENEFITS PROGRAM.—The Secretary may include coverage of pharmaceutical agents under the pharmacy benefits program under section 1074g of title 10, United States Code, as a coverage option for applicable eligible individuals enrolled in a Medicare Advantage plan participating in the demonstration program as a service provided by the Department of Defense.

(c) ENROLLMENT OF APPLICABLE ELIGIBLE INDIVIDUALS.—Unless an applicable eligible individual opts out, all applicable eligible individuals located in an area participating in the demonstration program shall be enrolled in a Medicare Advantage plan selected under subsection (b)(1).

(d) COSTS OF PROGRAM.—The Secretary and the Secretary of Health and Human Services shall jointly determine the appropriate distribution of costs and potential savings to the Department of Defense and the Department of Health and Human Services that result from the demonstration program.
(e) Reports.—

(1) Report on implementation of program.—

(A) In general.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation by the Secretary of the demonstration program under this section.

(B) Elements.—The report required by subparagraph (A) shall include the following:

(i) A description of each Medicare Advantage plan participating in the demonstration program, disaggregated by market area of the TRICARE program (as determined by the Secretary).

(ii) A description of covered benefits, premium rates, and copayments or cost sharing, if any, for each Medicare Advantage plan participating in the demonstration program in each such area.

(iii) The number of applicable eligible individuals eligible to enroll and the number of applicable eligible individuals pro-
jected to enroll in each Medicare Advantage plan participating in the demonstration program in each such area.

(iv) An assessment of projected average annual out-of-pocket costs, if any, for applicable eligible individuals enrolled in each Medicare Advantage plan participating in the demonstration program.

(v) A description of outcome metrics developed to measure quality of care, improved health outcomes, better access to care, and enhanced beneficiary experience under the demonstration program.

(2) FINAL REPORT.—Not later than four years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report providing a comprehensive assessment of the demonstration program under this section.

(f) DEFINITIONS.—In this section:

(1) APPLICABLE ELIGIBLE INDIVIDUAL.—The term “applicable eligible individual” means an eligible individual (as defined in paragraph (2)) who is a Medicare Advantage eligible individual (as defined
in section 1851(a)(3) of the Social Security Act (42 U.S.C. 1395w–21(a)(3))).

(2) Eligible Individual.—The term “eligible individual” means an individual eligible for health benefits under section 1086(d) of title 10, United States Code.

(3) Medicare Advantage Organization.—The term “Medicare Advantage organization” has the meaning given that term in section 1859 of the Social Security Act (42 U.S.C. 1395w–28).

(4) Medicare Advantage Plan.—The term “Medicare Advantage plan” means a health plan under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.).

(5) Secretary.—The term “Secretary” means the Secretary of Defense.

(6) TRICARE Program; TRICARE for Life.—The terms “TRICARE program” and “TRICARE for Life” have the meanings given those terms in section 1072 of title 10, United States Code.

(g) Regulations.—

(1) In General.—In order to implement expeditiously the demonstration program under this section, the Secretary may prescribe such changes to the regu-
lations implementing the TRICARE program as the Secretary considers appropriate.

(2) RULEMAKING.—The Secretary shall implement any changes prescribed under paragraph (1)—

(A) by prescribing an interim final rule; and

(B) not later than 180 days after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

(h) WAIVER AUTHORITY.—The Secretary of Health and Human Services may waive such requirements of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq.; 1395 et seq.) as may be necessary for purposes of carrying out this section.

SEC. 702. CONTINUED ACCESS TO MEDICAL CARE AT FACILITIES OF THE UNIFORMED SERVICES FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

(a) TRICARE Reserve Select.—Paragraph (2) of section 1076d(f) of title 10, United States Code, is amended to read as follows:

“(2) The term ‘TRICARE Reserve Select’ means—
“(A) medical care at facilities of the uniformed services to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits under the TRICARE Select self-managed, preferred provider network option under section 1075 of this title made available to beneficiaries by reason of this section and subject to the cost-sharing requirements set forth in such section 1075.”.

(b) TRICARE RETIRED RESERVE.—Section 1076e is amended—

(1) In subsection (b), in the subsection heading, by striking “RETIRED RESERVE”;

(2) In subsection (c), by striking “Retired Reserve” the last place it appears; and

(3) in subsection (f), by striking paragraph (2) and inserting the following:

“(2) The term ‘TRICARE Retired Reserve’ means—

“(A) medical care at facilities of the uniformed services to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits under the TRICARE Select self-managed, preferred provider network option under section 1075 of this title made
available to beneficiaries by reason of this section and subject to the cost-sharing requirements set forth in such section 1075.”.

SEC. 703. MODIFICATION OF ELIGIBILITY FOR TRICARE RESERVE SELECT AND TRICARE RETIRED RESERVE OF CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

(a) TRICARE Reserve Select.—Section 1076d(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Except as provided in paragraph (2), a member” and inserting “A member”; and

(2) by striking paragraph (2).

(b) TRICARE Retired Reserve.—Section 1076e(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Except as provided in paragraph (2), a member” and inserting “A member”; and

(2) by striking paragraph (2).

SEC. 704. EXPEDITED EVALUATION AND TREATMENT FOR PRENATAL SURGERY UNDER THE TRICARE PROGRAM.

(a) In General.—The Secretary of Defense shall implement processes and procedures to ensure that a covered beneficiary under the TRICARE program whose pregnancy
is complicated with a fetal condition or suspected of being complicated with a fetal condition receives, in an expedited manner and at the discretion of the covered beneficiary, evaluation, non-directive counseling, and treatment from a perinatal or pediatric specialist capable of providing surgical management and intervention in utero.

(b) DEFINITIONS.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 705. SPECIFICATION THAT INDIVIDUALS UNDER THE AGE OF 21 ARE ELIGIBLE FOR HOSPICE CARE SERVICES UNDER THE TRICARE PROGRAM.

Section 1079(a)(15) of title 10, United States Code, is amended by inserting before the period at the end the following: “, except that hospice care may be provided to individuals under the age of 21”.

SEC. 706. MODIFICATIONS OF COST-SHARING REQUIREMENTS FOR THE TRICARE PHARMACY BENEFITS PROGRAM AND TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.

(a) In General.—Paragraph (6) of section 1074g(a) of title 10, United States Code, is amended to read as follows:

† HR 2810 PAP
“(6)(A) In the case of any of the years 2018 through 2026, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>&quot;For:&quot;</th>
<th>The cost-sharing amount for a 30-day supply of a retail generic is:</th>
<th>The cost-sharing amount for a 30-day supply of a retail formulary is:</th>
<th>The cost-sharing amount for a 90-day supply of a mail order generic is:</th>
<th>The cost-sharing amount for a 90-day supply of a mail order formulary is:</th>
<th>The cost-sharing amount for a 90-day supply of a mail order non-formulary is:</th>
</tr>
</thead>
<tbody>
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<td>$28</td>
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<td>$90</td>
</tr>
</tbody>
</table>

“(B) For any year after 2026, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be equal to the cost-sharing amounts for the previous year adjusted by an amount, if any, determined by the Secretary to reflect changes in the costs of pharmaceutical agents and prescription dispensing, rounded to the nearest dollar.

“(C) Notwithstanding subparagraphs (A) and (B), the cost-sharing amounts under this subsection for a dependent of a member of the uniformed services who dies while on active duty, a member retired under chapter 61 of this title,
or a dependent of a member retired under such chapter shall be equal to the cost-sharing amounts, if any, for 2017.”.

(b) Treatment of Certain Pharmaceutical Agents.—

(1) Pharmacy Benefits Program.—Such section is amended by adding at the end the following new paragraph:

“(10) Notwithstanding paragraphs (2), (5), and (6), in order to encourage the use by covered beneficiaries of pharmaceutical agents that provide the greatest value to covered beneficiaries and the Department of Defense (as determined by the Secretary, including considerations of better care, healthier people, and smarter spending), the Secretary may, upon the recommendation of the Pharmacy and Therapeutics Committee established under subsection (b) and review by the Uniform Formulary Beneficiary Advisory Panel established under subsection (c)—

“(A) exclude from the pharmacy benefits program any pharmaceutical agent that the Secretary determines provides very little or no value to covered beneficiaries and the Department under the program; and

“(B) give preferential status to any non-generic pharmaceutical agent on the uniform formulary by treating it, for purposes of cost-sharing under para-
graph (6), as a generic product under the TRICARE retail pharmacy program and mail order pharmacy program.”.

(2) Medical Contracts.—Section 1079 of such title is amended by adding at the end the following new subsection:

“(q) In the case of any pharmaceutical agent (as defined in section 1074g(g) of this title) provided under a contract entered into under this section by a physician, in an outpatient department of a hospital, or otherwise as part of any medical services provided under such a contract, the Secretary of Defense may, under regulations prescribed by the Secretary, adopt special reimbursement methods, amounts, and procedures to encourage the use of high-value products and discourage the use of low-value products, as determined by the Secretary.”.

(3) Regulations.—In order to implement expeditiously the reforms authorized by the amendments made by paragraphs (1) and (2), the Secretary of Defense may prescribe such changes to the regulations implementing the TRICARE program (as defined in section 1072 of title 10, United States Code) as the Secretary considers appropriate—

(A) by prescribing an interim final rule; and
(B) not later than one year after pre-
scribing such interim final rule and considering
public comments with respect to such interim
final rule, by prescribing a final rule.

SEC. 707. CONSOLIDATION OF COST-SHARING REQUIRE-
MENTS UNDER TRICARE SELECT AND
TRICARE PRIME.

(a) TRICARE SELECT.—

(1) IN GENERAL.—Section 1075 of title 10,
United States Code, is amended—

(A) in subsection (c), by striking para-
graphs (1) and (2) and inserting the following
new paragraphs:

“(1) With respect to beneficiaries in the active-
duty family member category or the retired category
other than beneficiaries described in paragraph
(2)(B), the cost-sharing requirements shall be cal-
culated pursuant to subsection (d)(1).

“(2)(A) With respect to beneficiaries described in
subparagraph (B) in the active-duty family member
category or the retired category, the cost-sharing re-
quirements shall be calculated as if the beneficiary
were enrolled in TRICARE Extra or TRICARE
Standard as if TRICARE Extra or TRICARE
Standard, as the case may be, were still being carried out by the Secretary.

“(B) Beneficiaries described in this subparagraph are the following beneficiaries:

“(i) Retired members and the family members of such retired members covered by section 1086(c)(1) of this title by reason of being retired under chapter 61 of this title or being a dependent of such a retired member.

“(ii) Survivors covered by section 1086(c)(2) of this title.”;

(B) by striking subsection (e); and

(C) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(2) CONFORMING AMENDMENT.—Subsection (d)(2) of such section is amended by striking “, and the amounts specified under paragraphs (1) and (2) of subsection (e),”.

(b) TRICARE PRIME.—Section 1075a(a) of title 10, United States Code, is amended—

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

“(2) With respect to beneficiaries in the active-duty family member category or the retired category
(as described in section 1075(b)(1) of this title) other
than beneficiaries described in paragraph (3)(B), the
cost-sharing requirements shall be calculated pursuant
to subsection (b)(1).’’; and

(2) in paragraph (3), by striking subparagraph
(B) and inserting the following new subparagraph:

“(B) Beneficiaries described in this subpara-
graph are the following beneficiaries:

“(i) Retired members and the family mem-
bers of such retired members covered by section
1086(c)(1) of this title by reason of being retired
under chapter 61 of this title or being a depend-
ent of such a retired member.

“(ii) Survivors covered by section
1086(c)(2) of this title.”.

(c) EFFECTIVE DATE.—The amendments made by this
section shall take effect on January 1, 2018.

SEC. 708. TRICARE TECHNICAL AMENDMENTS.

(a) DEFINITION OF TRICARE STANDARD.—Para-
graph (15) of section 1072 of title 10, United States Code,
is amended to read as follows:

“(15) The term ‘TRICARE Standard’ means the
TRICARE program made available prior to January
1, 2018, covering health benefits contracted for under
the authority of section 1079(a) or 1086(a) of this
title and subject to the same rates and conditions as
apply to persons covered under those sections.”.

(b) Cost-sharing Amounts.—

   (1) TRICARE SELECT.—

   (A) Allowance of cost-sharing
amounts as determined by the secre-
retary.—Subsection (d) of section 1075 of such
title is amended by adding at the end the fol-
lowing new paragraph:

   “(4) The cost-sharing requirements applicable to serv-
ices not specifically addressed in the table set forth in para-
graph (1) shall be established by the Secretary.”.

   (B) Modification of reference to am-
bulance civilian network.—Paragraph (1) of
such subsection is amended, in the first column
of the table, by striking “Ambulance civilian net-
work” and inserting “Ground ambulance civil-
ian network”.

   (2) TRICARE PRIME.—

   (A) Allowance of cost-sharing
amounts as determined by the secre-
retary.—Subsection (b) of section 1075a of such
title is amended by adding at the end the fol-
lowing new paragraph:
“(4) The cost-sharing requirements applicable to services not specifically addressed in the table set forth in paragraph (1) shall be established by the Secretary.”.

(B) Modification of Reference to Ambulance Civilian Network.—Paragraph (1) of such section is amended, in the first column of the table, by striking “Ambulance civilian network” and inserting “Ground ambulance civilian network”.

(c) Medical Care for Dependents.—

(1) Reference to medically necessary vitamins.—Paragraphs (3) and (18) of section 1077(a) of such title are amended by striking “subsection (g)” each place it appears and inserting “subsection (h)”.

(2) Eligibility of Dependents to Purchase Hearing Aids.—Section 1077(g) of such title is amended by striking “of former members of the uniformed services” and inserting “eligible for care under this section”.

(d) Modification of Reference to Fiscal Year.—

(1) Contracts for Medical Care for Spouses and Children.—Section 1079(b) such title is amended by striking “fiscal year” each place it appears and inserting “calendar year”.

†HR 2810 PAP
(2) Contracts for health benefits for certain members, former members, and their dependents.—Section 1086(b) of such title is amended by striking “fiscal year” each place it appears and inserting “calendar year”.

(e) Referrals and Preauthorizations for TRICARE Prime.—

(1) Preauthorization for care at residential treatment centers.—Section 1095f(b) of such title is amended by adding at the end the following new paragraph:

“(4) Inpatient care at a residential treatment center.”.

(2) Reference.—Section 1075a(c) of such title is amended by striking “section 1075f(a)” and inserting “section 1095f(a)”.

(f) Applicability of Premium for Dependent Coverage.—Section 1110b(c)(1) of such title is amended by striking “section 1075 of this section” and inserting “section 1075 or 1075a of this title, as appropriate”.

SEC. 709. CONTRACEPTION COVERAGE PARITY UNDER THE TRICARE PROGRAM.

(a) In General.—Section 1074d of title 10, United States Code, is amended—

(1) in subsection (a)—
(A) in the subsection heading, by inserting
"FOR MEMBERS AND FORMER MEMBERS" after
"SERVICES AVAILABLE"; and
(B) in paragraph (1), by striking "sub-
section (b)" and inserting "subsection (d)";
(2) by redesignating subsection (b) as subsection
(d); and
(3) by inserting after subsection (a) the following
new subsections:

“(b) CARE RELATED TO PREVENTION OF PREG-
NANCY.—Female covered beneficiaries shall be entitled to
care related to the prevention of pregnancy described in sub-
section (d)(3).

“(c) PROHIBITION ON COST-SHARING FOR CERTAIN
SERVICES.—Notwithstanding section 1074g(a)(6), section
1075, or section 1075a of this title or any other provision
of law, cost-sharing may not be imposed or collected for care
related to the prevention of pregnancy provided pursuant
to subsection (a) or (b), including for any method of contra-
ception provided, whether provided through a facility of the
uniformed services, the TRICARE retail pharmacy pro-
gram, or the national mail-order pharmacy program.”.

(b) CARE RELATED TO PREVENTION OF PREG-
NANCY.—Subsection (d)(3) of such section, as redesignated
by subsection (a)(2), is further amended by inserting before
the period at the end the following: “(including all methods
of contraception approved by the Food and Drug Adminis-
tration, contraceptive care (including with respect to inser-
tion, removal, and follow up), sterilization procedures, and
patient education and counseling in connection therewith)”.

(c) CONFORMING AMENDMENT.—Section 1077(a)(13)
of such title is amended by striking “section 1074d(b)” and
inserting “section 1074d(d)”.

(d) EFFECTIVE DATE.—The amendments made by this
section shall take effect on October 1, 2018.

Subtitle B—Health Care
Administration

SEC. 721. MODIFICATION OF PRIORITY FOR EVALUATION
AND TREATMENT OF INDIVIDUALS AT MILI-
TARY TREATMENT FACILITIES.

Subsection (b) of section 717 of the National Defense
Authorization Act for Fiscal Year 2017 (Public Law 114–
328) is amended to read as follows:

“(b) PRIORITY OF COVERED BENEFICIARIES.—

“(1) IN GENERAL.—Except as provided in para-
graph (2), the evaluation and treatment of covered
beneficiaries at military treatment facilities shall be
prioritized ahead of the evaluation and treatment of
veterans and civilians at such facilities under sub-
section (a).
“(2) Waiver.—The Secretary may waive the requirement under paragraph (1) in order to provide timely evaluation and treatment for individuals who are—

“(A) severely wounded or injured by acts of terror that occur in the United States; or

“(B) residents of the United States who are severely wounded or injured by acts of terror outside the United States.”.

SEC. 722. SELECTION OF DIRECTORS OF MILITARY TREATMENT FACILITIES AND TOURS OF DUTY OF SUCH DIRECTORS.

(a) In General.—Not later than January 1, 2019, the Secretary of Defense shall do the following:

(1) Develop the common qualifications and core competencies required of military and civilian individuals for selection as directors of military treatment facilities.

(2) Establish a minimum length for the tour of duty of a member of the Armed Forces serving as a director of a military treatment facility.

(b) Qualifications and Competencies.—

(1) Standards.—In developing common qualifications and core competencies under subsection
(a)(1), the Secretary shall include standards with respect to the following:

(A) Professional competence.

(B) Moral and ethical integrity and character.

(C) Formal education in healthcare executive leadership and healthcare management.

(D) Such other matters as the Secretary considers appropriate.

(2) OBJECTIVE.—The objective of the Secretary in developing such qualifications and competencies shall be to ensure that the individuals selected as directors of military treatment facilities are highly qualified to serve as health system executives in a medical treatment facility of the Armed Forces.

(c) TOURS OF DUTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of a director of a military treatment facility who is a member of the Armed Forces, the length of the tour of duty of any such director assigned to such position after January 1, 2019, may not be shorter than the longer of—

(A) the length established pursuant to subsection (a)(2); or

(B) three years.
(2) WAIVER.—The Secretary may authorize a tour of duty of a member of the Armed Forces serving as a director of a military treatment facility of a shorter length than is otherwise provided for in paragraph (1) if the Secretary determines, in the discretion of the Secretary, that there is good cause for a tour of duty in such position of shorter length. Any such determination shall be made on a case-by-case basis.

SEC. 723. CLARIFICATION OF ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.

Section 1073c(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(E), by striking “miliary” and inserting “military”;

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking “commander of each military medical treatment facility” and inserting “military or civilian director of each military medical treatment facility, under the authority, direction, and control of the Director of the Defense Health Agency,”; and

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

† HR 2810 PAP
“(4) If the Secretary of Defense determines it appropriate, a military director (or any other senior military officer or officers) of a military medical treatment facility may be a commanding officer for purposes of chapter 47 of this title (the Uniform Code of Military Justice) with respect to military personnel assigned to the military medical treatment facility.”.

SEC. 724. MODIFICATION OF EXECUTION OF TRICARE CONTRACTING RESPONSIBILITIES.

Subsection (b) of section 705 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended to read as follows:

“(b) EXECUTION OF CONTRACTING RESPONSIBILITY.—With respect to any acquisition of managed care support services under the TRICARE program initiated after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Under Secretary of Defense for Acquisition and Sustainment shall serve as the authority for decisions relating to such acquisition and shall be responsible for approving the acquisition strategy and conducting pre-solicitation, pre-award, and post-award acquisition reviews.”.
SEC. 725. PILOT PROGRAM ON ESTABLISHMENT OF INTEGRATED HEALTH CARE DELIVERY SYSTEMS.

(a) In General.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, shall carry out a pilot program to establish integrated health care delivery systems among the military health system, other Federal health systems, and private sector integrated health systems.

(b) Duration of Pilot Program.—The Secretary of Defense shall carry out the pilot program for a period of not less than five years.

(c) Implementation of Pilot Program.—

(1) Establishment of Task Force.—The Secretary shall establish a multi-disciplinary task force of Federal and private sector health care experts (in this section referred to as the “Task Force”) to develop a plan to implement the pilot program.

(2) Membership of Task Force.—

(A) In General.—The Task Force shall be composed of senior health care representatives from—

(i) the Department of Defense;

(ii) the Department of Veterans Affairs;
(iii) the Centers for Medicare & Medicaid Services;

(iv) high-performance, integrated health systems in the private sector; and

(v) health information technology organizations in the private sector.

(B) ADDITIONAL MEMBERS.—The Secretary may appoint additional members of the Task Force from the private sector as the Secretary considers appropriate.

(3) SUBMITTAL OF PLAN.—Not later than 180 days after the date of the enactment of this Act, the Task Force shall submit to the Secretary an implementation plan for the pilot program.


(d) ELEMENTS.—The pilot program shall be developed and carried out as follows:

(1) To create high-value integrated health systems that—

(A) establish value-based models of reimbursement for health care providers in integrated health care delivery systems to promote medical
innovation and create better health value for patients;

(B) provide innovative health benefit design solutions to promote effective, efficient, and affordable health care; and

(C) tailor case management and care coordination for high-need, high-cost patients.

(2) To empower health care providers with real-time advanced information technology solutions—

(A) to coordinate and manage health care services across the continuum of care; and

(B) to leverage sophisticated data capture, cloud computing, and data analytical tools to provide predictive modeling capabilities for health care providers.

(3) To empower patients with transparent information on health care costs, quality outcomes, and safety within health care provider networks in high-value integrated health systems.

(4) To provide incentives to patients and health care providers to prevent overuse of low-value health care services.

(e) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than 270 days after the date of the enactment of this
Act, the Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives the implementation plan submitted to the Secretary under subsection (c)(3).

(2) Final report.—

(A) In general.—Not later than four years after the date that the pilot program begins, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the pilot program.

(B) Elements.—The report submitted under subparagraph (A) shall provide the following:

(i) An analysis of the impact of the pilot program on building sustainable integrated health care delivery systems among the military health system, other Federal health systems, and private sector integrated health systems.

(ii) A determination of the extent to which value-based health care reimbursement models create value for patients and the health systems participating in the pilot program.
(iii) A determination of the extent to which the use of real-time advanced information technology solutions—

(I) improves coordination and management of health care services across the continuum of care; and

(II) leverages sophisticated data capture, cloud computing, and data analytical tools to provide comprehensive predictive modeling capabilities for health care providers.

(iv) A determination of the extent to which transparency of health care costs, health care quality outcomes, and patient safety within health care provider networks encourages patients to seek care from health care providers who provide high-quality health outcomes at lower cost.

(v) A determination of the extent to which patient and provider incentives prevent overuse of low-value health services.

(vi) A determination of the extent to which the pilot program should be expanded and implemented on a permanent basis.
Subtitle C—Reports and Other Matters

SEC. 731. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.


SEC. 732. ADDITIONAL EMERGENCY USES FOR MEDICAL PRODUCTS TO REDUCE DEATHS AND SEVERITY OF INJURIES CAUSED BY AGENTS OF WAR.

Section 1107a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) ADDITIONAL AUTHORITY TO REDUCE DEATHS AND SEVERITY OF INJURIES CAUSED BY AGENTS OF WAR.—(1) In a case in which an emergency use of an un-
approved product or an emergency unapproved use of an approved product cannot be authorized under section 564 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360bbb–3) because the emergency does not involve an actual or threatened attack with a biological, chemical, radiological, or nuclear agent or agents, the Secretary of Defense may authorize an emergency use outside the United States of the product to reduce the number of deaths or the severity of harm to members of the armed forces (or individuals associated with deployed members of the armed forces) caused by a risk or agent of war.

“(2) Except as otherwise provided in this subsection, an authorization by the Secretary under paragraph (1) shall have the same effect with respect to the armed forces as an emergency use authorization under section 564 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360bbb–3).

“(3) The Secretary may issue an authorization under paragraph (1) with respect to the emergency use of an unapproved product or the emergency unapproved use of an approved product only if—

“(A) the committee established under paragraph (5) has recommended that the Secretary issue the authorization; and
“(B) the Assistant Secretary of Defense for Health Affairs makes a written determination, after consultation with the Commissioner of Food and Drugs, that, based on the totality of scientific evidence available to the Assistant Secretary, criteria comparable to those specified in section 564(c) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360bbb–3(c)) have been met.

“(4) With respect to the emergency use of an unapproved product or the emergency unapproved use of an approved product under this subsection, the Secretary of Defense shall establish such scope, conditions, and terms under this subsection as the Secretary considers appropriate, including scope, conditions, and terms comparable to those specified in section 564 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360bbb–3).

“(5)(A) There is established in the Department of Defense a Department of Defense Emergency Use Authorization Committee (in this paragraph referred to as the ‘Committee’) to advise the Assistant Secretary of Defense for Health Affairs on proposed authorizations under this subsection.

“(B) Members of the Committee shall be appointed by the Secretary of Defense and shall consist of prominent health care professionals who are not employees of the De-
partment of Defense (other than for purposes of serving as a member of the Committee).

“(C) The Committee may be established as a subcommittee of another Federal advisory committee.

“(6) In this subsection:

“(A) The term ‘biological product’ has the meaning given that term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

“(B) The terms ‘device’ and ‘drug’ have the meanings given those terms in section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321).

“(C) The term ‘product’ means a drug, device, or biological product.

“(D) The terms ‘unapproved product’ and ‘unapproved use of an approved product’ have the meanings given those terms in section 564(a)(4) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360bbb–3(a)(4)).”.

SEC. 733. PROHIBITION ON CONDUCT OF CERTAIN MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.

The Secretary of Defense and each Secretary of a military department may not fund or conduct a medical research and development project unless the Secretary funding or conducting the project—
(1) submits to the Committees on Armed Services of the Senate and the House of Representatives a written certification that the project is designed to directly protect, enhance, or restore the health and safety of members of the Armed Forces; and

(2) does not initiate the funding or conduct of such project until the date that is 90 days after the submittal of such written certification.

SEC. 734. MODIFICATION OF DETERMINATION OF AVERAGE WAIT TIMES AT URGENT CARE CLINICS AND PHARMACIES AT MILITARY MEDICAL TREATMENT FACILITIES UNDER PILOT PROGRAM.

(a) URGENT CARE CLINICS.—Subsection (c)(2) of section 744 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended to read as follows:

“(2) DETERMINATION.—In carrying out paragraph (1), the Secretary shall determine the average wait time to display under such paragraph by using a formula derived from best practices in the health care industry.”.

(b) PHARMACIES.—Subsection (d)(2) of such section is amended to read as follows:

“(2) DETERMINATION.—In carrying out paragraph (1), the Secretary shall determine the average
wait time to display under such paragraph by using
a formula derived from best practices in the health
care industry.”.

SEC. 735. REPORT ON PLAN TO IMPROVE PEDIATRIC CARE
AND RELATED SERVICES FOR CHILDREN OF
MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of Defense
shall submit to the Committees on Armed Services of the
Senate and the House of Representatives a report setting
forth a plan of the Department of Defense to improve pedi-
atric care and related services for children of members of
the Armed Forces.

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

(1) In order to ensure that children receive devel-
opmentally-appropriate and age-appropriate health
care services from the Department, a plan to align
preventive pediatric care under the TRICARE pro-
gram with—

(A) standards for such care as required by
the Patient Protection and Affordable Care Act
(Public Law 111–148);

(B) guidelines established for such care by
the Early and Periodic Screening, Diagnosis,
and Treatment program under the Medicaid pro-
gram carried out under title XIX of the Social
Security Act (42 U.S.C. 1396 et seq.); and

(C) recommendations by organizations that
specialize in pediatrics.

(2) A plan to develop a uniform definition of
“pediatric medical necessity” for the Department that
aligns with recommendations of organizations that
specialize in pediatrics in order to ensure that a con-
sistent definition of such term is used in providing
health care in military treatment facilities and by
health care providers under the TRICARE program.

(3) A plan to revise certification requirements
for residential treatment centers of the Department to
expand the access of children of members of the Armed
Forces to services at such centers.

(4) A plan to develop measures to evaluate and
improve access to pediatric care, coordination of pedi-
atric care, and health outcomes for such children.

(5) A plan to include an assessment of access to
pediatric specialty care in the annual report to Con-
gress on the effectiveness of the TRICARE program.

(6) A plan to improve the quality of and access
to behavioral health care under the TRICARE pro-
gram for children of members of the Armed Forces,
including intensive outpatient and partial hospitalization services.

(7) A plan to mitigate the impact of permanent changes of station and other service-related relocations of members of the Armed Forces on the continuity of health care services received by such children who have special medical or behavioral health needs.

(8) A plan to mitigate deficiencies in data collection, data utilization, and data analysis to improve pediatric care and related services for children of members of the Armed Forces.

(c) TRICARE PROGRAM DEFINED.—In this section, the term “TRICARE program” has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 736. INCLUSION OF GAMBLING DISORDER IN HEALTH ASSESSMENTS AND RELATED RESEARCH EFFORTS OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL PERIODIC HEALTH ASSESSMENT.—The Secretary of Defense shall incorporate medical screening questions specific to gambling disorder into the Annual Periodic Health Assessment (DD Form 3024) conducted by the Department of Defense for members of the Armed Forces.

(b) RESEARCH EFFORTS.—The Secretary shall incorporate into ongoing research efforts of the Department questions on gambling disorder, as appropriate, including by
restoring such questions into the Health Related Behaviors Survey of Active Duty Military Personnel.

SEC. 737. FEASIBILITY STUDY ON CONDUCT OF PILOT PROGRAM ON MENTAL HEALTH READINESS OF PART-TIME MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall conduct a feasibility study and cost estimate for a pilot program that uses predictive analytics and screening to identify mental health risk and provide early, targeted intervention for part-time members of the reserve components of the Armed Forces to improve readiness and mission success.

(b) ELEMENTS.—The feasibility study conducted under subsection (a) shall include elements to assess the following with respect to the pilot program studied under such subsection:

(1) The anticipated improvement in quality of behavioral health services for part-time members of the reserve components of the Armed Forces and the impact of such improvement in quality of behavioral health services on their families and employers.
(2) The anticipated impact on the culture surrounding behavioral health treatment and help-seeking behavior.

(3) The feasibility of embedding mental health professionals with units that—
   (A) perform core mission sets and capabilities; and
   (B) carry out high-risk and high-demand missions.

(4) The particular preventative mental health needs of units at different states of their operational readiness cycle.

(5) The need for additional personnel of the Department of Defense to implement the pilot program.

(6) The cost of implementing the pilot program throughout the reserve components of the Armed Forces.

(7) The benefits of an integrated operational support team for the Air National Guard and Army National Guard units.

(c) COMPARISON TO FULL-TIME MEMBERS OF RESERVE COMPONENTS.—As part of the feasibility study conducted under subsection (a), the Secretary shall assess the mental health risk of part-time members of the reserve com-
ponents of the Armed Forces as compared to full-time mem-
bers of the reserve components of the Armed Forces.

(d) USE OF EXISTING MODELS.—In conducting the
feasibility study under subsection (a), the Secretary shall
make use of existing models for preventative mental health
care, to the extent practicable, such as the approach devel-
oped by the United States Air Force School of Aerospace
Medicine.

TITLE VIII—ACQUISITION POL-
ICY, ACQUISITION MANAGE-
MENT, AND RELATED MAT-
TERS

Subtitle A—Acquisition Policy and
Management

SEC. 801. REPEAL OF TEMPORARY SUSPENSION OF PUBLIC-
PRIVATE COMPETITIONS FOR CONVERSION
OF DEPARTMENT OF DEFENSE FUNCTIONS
TO PERFORMANCE BY CONTRACTORS.

Effective as of the date that is one year after the date
of the enactment of this Act, section 325 of the National
Defense Authorization Act for Fiscal Year 2010 (Public
Law 111–84; 123 Stat. 2253) is repealed.
SEC. 802. TECHNICAL AND CONFORMING AMENDMENTS RELATED TO PROGRAM MANAGEMENT PROVISIONS.

(a) Repeal of duplicative provision related to program and project management.—Subsection (c) of section 503 of title 31, United States Code, as added by section 861(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2298), is repealed.

(b) Repeal of duplicative provision related to program management officers and program management policy council.—Section 1126 of title 31, United States Code, as added by section 861(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2299), is repealed.

(c) Repeal of obsolete provisions.—Section 861 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2299) is amended—

(1) in subsection (a), by striking paragraphs (2) and (3);

(2) in subsection (b), by striking paragraph (2); and

(3) by striking subsections (c) and (d).

SEC. 803. SHOULD-COST MANAGEMENT.

(a) Requirement for regulations.—Not later than 180 days after the date of the enactment of this Act,
the Secretary of Defense shall amend the Defense Supplement to the Federal Acquisition Regulation to provide for the appropriate use of the should-cost review process in a manner that is transparent, objective, and provides for the efficiency of the systems acquisition process in the Department of the Defense.

(b) REQUIRED ELEMENTS.—The regulations required under subsection (a) shall incorporate, at a minimum, the following elements:

(1) A description of the features distinguishing a should-cost review and the analysis of program direct and indirect costs.

(2) Establishment of a process for communicating with the contractor the elements of a proposed should-cost review.

(3) A method for ensuring that identified should-cost savings opportunities are based on accurate, complete, and current information and are associated with specific engineering or business changes that can be quantified and tracked.

(4) A description of the training, skills, and experience, including cross functional experience, that Department of Defense and contractor officials carrying out a should-cost review in subsection (a) should possess.
(5) A method for ensuring appropriate collaboration with the contractor throughout the review process.

(6) Establishment of review process requirements that provide for sufficient analysis and minimize any impact on program schedule.

(7) A requirement that any separate audit or review carried out in connection with the should-cost review be provided to the prime contractor under the program.

SEC. 804. CLARIFICATION OF PURPOSE OF DEFENSE ACQUISITION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend the Defense Federal Acquisition Regulation as appropriate to provide the following:

(1) The Defense Acquisition System exists to manage the nation’s investments in technologies, programs, and product support necessary to achieve the National Security Strategy and support the United States Armed Forces.

(2) The investment strategy of the Department of Defense shall be postured to support not only today’s force, but also the next force, and future forces beyond that.
(3) The primary objective of Defense acquisition is to acquire quality products that satisfy user needs with measurable improvements to mission capability and operational support, in a timely manner, and at a fair and reasonable price.

SEC. 805. DEFENSE POLICY ADVISORY COMMITTEE ON TECHNOLOGY.

(a) Establishment.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall form a committee of senior executives from United States firms in the national technology and industrial base to meet with the Secretary, the Secretaries of the military departments, and members of the Joint Chiefs of Staff to exchange information, including, as appropriate, classified information, on technology threats to the national security of the United States and on the emerging technologies from the national technology and industrial base that may become available to counter such threats in a timely manner.

(b) Meetings.—The defense policy advisory committee on technology formed pursuant to subsection (a) shall meet with the Secretary and the other Department of Defense officials specified in such subsection collectively at least once annually in each of fiscal years 2018 through
2022. The Secretary of Defense shall provide the congres-
sional defense committees annual briefings on the meetings.

(c) FEDERAL ADVISORY COMMITTEE ACT.—The Fed-
eral Advisory Committee Act (5 U.S.C. App.) shall not
apply to the defense policy advisory committee on tech-
ology established pursuant to this section.

SEC. 806. REPORT ON EXTENSION OF DEVELOPMENT, AC-
QUISITION, AND SUSTAINMENT AUTHORITIES
OF THE MILITARY DEPARTMENTS TO THE
UNITED STATES SPECIAL OPERATIONS COM-
MAND.

(a) REVIEW.—The Secretary of Defense shall carry out
a review of the authorities available to the Secretaries of
the military departments and the acquisition executives of
the military departments for the development, acquisition,
and sustainment of technology, equipment, and services for
the military departments in order to determine the feasi-
ibility and advisability of the provision of such authorities
to the Commander of the United States Special Operations
Command and the acquisition executive of the Command
for the development, acquisition, and sustainment of special
operations-peculiar technology, equipment, and services.

(b) REPORT.—Not later than 120 days after the date
of the enactment of this Act, the Secretary shall submit to
the Committees on Armed Services of the Senate and the
House of Representatives a report on the review required by subsection (a). The report shall include the following:

(1) A description of the review.

(2) An identification of the authorities the Secretary recommends for provision to the Commander of the United States Special Operations Command and the acquisition executive of the Command as described in subsection (a), and recommendations for any modifications of such authorities that the Secretary considers appropriate for purposes of the United States Special Operations Command.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the provision of authorities identified pursuant to paragraph (2) as described in subsection (a).

(4) Such other matters as the Secretary considers appropriate in light of the review.

SEC. 807. ENSURING TRANSPARENCY IN ACQUISITION PROGRAMS.

(a) In General.—The Secretary of Defense shall establish and implement a policy that will ensure the acquisition programs of major systems establish cost, schedule, and performance goals at the onset of the program. The policy shall also ensure that acquisition programs of major sys-
tems report on the original cost, schedule, and performance
goals throughout the program to ensure transparency.

(b) Major System Defined.—In this section, the
term “major system” has the meaning given the term in
section 2302d of title 10, United States Code.

Subtitle B—Amendments to General
Contracting Authorities, Procedures, and Limitations

SEC. 811. Waiver Authority for Purposes of Expanding Competition.

Section 2304 of title 10, United States Code, is amend-
ed by adding at the end the following new subsection:

“(m) In the event the application of any provision of
law results in only one responsible bidder for a contract,
the Secretary of Defense may waive such provision of law
(other than subsection (c)) for purposes of expanding com-
petition for the contract.”.

SEC. 812. Increased Simplified Acquisition Threshold Applicable to Department of Defense Procurements.

(a) Increased Simplified Acquisition Threshold.—

(1) In general.—Chapter 137 of title 10,
United States Code, is amended by adding at the end
the following new section:
§ 2339a. Simplified acquisition threshold

“Notwithstanding section 134 of title 41, the simplified acquisition threshold for the Department of Defense for purposes of such section is $250,000.”

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

“2339a. Simplified acquisition threshold.”

(b) Conforming Amendment.—Section 134 of title 41, United States Code, is amended by striking “In division B” and inserting “Except as provided in section 2339a of title 10, in division B”.

SEC. 813. INCREASED THRESHOLD FOR COST OR PRICING DATA AND TRUTH IN NEGOTIATIONS REQUIREMENTS.

Section 2306a of title 10, United States Code, is amended by striking “$500,000” each place it appears and inserting “$1,000,000”.

SEC. 814. CONTRACT AUTHORITY FOR ADVANCED DEVELOPMENT OF INITIAL OR ADDITIONAL PROTOTYPE UNITS.

(a) Permanent Authority.—

(1) In General.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2302d the following new section:
§2302e. Contract authority for advanced development of initial or additional prototype units

“(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of this title may contain a contract line item or contract option for—

“(1) the provision of advanced component development, prototype, or initial production of technology developed under the contract; or

“(2) the delivery of initial or additional items if the item or a prototype thereof is created as the result of work performed under the contract.

“(b) LIMITATIONS.—

“(1) MINIMAL AMOUNT.—A contract line item or contract option described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items.

“(2) TERM.—A contract line item or contract option described in subsection (a) shall be for a term of not more than 2 years.

“(3) DOLLAR VALUE OF WORK.—The dollar value of the work to be performed pursuant to a con-
tract line item or contract option described in subsection (a) may not exceed the amount of expenditure consistent with a major system, as defined in section 2302d of this title.

“(4) APPLICABILITY.—The authority provided in subsection (a) applies only to the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2302d the following new item:

“2302e. Contract authority for advanced development of initial or additional prototype units.”.

(b) MODIFICATION OF COMPETITIVE PROCEDURES
DEFINITION.—Section 2302(2)(B) of title 10, United States Code, is amended by striking “basic research proposals” and inserting “proposals for basic research, applied research, advanced research, or development projects”.

(c) REPEAL OF OBSOLETE AUTHORITY.—Section 819 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 107–314; 10 U.S.C. 2302 note) is hereby repealed.
SEC. 815. TREATMENT OF INDEPENDENT RESEARCH AND DEVELOPMENT COSTS ON CERTAIN CONTRACTS.

(a) Threshold for Establishing Advisory Panel Related to Goal for Reimbursable Bid and Proposal Costs.—Section 2372a(d)(1) of title 10, United States Code, as added by section 824(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by striking “If the Department of Defense exceeds the goal established under subsection (c) for a fiscal year, within 180 days after exceeding the goal” and inserting “If the amount of reimbursable bid and proposal costs paid by the Department of Defense for a fiscal year exceeds .75 percent of the total aggregate industry sales to the Department for such fiscal year, within 180 days of exceeding such threshold”.

(b) Independent Research and Development Costs: Allowable Costs.—Section 2372(d) of title 10, United States Code, as amended by section 824(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is further amended by striking “subsection (c)(3)(A)” and inserting “subsection (c)(2)(A)”.

SEC. 816. NON-TRADITIONAL CONTRACTOR DEFINITION.

Section 2302(9) of title 10, United States Code, is amended by striking “means an entity that is not currently performing” and inserting “means a specific business unit
or function with a unique entity identifier that is not currently performing”.

SEC. 817. REPEAL OF DOMESTIC SOURCE RESTRICTION RELATED TO WEARABLE ELECTRONICS.

Section 2533a(b)(2) of title 10, United States Code, is amended by inserting “(excluding wearable electronics)” after “Hand or measuring tools”.

SEC. 818. USE OF OUTCOME-BASED AND PERFORMANCE-BASED REQUIREMENTS FOR SERVICES CONTRACTS.

(a) Justification Requirement for Use of Personnel and Labor Hour Requirements.—The Department of Defense may not enter into a contract for the procurement of services valued in excess of $10,000,000 based on specific descriptive personnel and labor hour requirements unless the program manager and contracting officer first submit to the Under Secretary of Defense for Acquisition and Sustainment a written justification including the reasons for basing the contract on those requirements instead of outcome- or performance-based requirements.

(b) Comptroller General Report.—Not later than two years 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 justifications submitted pursuant to subsection (a). The report shall
review the adequacy of the justifications and identify any
reoccurring obstacles to the use of outcome- and perform-
ance-based requirements instead of specified personnel and
labor hour requirements for purposes of awarding services
contracts.

(c) SUNSET.—The requirements under this section
shall terminate at the close of September 30, 2022.

SEC. 819. PILOT PROGRAM FOR LONGER TERM MULTIYEAR
SERVICE CONTRACTS.

(a) IN GENERAL.—The Secretary of Defense may use
the authority under subsection (a) of section 2306c of title
10, United States Code, to enter into up to five contracts
for periods of not more than 10 years for services described
in subsection (b) of such section. Each contract entered into
pursuant to this subsection may be extended for up to five
additional one-year terms.

(b) STUDY.—

(1) IN GENERAL.—Not later than 90 days after
the date of enactment of this Act, the Secretary of De-
fense shall enter into an agreement with an inde-
dependent organization with relevant expertise to study
best practices and lessons learned from using services
contracts for periods longer than five years by com-
mercial companies, foreign governments, and State
governments, as well as service contracts for periods
longer than five years used by the Federal Government, such as Energy Savings Performance Contracts.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the study conducted under paragraph (1).

(c) COMPTROLLER GENERAL REPORT.—Not later than two years 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 pilot program carried out under this section.

SEC. 820. IDENTIFICATION OF COMMERCIAL SERVICES.

Section 876 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2311) is amended—

(1) by striking “Not later than” and inserting “(a) IN GENERAL.—Not later than”; and

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

“(b) IDENTIFICATION OF INDUSTRY SUBCATEGORIES.—In preparing the guidance required under subsection (a), the Secretary shall identify those industry subcategories in facilities-related services, knowledge-based
services (except engineering services), construction services, medical services, or transportation services in which there are significant numbers of commercial services providers able to meet the requirements of the Department of Defense.”.

SEC. 821. GOVERNMENT ACCOUNTABILITY OFFICE BID PROTEST REFORMS.

(a) In General.—Chapter 137 of title 10, United States Code, as amended by section 812, is further amended by adding at the end the following new section:

“§ 2340. Government Accountability Office bid protests

“(a) Payment of costs for denied protests.—

“(1) In general.—A contractor who files a protest described under paragraph (2) with the Government Accountability Office on a contract with the Department of Defense shall pay to the Department of Defense costs incurred for processing a protest at the Government Accountability Office and the Department of Defense.

“(2) Covered protests.—A protest described under this paragraph is a protest—

“(A) all of the elements of which are denied in an opinion issued by the Government Accountability Office; and
“(B) filed by a party with revenues in excess of $100,000,000 during the previous year.

“(b) Withholding of Payments Above Incurred Costs of Incumbent Contractors.—

“(1) In general.—Contractors who file a protest on a contract on which they are the incumbent contractor shall have all payments above incurred costs withheld on any bridge contracts or temporary contract extensions awarded to the contractor as a result of a delay in award resulting from the filing of such protest.

“(2) Disposition of Withheld Payments Above Incurred Costs.—

“(A) Release to incumbent contractor.—All payments above incurred costs of a protesting incumbent contractor withheld pursuant to paragraph (1) shall be released to the protesting incumbent contractor if—

“(i) the solicitation that is the subject of the protest is cancelled and no subsequent request for proposal is released or planned for release; or

“(ii) if the Government Accountability Office issues an opinion that upholds any of the protest grounds filed under the protest.
“(B) Release to awardee.—Except for the exceptions set forth in subparagraph (A), all payments above incurred costs of a protesting incumbent contractor withheld pursuant to paragraph (1) shall be released to the contractor that was awarded the protested contract prior to the protest.

“(C) Release to department of defense in event of no contract award.—Except for the exceptions set forth in subparagraph (A), if a protested contract for which payments above incurred costs are withheld under paragraph (1) is not awarded to a contractor, the withheld payments shall be released to the Department of Defense and deposited into an account that can be used by the Department to offset costs associated with Government Accountability Office bid protests.”.

(b) Clerical Amendment.—The table of sections for such chapter, as amended by section 812(a)(2) of this Act, is further amended by inserting after the item relating to section 2339a the following new item:

“2340. Government Accountability Office bid protests.”.

SEC. 822. ENHANCED POST-AWARD DEBRIEFING RIGHTS.

(a) Release of contract award information.—Not later than 120 days after the date of the enactment of
this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that all required post-award debriefings must provide detailed and comprehensive statements of the agency’s rating for each evaluation criteria and of the agency’s overall award decision. With regard to protecting the confidential and proprietary information of other offerors, the revision shall encourage the release to the company of all information that otherwise would be releasable in the course of a bid protest challenge to an award. At a minimum, the revisions shall include—

(1) a requirement for disclosure of the agency’s written source selection award determination, redacted if necessary to protect other offerors’ confidential and proprietary information;

(2) a requirement for a combined written and oral debriefing for all contract awards and task or delivery orders valued at $10,000,000 or higher;

(3) a requirement for an option, at an offerors’ election, for access to an unredacted copy of the source selection award determination and the supporting agency record for outside counsel or other appropriate outside representative for all contract awards and task or delivery orders valued at $10,000,000 or higher;
(4) provisions ensuring that both losing and winning offerors are entitled to the applicable enhanced post-award debriefing rights; and

(5) robust procedures, consistent with section 2305(b)(5)(C) of title 10, United States Code, and section 15.506(e) of the Federal Acquisition Regulation, to protect the confidential and proprietary information of other offerors.

(b) OPPORTUNITY FOR FOLLOW-UP QUESTIONS.—Section 2305(b)(5) of title 10, United States Code, is amended—

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

(2) in subparagraph (B)—

(A) in clause (v), by striking “; and” and inserting a semicolon;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

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

“(vii) an opportunity for a disappointed offeror to submit within two business days of receiving a post-award debriefing additional, follow-up questions related to the debriefing.”; and
(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) The agency shall respond in writing to additional, follow-up questions submitted under subparagraph (B) within five business days. The debriefing will not be considered concluded until the agency delivers its written responses to the disappointed offeror.”.

(c) COMMENCEMENT OF POST-BRIEFING PERIOD.—Section 3553(d)(4) of title 31, United States Code, is amended—

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

(2) by striking “The period” and inserting “(A) The period”; and

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

“(B) For procurements conducted by any component of the Department of Defense, the five-day post-debriefing period does not commence until the day the Government delivers to a disappointed offeror the written responses to any questions submitted pursuant to section 2305(5)(B)(vii) of title 10.”.

(d) DECISIONS ON PROTESTS.—Section 3554(a)(1) of title 31, United States Code, is amended by striking the
period at the end and inserting the following: “for all pro-
tests arising from agencies outside the Department of De-
fense and within 65 days after the date the protest is sub-
mitted to the Comptroller General for all protests arising
from the Department of Defense and its subordinate agen-
cies. In protests arising from the Department of Defense
and its subordinate agencies which present unusually com-
plex issues or large agency records, the Comptroller General
may extend the time for decision but in no event later than
100 days after the protest is submitted.”.

SEC. 823. LIMITATION ON UNILATERAL DEFINITIZATION.

(a) LIMITATION.—Section 2326 of title 10, United
States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f),
(g), (h), and (i) as subsections (d), (e), (f), (g), (h),
(i), and (j) respectively; and

(2) by inserting after subsection (b) the following
new subsection:

“(c) LIMITATION ON UNILATERAL DEFINITIZATION BY
THE CONTRACTING OFFICER.—The following limitation ap-
plies to all undefinitized contractual actions with a not to
exceed value of $50,000,000 or greater:

“(1) If agreement is not reached on contractual
terms, specifications, and price by a date certain, as
required under subsection (b)(1), the contracting offi-

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may not unilaterally definitize those terms, specifications and price over the objection of the contractor until—

“(A) the head of the agency approves the definitization in writing;

“(B) the contracting officer provides the written approval to the contractor; and

“(C) the head of the agency notifies the congressional defense committees of the approval.

“(2) The contract modification unilaterally definitizing the action shall not take effect until 60 calendar days after the congressional defense committees have been notified under subparagraph (C) of such paragraph.”.

(b) CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulations to conform with the amendments made by subsection (a).
SEC. 824. RESTRICTION ON USE OF REVERSE AUCTIONS AND LOWEST PRICE TECHNICALLY ACCEPTABLE CONTRACTING METHODS FOR SAFETY EQUIPMENT.

(a) IN GENERAL.—Section 814 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) in the section heading, by inserting “AND SAFETY EQUIPMENT” after “PERSONAL PROTECTIVE EQUIPMENT”; and

(2) by inserting “and safety equipment” after “personal protective equipment”.

(b) CONFORMING AMENDMENTS.—The tables of sections in section 2(b) of such Act and at the beginning of title VIII of such Act are amended in the item relating to section 814 by inserting “and safety equipment” after “personal protective equipment”.

SEC. 825. USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

(a) ADDITIONAL REQUIREMENTS.—Subsection (b) of section 813 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) in paragraph (5), by striking “; and” and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and
(3) by adding at the end the following new paragraphs:

“(7) the Department of Defense would not realize any additional innovation or future technological advantage by using a different methodology; and

“(8) the items procured are predominantly expendable in nature, non-technical, or a short life expectancy or short shelf life.”.

(b) REPORTING REQUIREMENT.—Subsection (d) of such section is amended by striking “contract exceeding $10,000,000” and inserting “contract exceeding $5,000,000”.

SEC. 826. MIDDLE TIER OF ACQUISITION FOR RAPID PROTOTYPE AND RAPID FIELDING.

(a) ELIMINATION OF COST-SHARING REQUIREMENT.—Section 804(c)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(b) USE OF SIMPLIFIED PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Defense Acquisition Regulation Supplement shall be amended to provide for special simplified procedures for
purchases of property and services under the rapid prototyping and rapid fielding programs established under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).

SEC. 827. ELIMINATION OF COST UNDERRUNS AS FACTOR IN CALCULATION OF PENALTIES FOR COST OVERRUNS.

(a) IN GENERAL.—Section 828 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note) is amended—

(1) in subsection (a), by striking “fiscal year 2015” and inserting “fiscal years 2018, 2019, 2020, 2021, and 2022”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “or underrun”;

(B) in paragraph (2), by striking “or underruns”;

(C) in paragraph (3)—

(i) by striking “and cost underruns”;

and

(ii) by striking “or underruns”; and

(D) in paragraph (4), by striking “, except that the cost overrun penalty may not be a negative amount”; and
(3) in subsection (c), by striking “each fiscal year beginning with fiscal year 2015” and inserting “fiscal years 2018, 2019, 2020, 2021, and 2022”.

(b) Prior Fiscal Years.—The requirements of section 828 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to fiscal years beginning on or before October 1, 2016.

SEC. 828. CONTRACT CLOSEOUT AUTHORITY.

Section 836(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2286) is amended by striking “entered into prior to fiscal year 2000” and inserting “entered into at least 17 years before the current fiscal year”.

SEC. 829. SERVICE CONTRACTS OF THE DEPARTMENT OF DEFENSE.

(a) Inclusion of Certain Information in Future-Years Defense Program.—Each future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code, for a fiscal year after fiscal year 2018 shall include an estimate of the cost and number of service contracts of the Department of Defense for each fiscal year covered by the future-years defense program. The estimate shall be set forth for the Department of Defense
as a whole and separately for each department, agency, organization, and element of the Department anticipated to use service contracts during the fiscal years covered by the future-years defense program concerned.

(b) REQUIREMENT FOR CERTIFICATION AND BRIEFING.—No study or competition regarding a public-private competition for the conversion to performance by a contractor for any function performed by Department of Defense civilian employees may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A–76, until such time as—

(1) the future-years defense program submitted to Congress includes the information described in subsection (a); or

(2) the Secretary of Defense certifies that the Department has a plan to provide such information by the next fiscal year.

SEC. 830. DEPARTMENT OF DEFENSE CONTRACTOR WORKPLACE SAFETY AND ACCOUNTABILITY.

(a) IDENTIFICATION OF KNOWN WORKPLACE SAFETY AND HEALTH VIOLATIONS.—

(1) IN GENERAL.—A contracting officer, prior to awarding or renewing a covered contract, shall, as part of the responsibility determination, consider any
identified violations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or equivalent State laws by the offeror, and by any covered subcontractors.

(2) **Responsibility Determination.**—The contracting officer shall consider violations described in paragraph (1) in determining whether the offeror is a responsible source with a satisfactory record of performance that meets mission and ethical standards.

(3) **Referral of Information to Suspension and Debarment Officials.**—As appropriate, a contracting officer shall refer matters related to violations described in paragraph (1) to the Department of Defense’s suspension and debarment official in accordance with Department procedures.

(b) **Contractor Rights.**—The Secretary of Defense shall establish policies and practices—

(1) ensuring that when making responsibility determinations, contracting officers request that contractors provide any and all information the contractors deem necessary to demonstrate responsibility prior to final determinations;

(2) establishing mechanisms for contractors to have an expedited process to review any information
used to support determinations of non-responsibility; and

(3) establishing mechanisms for contractors to have an expedited process to appeal determinations of non-responsibility.

(c) PROTEST RIGHTS.—The Secretary of Defense shall protect the rights of contractors to protest bids and appeal actions taken pursuant to this section.

(d) TRAINING AND GUIDANCE.—The Secretary of Defense shall develop and provide clear training and guidance to acquisition officials, contracting officers, and current and potential contractors regarding implementation policies and practices for this section.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—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 Department of Defense and the congressional defense committees a report on the health and safety records of Department of Defense contractors.

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

(A) A description of the Department of Defense’s existing procedures to evaluate the safety
and health records of current and prospective contractors.

(B) An evaluation of the Department’s adherence to those procedures.

(C) An assessment of the current incidence of health and safety violations by Department contractors.

(D) An assessment of whether the Department of Labor has the resources to investigate and identify safety and health violations by Department of Defense contractors.

(E) An assessment of whether the Department of Labor should consider assuming an expanded investigatory role or a targeted enforcement program for ensuring the safety and health of workers under Department of Defense contracts.

(f) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term “covered contract” means a Department of Defense contract for the procurement of property or services, including construction, valued in excess of $1,000,000.

(2) COVERED SUBCONTRACTOR.—The term “covered subcontractor” means a subcontractor listed in the bid for a covered contract or known by the De-
partment of Defense to be a subcontractor of the offer-
or.

SEC. 831. DEPARTMENT OF DEFENSE PROMOTION OF CON-
TRACTOR COMPLIANCE WITH EXISTING LAW.

It is the sense of Congress that—

(1) the Department of Defense should aim to en-
sure that parties contracting with the Federal Gov-
ernment abide by existing law, including worker pro-
tection laws;

(2) worker protection laws, including chapter 43
of title 38, United States Code (commonly known as
the “Uniformed Services Employment and Reemploy-
ment Rights Act of 1994” or “USERRA”) and the
Americans with Disabilities Act of 1990 (42 U.S.C.
12101 et seq.), were enacted to ensure equitable work-
place practices;

(3) identifying and helping to improve the com-
pliance of contractors with worker protection viola-
tions will help avoid setbacks and delays stemming
from contracting with noncompliant contractors; and

(4) the Secretary of Defense has the authority to
ensure contractors’ compliance with existing laws and
should establish a goal to work with responsible con-
tractors who are in compliance with worker protec-
tion laws.
Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 835. REVISIONS TO DEFINITION OF MAJOR DEFENSE ACQUISITION PROGRAM.

Section 2430(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting “in the case of a program that is not a program for the acquisition of an automated information system (either a product or a service),” after “(B); and

(2) in paragraph (2)—

(A) by striking “does not include an acquisition program” and inserting the following:

“does not include—

“(A) an acquisition program”; and

(B) by striking the period at the end and inserting the following: “; or

“(B) an acquisition program for a defense business system (as defined in section 2222(i)(1) of this title) carried out using the acquisition guidance issued pursuant to section 883(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2223a note).”.
SEC. 836. PROHIBITION ON USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2441 the following new section:

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§ 2442. Prohibition on use of lowest price technically acceptable source selection process

“(a) IN GENERAL.—The Department of Defense shall not use a lowest price technically acceptable source selection process for the development contract of a major defense acquisition program.

“(b) NOTIFICATION.—(1) The Secretary of Defense shall submit to the congressional defense committees a notification of the source selection process that the Department of Defense plans to use for the development contract of a major defense acquisition program.

“(2) The notification required under paragraph (1) shall be submitted at the same time that the President submits under section 1105 of title 31 the budget in which budget authority is requested for the development contract of a major defense acquisition program. If the Department of Defense has not yet determined the source selection process for the development contract at the time that budget au-```
thority for the development contract is requested, the De-
partment of Defense shall submit the notification not later
than 30 days before release of the request for proposals for
the development contract.

“(c) DEFINITIONS.—In this section:

“(1) LOWEST PRICE TECHNICALLY ACCEPTABLE
SOURCE SELECTION PROCESS.—The term ‘lowest price
technically acceptable source selection process’ has the
meaning given that term in part 15 of the Federal
Acquisition Regulation.

“(2) MAJOR DEFENSE ACQUISITION PROGRAM.—
The term ‘major defense acquisition program’ has the
meaning given that term in section 2430 of this title.

“(3) DEVELOPMENT CONTRACT.—The term ‘de-
velopment contract’ means a prime contract for the
development of a major defense acquisition pro-
gram.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of such chapter is amended by
inserting after the item relating to section 2441 the
following new item:

“2442. Prohibition on use of lowest price technically acceptable source selection
process.”.

(b) APPLICABILITY.—The requirements of section 2442
of title 10, United States Code, as added by subsection (a),
shall apply to major defense acquisition programs for which
budgetary authority is requested for fiscal year 2019 or a
subsequent fiscal year.

SEC. 837. ROLE OF THE CHIEF OF THE ARMED FORCE IN
MATERIAL DEVELOPMENT DECISION AND ACQUISITION SYSTEM MILESTONES.

Section 2547(b) of title 10, United States Code, is
amended—

(1) by striking “The Secretary” and inserting
“(1) The Secretary”; and

(2) by adding at the end the following new para-

graph:

“(2) Consistent with the performance of duties under
subsection (a), the Chief of the armed force concerned, with
respect to major defense acquisition programs, shall—

“(A) concur with the need for a material solu-
tion as identified in the Material Development Deci-
sion Review prior to entry into the Material Solution
Analysis Phase under Department of Defense Instruc-
tion 5000.02;

“(B) concur with the cost, schedule, technical fea-
sibility, and performance trade-offs that have been
made with regard to the program before Milestone A
approval is granted under section 2366a of this title;

“(C) concur that appropriate trade-offs among
cost, schedule, technical feasibility, and performance
objectives have been made to ensure that the program is affordable when considering the per unit cost and the total life-cycle cost before Milestone B approval is granted under section 2366b of this title; and

“(D) concur that the requirements in the program capability document are necessary and realistic in relation to program cost and fielding targets as required by paragraph (1) before Milestone C approval is granted.”

Subtitle D—Provisions Related to Acquisition Workforce

SEC. 841. TRAINING IN COMMERCIAL ITEMS PROCUREMENT.

(a) Training.—Not later than one year after the date of the enactment of this Act, the President of the Defense Acquisition University shall establish a comprehensive training program on part 12 of the Federal Acquisition Regulation. The training shall cover, at a minimum, the following topics:

(1) The origin of part 12 and the congressional mandate to prefer commercial procurements.

(2) The definition of a commercial item, with a particular focus on the “of a type” concept.

(3) Price analysis and negotiations.

(4) Market research and analysis.
(5) Independent cost estimates.

(6) Parametric estimating methods.

(7) Value analysis.

(8) Best practices in pricing from commercial sector organizations, foreign government organizations, and other Federal, state, and local public sector organizations.

(9) Other topics on commercial procurements necessary to ensure a well-educated acquisition workforce.

(b) ENROLLMENTS GOALS.—The President of the Defense Acquisition University shall set goals for student enrollment for the comprehensive training program established under subsection (a).

(c) SUPPORTING ACTIVITIES.—The Secretary of Defense shall establish, in support of the achievement of the goals of this section—

(1) a university research program to engage academic experts on research topics of interest to improve commercial item identification and pricing methodologies; and

(2) a set of exchange and interface opportunities between government personnel experts to increase awareness of best practices and challenges in commercial item identification and pricing.
(d) FUNDING.—The Secretary of Defense shall use amounts available in the Department of Defense Acquisi-
tion Workforce Development Fund established under section 1705 of title 10, United States Code, to fund the comprehen-
sive training program established under subsection (a).

SEC. 842. MODIFICATION OF DEFINITION OF ACQUISITION
WORKFORCE TO INCLUDE PERSONNEL ENG-
AGED IN THE ACQUISITION OR DEVELOP-
MENT OF CYBERSECURITY SYSTEMS.

Section 1705(h)(2)(A) of title 10, United States Code, is amended—

(1) by inserting “(i)” after “(A)”;
(2) by striking “; and” and inserting “; or”; and
(3) by adding at the end the following new clause:

“(ii) are engaged in the acquisition or de-
velopment of systems relating to cybersecurity;

and”.

SEC. 843. TRAINING AND SUPPORT FOR PROGRAMS PUR-
SUING AGILE ACQUISITION METHODS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the President of the Defense Acquisi-
tion University, shall establish an in-resident targeted
training course at the Defense Acquisition University on Agile Acquisition.

(b) COURSE COMPONENTS.—The course shall include the following elements:

(1) Training designed to instill a common understanding of all functional roles and dependencies involved in developing and producing a capability using Agile processes.

(2) An exercise involving teams composed of personnel from pertinent functions and functional organizations engaged in developing an integrated Agile Acquisition approach for a specific program.

(c) COURSE ATTENDANCE.—The course shall be—

(1) available for certified acquisition personnel from all program offices using Agile Acquisition methods; and

(2) mandatory for personnel from other relevant organizations in each of the military services and Defense Agencies, including organizations responsible for engineering, budgeting, contracting, test and evaluation, requirements validation, and certification and accreditation, that support those program offices.

(d) AGILE ACQUISITION COACH.—

(1) IN GENERAL.—The Secretary and the senior acquisition executives in each of the military services
and Defense Agencies, in coordination with the Director of the Defense Digital Service, shall ensure that program offices pursuing Agile Acquisition methods have access to an Agile Acquisition coach.

(2) EXPERTISE.—The Agile Acquisition coach shall possess expertise in—

(A) commercial Agile Acquisition methods; and

(B) the acquisition system and processes of the Department of Defense.

(3) DUTIES.—The Agile Acquisition coach shall—

(A) assist program offices, supporting stakeholder organizations, and personnel in properly applying Agile Acquisition methods; and

(B) notify the appropriate acquisition authorities if programs are deviating from best practices or are not receiving appropriate support from stakeholder organizations, in a manner or to a degree that threatens the success of the program.

(e) AGILE ACQUISITION RESEARCH PROGRAM.—The President of the Defense Acquisition University shall establish a research program to conduct research on and develop-
ment of Agile Acquisition practices and tools best tailored to meet the mission needs of the Department of Defense.

(f) DEFINITIONS.—In this section the term “Agile Acquisition”—

(1) means acquisition pursuant to a methodology for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback; and

(2) involves—

(A) the incremental development and fielding of capabilities, commonly called “spirals”, “spins”, or “sprints”, which can be measured in a few weeks or months; and

(B) continuous participation and collaboration by users, testers, and requirements authorities.

SEC. 844. CREDITS TO DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

Section 1705(d)(2)(D) of title 10, United States Code, is amended to read as follows:

“(D) The Secretary of Defense may adjust the amount specified in subparagraph (C) for a fiscal year if the Secretary determines that the amount is greater or less than reasonably needed for purposes of the Fund for such fiscal year. The Secretary may not
adjust the amount for a fiscal year to an amount that
is more than $600,000,000 or less than
$400,000,000.”.

Subtitle E—Provisions Related to
Commercial Items

SEC. 851. MODIFICATION TO DEFINITION OF COMMERCIAL
ITEMS.

Section 2376 of title 10, United States Code, is amend-
ed—

(1) in paragraph (1), by striking “‘commercial
item’,”; and

(2) by adding at the end the following new para-
graph:

“(4) The term ‘commercial item’ has the mean-
ing given the term in section 103 of title 41, except
that it does not include an item referred to in para-
graph (3)(B) of such section if, after the minor modi-
fications made to meet Federal Government require-
ments referred to in such paragraph, the item in-
cludes a preponderance of government-unique func-
tions or essential characteristics.”.

SEC. 852. REVISION TO DEFINITION OF COMMERCIAL ITEM.

Section 103(8) of title 41, United States Code, is
amended by striking “to multiple State and local govern-
ments” and inserting “to multiple State, local, or foreign
governments”.

SEC. 853. COMMERCIAL ITEM DETERMINATIONS.

Section 2380 of title 10, United States Code, is amend-
ed—

(1) by striking “The Secretary” and inserting
“(a) In General.—The Secretary”; and

(2) by adding at the end the following new sub-
section:

“(b) ITEMS PREVIOUSLY ACQUIRED USING COMMER-
CIAL ITEM ACQUISITION PROCEDURES.—

“(1) Determinations.—A contract or sub-
contract for an item using commercial item acquisi-
tion procedures under part 12 of the Federal Acquisi-
tion Regulation shall serve as a prior commercial
item determination with respect to such item for pur-
poses of this chapter unless the Secretary of Defense
determines in writing that it is no longer cost-effec-
tive to procure the item using commercial item acqui-
sition procedures.

“(2) Limitation.—(A) Except as provided under
subparagraph (B), funds appropriated or otherwise
made available to the Department of Defense may not
be used for the procurement under part 15 of the Fed-
eral Acquisition Regulation of an item that was pre-
viously acquired using commercial item acquisition procedures under part 12 of the Federal Acquisition Regulation.

“(B) The limitation under subparagraph (A) does not apply to the procurement of an item that was previously acquired using commercial item acquisition procedures under part 12 of the Federal Acquisition Regulation following—

“(i) a written determination by the head of contracting activity pursuant to section 2306a(b)(4)(B) of this title that the use of such procedures was improper; or

“(ii) a written determination by the Secretary of Defense that it is no longer cost-effective to procure the item using such procedures.”.

SEC. 854. PREFERENCE FOR ACQUISITION OF COMMERCIAL ITEMS.

Section 2377(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(2) by striking “The head” and inserting “(1) The head”;

and
(3) by adding at the end the following new paragraph:

“(2) The preference for the acquisition of commercial items and nondevelopmental items under this section shall take priority over any small business set-aside program, and shall require, to the maximum extent practicable, the acquisition of commercial items or nondevelopmental items other than commercial items in accordance with the terms of this section. If the requirements of an agency with respect to a procurement of supplies or services can be met with commercial items or nondevelopmental items other than commercial items provided by a small business concern, the small business concern may be awarded the contract in accordance with the requirements of a set-aside program.”.

SEC. 855. INAPPLICABLE LAWS AND REGULATIONS.

(a) Review of Determinations Not To Exempt Department of Defense Contracts for Commercial Items and Commercially Available Off-the-shelf Items From Certain Laws and Regulations.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review each determination of the Federal Acquisition Regulatory Council pursuant to section 1906(b)(2), section 1906(c)(3), or section 1907(a)(2) of title 41, United States Code, not to exempt con-
tracts and subcontracts described in subsection (a) of section 2375 of title 10, United States Code, from laws such contracts and subcontracts would otherwise be exempt from under section 1906(d) of title 41, United States Code; and

(2) revise the Department of Defense Supplement to the Federal Acquisition Regulation to provide an exemption from each law subject to such determination unless the Secretary determines there is a specific reason not to provide the exemption.

(b) Elimination of Certain Contract Clause Requirements Applicable to Commercial Item Contracts.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to eliminate all regulations promulgated after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) that require a specific contract clause for a contract using commercial item acquisition procedures under part 12 of the Federal Acquisition Regulation, except for regulations required by law or that the Secretary determines are vital to national security.

(c) Elimination of Certain Contract Clause Requirements Applicable to Commercially Available
Off-the-shelf Item Subcontracts.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to eliminate all requirements for a prime contractor to include a specific contract clause in a subcontract for commercially available off-the-shelf items unless the inclusion of such clause is required by law or is necessary for the contractor to meet the requirements of the prime contract.

Subtitle F—Industrial Base Matters

Sec. 861. Review Regarding Applicability of Foreign Ownership, Control, or Influence Requirements of National Security Industrial Trial Program to National Technology and Industrial Base Companies.

(a) Review.—The Secretary of Defense, with the concurrence of the Secretary of State, shall review whether companies whose ownership or majority control is based in countries that are part of the national technology and industrial base should be exempted from the foreign ownership, control, or influence (FOCI) requirements of the National Security Industrial Program.

(b) Authority.—

(1) In general.—The Secretary of Defense may establish a program to carry out the exemption proc-
ess described under subsection (a). Under the program, the Secretary, with the concurrence of the Secretary of State, shall maintain a list of companies owned or controlled by countries that are part of the national technology and industrial base that are eligible for exemption from the requirements described under such subsection.

(2) Determinations of Eligibility.—The Secretary of Defense, with the concurrence of the Secretary of State, may designate a company under paragraph (1) as exempt from the requirements described under subsection (a) upon a determination that such exemption—

(A) is beneficial to improving collaboration within countries participating in the national technology and industrial base;

(B) is in the United States national security interest; and

(C) will not result in a greater risk of the disclosure of classified or sensitive information consistent with the National Security Industrial Program.

(3) Exercise of Authority.—The authority under paragraph (1) to exempt a listed company from the requirements described under subsection (a)
may be exercised beginning on the date that is the later of—

(A) the date that is 60 days after the Secretary of Defense, in consultation with the Secretary of State, submits to the congressional defense committees a report summarizing the review conducted under such subsection; and

(B) the date that is 30 days after the Secretary of Defense, in consultation with the Secretary of State, submits to the congressional defense committees a written notification of a determination under paragraph (2) to exempt the company from such requirements, including a discussion of the issues related to the foreign ownership or control of the company that were considered as part of the determination.

(c) National Technology and Industrial Base Defined.—In this section, the term “national technology and industrial base” has the meaning given the term in section 2500 of title 10, United States Code.

SEC. 862. PILOT PROGRAM ON STRENGTHENING MANUFACTURING IN DEFENSE INDUSTRIAL BASE.

(a) Pilot Program Required.—The Secretary of Defense shall carry out a pilot program to assess the feasi-
bility and advisability of increasing the capability of the
defense industrial base to support—

(1) production needs to meet military require-
ments; and

(2) manufacturing and production of emerging
defense and commercial technologies of military value.

(b) AUTHORITIES.—The Secretary shall carry out the
pilot program under the following:

(1) The Defense Production Act of 1950 (50
U.S.C. 4501 et seq.).

(2) Chapters 137 and 139 and sections 2371,
2371b, and 2373 of title 10, United States Code.

(3) Such other legal authorities as the Secretary
considers applicable to carrying out the pilot pro-
gram.

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

(1) Use of contracts, grants, or other transaction
authorities to support manufacturing and production
capabilities in small and medium sized manufac-
turers.

(2) Purchases of quantities of goods or equipment
for testing and qualification purposes.

(3) Purchase commitments to create incentives
for industry to develop manufacturing and produc-
tion capabilities of interest to national security, including cost sharing with funding from nongovernmental sources.

(4) Issuing loans directly to small and medium sized enterprises to support manufacturing and production capabilities.

(5) Guaranteeing loans to enable small and medium sized manufacturers to obtain private sector loans to support manufacturing and production capabilities in areas of national security interest.

(6) Giving awards to third party entities to support investments in small and medium sized manufacturers working in areas of national security interest, including activities to support debt and equity investments that would benefit missions of the Department of Defense.

(7) Such other activities as the Secretary determines necessary.

(d) TERMINATION.—The pilot program shall terminate on the date that is five years after the date of the enactment of this Act.

SEC. 863. SUNSET OF CERTAIN PROVISIONS RELATING TO THE INDUSTRIAL BASE.

(a) MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.—
Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) **Sunset on Certain Restrictions.**—The restriction under subsection (a) relative to the procurement of the items set forth in paragraphs (1) through (4) of such subsection shall terminate on the close of September 30, 2018.”.

(b) **Photovoltaic Devices.**—Section 858 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2534 note) is amended by adding at the end the following new subsection:

“(c) **Sunset.**—This section shall terminate on the close of September 30, 2018.”.

**Subtitle G—International Contracting Matters**

**SEC. 865. PROCUREMENT EXCEPTION RELATING TO AGREEMENTS WITH FOREIGN GOVERNMENTS.**

Section 2533a of title 10, United States Code, is amended—

(1) in subsection (a), by striking “subsections (c) through (h)” and inserting “subsections (c) through (i)”;

(2) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and
(3) by inserting after subsection (h) the following new subsection:

“(i) Exception Relating to Agreements With Foreign Governments.—Subsection (a) does not preclude the acquisition of items described in subsection (b) as part of a weapon system if the acquisition is necessary in furtherance of an agreement with a foreign government in which both governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country.”.

SEC. 866. APPLICABILITY OF COST AND PRICING DATA CERTIFICATION REQUIREMENTS.

Section 2306a(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking “; or” and inserting a semicolon;

(2) in subparagraph (D)(ii), by striking the period at the end and inserting “; or”; and

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

“(E) for a foreign military sale where there is already an existing Government contract—

“(i) for the same or similar item or service; and
“(ii) for which the Government has current cost and pricing data and insights into the reasonableness of price.”.

SEC. 867. ENHANCING PROGRAM LICENSING.

(a) In General.—Not later than September 30, 2019, the Secretary of Defense, with the concurrence of the Secretary of State, shall establish a structure for implementing a revised program export licensing framework intended to provide comprehensive export licensing authorization to support large international cooperative defense programs between multiple nations and determine what, if any, regulatory authorities require modification.

(b) Sustainment.—The licensing framework established under subsection (a) shall require a program license for the future sustainment of all international cooperative defense programs comprised of more than five nations. The program license shall be finalized prior to the sustainment phase of that program’s acquisition lifecycle.

Subtitle H—Other Transactions

SEC. 871. OTHER TRANSACTION AUTHORITY.

(a) Expanded Authority for Prototype Projects.—Subsection (a) of section 2371b of title 10, United States Code, is amended—

(1) by striking “(1) Subject” and inserting “Subject”; and
(2) by striking paragraphs (2) and (3).

(b) MODIFICATION OF COST SHARING REQUIREMENT FOR USE OF OTHER TRANSACTION AUTHORITY.—Subsection (d)(1) of such section is amended by striking subparagraph (C) and inserting the following new subparagraph:

“(C) At least one third of the total cost of the prototype project is to be paid out of funds provided by sources other than the Federal Government.”.

(c) USE OF OTHER TRANSACTION AUTHORITY FOR ONGOING PROTOTYPE PROJECTS.—Subsection (f)(1) of such section is amended by adding at the end the following: “A transaction includes all individual prototype sub-projects awarded under the transaction to a consortium of United States industry and academic institutions.”.

SEC. 872. EDUCATION AND TRAINING FOR TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.

Section 2371 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (f) the following new subsection:

“(g) EDUCATION AND TRAINING.—The Secretary of Defense shall ensure that management, technical, and con-
tracting personnel of the Department involved in the award
and administration of transactions under this section or
other innovative forms of contracting are afforded adequate
education and training.”.

SEC. 873. PREFERENCE FOR USE OF OTHER TRANSACTIONS
AND EXPERIMENTAL AUTHORITY.

In the execution of science and technology and proto-
typing programs, the Secretary of Defense shall establish
a preference for using transactions other than contracts, co-
operative agreements, and grants entered into pursuant to
sections 2371 and 2371b of title 10, United States Code,
and authority for procurement for experimental purposes
pursuant to section 2373 of title 10, United States Code.

SEC. 874. METHODS FOR ENTERING INTO RESEARCH
AGREEMENTS.

Section 2358(b) of title 10, United States Code, is
amended—

(1) in paragraph (3), by striking “or”;

(2) in paragraph (4), by striking the period at
the end and inserting a semicolon; and

(3) by adding at the end the following new para-
graphs:

“(5) by transactions other than contracts, coopera-
tive agreements, and grants entered into pursuant to
sections 2371 and 2371b of this title; or
“(6) by procurement for experimental purposes pursuant to section 2373 of this title.”.

Subtitle I—Development and Acquisition of Software Intensive and Digital Products and Services

SEC. 881. RIGHTS IN TECHNICAL DATA.

(a) Modification of Definition of Technical Data.—Paragraph (4) of section 2302 of title 10, United States Code, is amended to read as follows:

“(4) The term ‘technical data’—

“(A) means recorded information (regardless of the form or method of the recording) of a scientific or technical nature relating to supplies procured by an agency;

“(B) with respect to software, includes everything required to reproduce, build/recompile, test, and deploy working system binaries on system hardware, including all source code, revision histories, build scripts, build/compilation/modification instructions/procedures, documentation, test cases, expected test results, compilers, interpreters, test harnesses, specialized build and test hardware, connectors, cables, and library dependencies; and
“(C) does not include computer software incidental to contract administration or financial, administrative, cost or pricing, or management data or other information incidental to contract administration.”.

(b) RIGHTS IN TECHNICAL DATA.—Section 2320(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(J) The Secretary of Defense shall require the following with respect to software delivery:

“(i) Software shall be delivered in native electronic format.

“(ii) Builds must not be dependent upon pre-defined build directories.

“(iii) In the case of licensing restrictions that do not allow library dependency inclusion, verified accessible repositories and revision history shall be documented and included.

“(iv) Commercial Off-The Shelf/Non-Development Item (COTS/NDI) shall be delivered on original Licensed Media. If firmware is part of the delivery, then a Firmware Support Manual should be included as an Appendix.”.
SEC. 882. DEFENSE INNOVATION BOARD ANALYSIS OF SOFTWARE ACQUISITION REGULATIONS.

(a) Study.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall task the Defense Innovation Board to undertake a study on streamlining software development and acquisition regulations.

(2) Member participation.—The Chairman of the Defense Innovation Board shall select appropriate members from the membership of the Board to participate in this study, and may recommend additional temporary members or contracted support personnel to the Secretary of Defense for the purposes of this study. In considering additional appointments to the study, the Secretary of Defense shall ensure that members have significant technical, legislative, or regulatory expertise and reflect diverse experiences in the public and private sector.

(3) Scope.—The study conducted pursuant to paragraph (1) shall—

(A) review the acquisition regulations applicable to the Department of Defense with a view toward streamlining and improving the efficiency and effectiveness of software acquisition
in order to maintain defense technology advantage;

(B) produce specific and detailed recommendations for any legislation, including the amendment or repeal of regulations, that the members of the Board conducting the study determine necessary to—

(i) streamline development and procurement of software;

(ii) adopt best practices from the private sector applicable to government use;

(iii) promote rapid adoption of new technology;

(iv) ensure continuing financial and ethical integrity in procurement; and

(v) protect the best interests of the Department of Defense; and

(C) produce such additional recommendations for legislation as such members consider appropriate.

(4) Consultation on major program realignment.—The Secretary of Defense shall consult with the Defense Innovation Board in conducting activities under the major program realignment pilot program established pursuant to section 873. The Sec-
Secretary shall provide the Board with timely access to all information necessary for the Board to provide such consultation and report on the major program realignment.

(5) Access to Information.—The Secretary of Defense shall provide the Defense Innovation Board with timely access to appropriate information, data, resources, and analysis so that the Board may conduct a thorough and independent analysis as required under this subsection.

(b) Reports.—

(1) Interim Reports.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to or brief the congressional defense committees on the interim findings of the study conducted pursuant to subsection (a). The Defense Innovation Board shall provide regular updates to the Secretary of Defense and the congressional defense committees for purposes of providing the interim report.

(2) Final Report.—Not later than one year after the Secretary of Defense tasks the Defense Advisory Board to conduct the study, the Board shall transmit a final report of the study to the Secretary. Not later than 30 days after receiving the final re-
port, the Secretary of Defense shall transmit the final
report, together with such comments as the Secretary
determines appropriate, to the congressional defense
committees.

SEC. 883. PILOT TO TAILOR SOFTWARE-INTENSIVE MAJOR
PROGRAMS TO USE AGILE METHODS.

(a) In General.—Not later than 30 days after the
date of the enactment of this Act, the Secretary of Defense,
in consultation with the Secretaries and Chiefs of the mili-
tary services, shall identify one major program per service
and one defense-wide program for tailoring into smaller in-
crements. The programs shall be selected from among those
designated as major defense acquisition programs and those
formerly designated as major automated information sys-
tems (excluding defense business systems).

(b) Program Selection Criteria.—In identifying
candidate programs, the Secretary shall prioritize pro-
gress that—

(1) are software intensive;

(2) have identified software development as a
risk;

(3) have experienced cost growth and schedule
delay; and

(4) did not deliver any operational capability
within the prior calendar year.
(c) REALIGNMENT PLAN.—The Secretary of Defense shall finalize a realignment plan within 60 days of programs being identified under subsection (a) that provides for the realigned program increments having a cost below the cost threshold for designation as a major acquisition.

(d) REALIGNMENT EXECUTION.—Each realigned program increment shall—

(1) be designed to deliver a meaningfully useful capability within the first 180 days following realignment;

(2) be designed to deliver subsequent meaningfully useful capabilities on timeframes of less than 180 days;

(3) incorporate cross-functional teams focused on software production that prioritize user needs and control of total cost of ownership;

(4) be staffed with highly qualified technically trained staff and personnel with management and business process expertise in leadership positions to support requirements modification, acquisition strategy, and program decisionmaking;

(5) ensure that realigned acquisition strategies are broad enough to allow offerors to propose a service, system, modified business practice, configuration of personnel, or combination thereof as a solution;
(6) include periodic engagement with the user community, as well as representation by the user community in program management and software production activity;

(7) ensure realigned acquisition strategies favor outcomes-based requirements definition and capability as a service, including the establishment of technical evaluation criteria as outcomes to be used to drive service-level agreements with vendors; and

(8) consider options for termination of the relationship with any vendor unable or unwilling to offer terms that meet the requirements of this section.

(e) CONSULTATION.—In conducting the program selection and tailoring under this section, the Secretary shall—

(1) use the tools, resources, and expertise of digital and innovation organizations resident in the Department, such as the Defense Innovation Board, the Defense Innovation Unit Experimental, the Defense Science Board, the Defense Digital Services, federally funded research and development centers, research laboratories, and other technical, management, and acquisition experts;

(2) use the digital development and acquisition expertise of the General Services Administration’s Technology Transition Service, Office of 18F; and
(3) leverage the science, technology, and innovation activities established pursuant to section 217 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2445a note).

(f) AGILE ACQUISITION DEFINED.—In this section, the term “agile acquisition”—

(1) means acquisition pursuant to a methodology for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback; and

(2) involves—

(A) the incremental development and fielding of capabilities, commonly called “spirals”, “spins”, or “sprints”, which can be measured in a few weeks or months; and

(B) continuous participation and collaboration by users, testers, and requirements authorities.

SEC. 884. REVIEW AND REALIGNMENT OF DEFENSE BUSINESS SYSTEMS TO EMPHASIZE AGILE METH-ODS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief Information Officers and
Chief Management Officers of the military services, shall conduct a comprehensive assessment of investments in defense business systems and prioritize no fewer than four and up to eight such systems for realignment and restructuring into smaller increments and the incorporation of agile acquisition methods.

(b) Program Assessment Elements.—The assessment under subsection (a) shall include the following:

(1) A comparison of investments in business systems across the Department of Defense within each business system portfolio category, such as personnel and pay systems, accounting and financial systems, and contracting and procurement systems.

(2) Identification of opportunities to rationalize requirements across investments within a business system portfolio.

(3) Identification of programs within business system portfolio categories that are most closely following the best acquisition practices for software intensive systems.

(c) Program Realignment Selection Criteria.—In identifying programs for potential realignment, the Secretary of Defense shall prioritize programs that—

(1) did not deliver any operational capability within the prior calendar year;
(2) have experienced cost growth and schedule delay; and

(3) have similar user requirements to a better performing program within the same business system portfolio category.

(d) REALIGNMENT PLAN.—The Secretary of Defense shall finalize a realignment plan within 60 days of programs being identified under subsection (c).

(e) REALIGNMENT EXECUTION.—Each realigned program increment shall—

(1) be designed to deliver a meaningfully useful capability within the first 180 days following realignment;

(2) be designed to deliver subsequent meaningfully useful capabilities on timeframes of less than 180 days;

(3) incorporate cross-functional teams focused on software production that prioritize user needs and control of total cost of ownership;

(4) be staffed with highly qualified technically trained staff and personnel with management and business process expertise in leadership positions to support requirements modification, acquisition strategy, and program decision making;
(5) ensure that realigned acquisition strategies are broad enough to allow offerors to propose a service, system, modified business practice, configuration of personnel, or combination thereof as a solution;

(6) include periodic engagement with the user community as well as representation by the user community in program management and software production activity;

(7) ensure realigned acquisition strategies favor outcomes-based requirements definition and capability as a service, including the establishment of technical evaluation criteria as outcomes to be used to drive service-level-agreements with vendors; and

(8) consider options for termination of the relationship with any vendor unable or unwilling to offer terms that meet the requirements of this section.

(f) CONSULTATION.—In conducting the program selection and realignments under this section, the Secretary shall—

(1) use the tools, resources, and expertise of digital and innovation organizations resident in the Department, such as the Defense Innovation Board, the Defense Innovation Unit Experimental, the Defense Science Board, the Defense Business Board, the Defense Digital Services, federally funded research and
development centers, research laboratories, and other technical, management, and acquisition experts;

(2) use the digital development and acquisition expertise of the General Services Administration’s Technology Transition Service, Office of 18F; and

(3) leverage the science, technology, and innovation activities established pursuant to section 217 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2445a note).

(g) AGILE ACQUISITION DEFINED.—In this section, the term “agile acquisition”—

(1) means acquisition pursuant to a methodology for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback; and

(2) involves—

(A) the incremental development and fielding of capabilities, commonly called “spirals”, “spins”, or “sprints”, which can be measured in a few weeks or months; and

(B) continuous participation and collaboration by users, testers, and requirements authorities.
SEC. 885. SOFTWARE DEVELOPMENT PILOT USING AGILE BEST PRACTICES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall identify no fewer than four and up to eight software development activities within the Department of Defense or military departments to be developed using modern agile acquisition methods.

(b) STREAMLINED PROCESSES.—Software development activities identified under subsection (a) shall be developed without incorporation of the following contract or transaction requirements:

(1) Earned Value Management (EVM) or EVM-like reporting.

(2) Development of Integrated Master Schedule.

(3) Development of Integrated Master Plan.


(5) Development of Systems Requirement Documents.

(6) Use of Information Technology Infrastructure Library agreements.

(7) Use of Software Development Life Cycle (methodology).

(c) ROLES AND RESPONSIBILITIES.—
(1) **In General.**—Selected activities shall include the following roles and responsibilities:

   (A) A program manager that is empowered to make all programmatic decisions within the overarching activity objectives, including resources, funding, personnel, and contract or transaction termination recommendations.

   (B) A product owner that reports directly to the program manager and is responsible for the overall design of the product, prioritization of roadmap elements and interpretation of their acceptance criteria, and prioritization of the list of all features desired in the product.

   (C) An engineering lead that reports directly to the program manager and is responsible for the implementation and operation of the software.

   (D) A design lead that reports directly to the program manager and is responsible for identifying, communicating, and visualizing user needs through a human centered design process.

(2) **Qualifications.**—The Secretary shall establish qualifications for personnel filling these positions prior to their selection. The qualifications may not
include a positive education requirement and must be
based on technical expertise or experience in delivery
of software products, to include agile concepts.

(3) COORDINATION PLAN FOR TESTING AND CERT-
IFICATION ORGANIZATIONS.—The program manager
shall ensure resources for test and certification organ-
izations support of iterative development processes.

(d) PLAN.—The Secretary of Defense or designee shall
develop a plan for each selected activity under the pilot to
include the following elements:

(1) Definition of a product vision, identifying a
succinct, clearly defined need the software will ad-
dress.

(2) Definition of a product road map, outlining
a noncontractual plan that identifies short-term and
long-term product goals and specific technology solu-
tions to help meet those goals and adjusts to mission
and user needs at the product owner’s discretion.

(3) The use of a Broad Agency Announcement,
Other Transaction Authority, or other rapid merit-
based solicitation procedure.

(4) Identification of, and continuous engagement
with, end users.
(5) Frequent and iterative end user validation of features and usability consistent with the principles outlined in the Digital Services Playbook.

(6) Use of commercial best practices for advanced computing systems, including, where applicable—

(A) Automated Testing, Integration, and Deployment;

(B) compliance with applicable commercial accessibility standards;

(C) capability to support modern versions of multiple, common web browsers;

(D) capability to be viewable across commonly used end user devices, including mobile devices; and

(E) built-in application monitoring.

(e) PROGRAM SCHEDULE.—The Secretary shall ensure that each selected activity includes—

(1) award processes that take no longer than 3 months after a requirement is identified;

(2) planned frequent and iterative end user validation of implemented features and their usability;

(3) delivery of a functional prototype or minimally viable product in 3 months or less from award; and
(4) follow-on delivery of iterative development cycles no longer than 4 weeks apart, including security testing and configuration management as applicable.

(f) OVERSIGHT METRICS.—The Secretary shall ensure that the selected activities—

(1) use a modern tracking tool to execute requirements backlog tracking; and

(2) use agile development metrics that, at a minimum, track—

(A) pace of work accomplishment;

(B) completeness of scope of testing activities (such as code coverage, fault tolerance, and boundary testing);

(C) product quality attributes (such as major and minor defects and measures of key performance attributes and quality attributes);

(D) delivery progress relative to the current product roadmap; and

(E) goals for each iteration.

(g) DATA RIGHTS.—

(1) UNCLASSIFIED SOFTWARE.—

(A) DEPARTMENT OF DEFENSE RIGHTS.—

The Department of Defense shall obtain sufficient data rights for unclassified software so that
all custom computer software developed under
the pilot activities are managed as open source
software.

(B) **Public Availability.**—The contractor
shall publicly develop and release the source code
for unclassified custom software in a public re-
pository with a license through which the copy-
right holder provides the rights to use, study,
reuse, modify, enhance, and distribute the soft-
ware to anyone and for any purpose.

(2) **Other Software.**—For all other custom
software delivered under the pilot activities, the De-
partment of Defense shall obtain sufficient data rights
to enable a third party, other than the pilot con-
tractor, to continue development and maintenance ac-
tivities throughout the program lifecycle.

(h) **Restrictions.**—

(1) **Use of Funds.**—No funds made available
for the selected activities may be expended on esti-
mation or evaluation using source lines of code meth-
odologies.

(2) **Contract Types.**—The Secretary of Defense
may not use lowest price technically acceptable con-
tracting methods or cost plus contracts to carry out
selected activities under this section, and shall encour-
age the use of existing streamlined and flexible contracting arrangements.

(i) Consultation.—In executing the software development activities under subsection (a), the Secretary shall—

(1) use the tools, resources, and expertise of digital and innovation organizations resident in the Department, such as the Defense Innovation Board, the Defense Innovation Unit Experimental, the Defense Science Board, the Defense Business Board, the Defense Digital Services, federally funded research and development centers, research laboratories, and other technical, management, and acquisition experts; and

(2) use, as appropriate, the digital development and acquisition expertise of the General Services Administration.

(j) Reports.—

(1) Software development activity commencement.—

(A) In general.—Not later than 30 days before the commencement of a software development activity under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot activity.
(B) ELEMENTS.—The report on a pilot activity under this paragraph shall set forth a description of the pilot activity, including the following information:

(i) The purpose of the pilot activity.

(ii) The duration of the pilot activity.

(iii) The efficiencies and benefits anticipated to accrue to the Government under the pilot program.

(2) SOFTWARE DEVELOPMENT ACTIVITY COMPLETION.—

(A) IN GENERAL.—Not later than 60 days after the completion of a pilot activity, the Secretary shall submit to the congressional defense committees a report on the pilot activity.

(B) ELEMENTS.—The report on a pilot activity under this paragraph shall include the following elements:

(i) A description of results of the pilot activity.

(ii) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot activity.
(k) Agile Acquisition Defined.—In this section, the term “agile acquisition”—

(1) means acquisition pursuant to a methodology for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback; and

(2) involves—

(A) the incremental development and fielding of capabilities, commonly called “spirals”, “spins”, or “sprints”, which can be measured in a few weeks or months; and

(B) continuous participation and collaboration by users, testers, and requirements authorities.

Sec. 886. Use of Open Source Software.

(a) Open Source Software.—

(1) In general.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2320 the following new section:

“§2320a. Use of open source software

“(a) Software Development.—All unclassified custom-developed computer software and related technical data that is not a defense article regulated pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778) and that is developed under a contract or other transaction
awarded by the Department of Defense on or after the date 
that is 180 days after the date of the enactment of this sec-
tion shall be managed as open source software unless spe-
cifically waived by the service acquisition executive.

“(b) Release of Software in Public Repository.—The Secretary of Defense shall require the con-
tactor to release source code and related technical data de-
scribed under subsection (a) in a public repository approved 
by the Department of Defense, subject to a license through 
which the copyright holder provides the rights to use, study, 
reuse, modify, enhance, and distribute the software to any-
one and for any purpose.

“(c) Applicability to Existing Software.—The 
Secretary of Defense shall, where appropriate—

“(1) seek to negotiate open source licenses to ex-
isting custom-developed computer software with con-
tractors that developed it; and

“(2) release related source code and technical 
data in a public repository location approved by the 
Department of Defense.

“(d) Definitions.—In this section:

“(1) Custom-developed computer soft-
ware.—The term ‘custom-developed computer soft-
ware’—
“(A) means human-readable source code, including segregable portions thereof, that is—

“(i) first produced in the performance of a Department of Defense contract, grant, cooperative agreement, or other transaction; or

“(ii) developed by a contractor or subcontractor exclusively with Federal funds (other than an item or process developed under a contract or subcontract to which regulations under section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)) apply); and

“(B) does not include Commercial Off-The-Shelf software, or packaged software developed exclusively at private expense, whether delivered as a Cloud Service, in binary form, or by any other means of software delivery.

“(2) TECHNICAL DATA.—The term ‘technical data’ has the meaning given the term in section 2302 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2320 the following new item:

“2320a. Use of open source software.”.
(b) **Prize Competition.**—The Secretary of Defense shall create a prize for a research and develop program or other activity for identifying, capturing, and storing existing Department of Defense custom-developed computer software and related technical data. The Secretary of Defense shall create an additional prize for improving, repurposing, or reusing software to better support the Department of Defense mission. The prize programs shall be conducted in accordance with section 2374a of title 10, United States Code.

(c) **Reverse Engineering.**—The Secretary of Defense shall task the Defense Advanced Research Program Agency with a project to identify methods to locate and reverse engineer Department of Defense custom-developed computer software and related technical data for which source code is unavailable.

(d) **Definitions.**—In this section:

(1) **Custom-developed computer software.**—The term “custom-developed computer software”—

(A) means human-readable source code, including segregable portions thereof, that is—

(i) first produced in the performance of a Department of Defense contract, grant, cooperative agreement, or other transaction; or
(ii) developed by a contractor or subcontractor exclusively with Federal funds (other than an item or process developed under a contract or subcontract to which regulations under section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)) apply); and

(B) does not include Commercial Off-The-Shelf software, or packaged software developed exclusively at private expense, whether delivered as a Cloud Service, in binary form, or by any other means of software delivery.

(2) TECHNICAL DATA.—The term “technical data” has the meaning given the term in section 2302 of title 10, United States Code.

(e) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend the Defense Federal Acquisition Regulation Supplement to carry out this section and the amendments made by this section.
Subtitle J—Other Matters

SEC. 891. IMPROVED TRANSPARENCY AND OVERSIGHT OVER DEPARTMENT OF DEFENSE RESEARCH,
DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.

The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless the contract, grant, or cooperative agreement meets the following conditions:

(1) Compliance with the cost and price data requirements under section 2306a of title 10, United States Code.

(2) Compliance with the cost accounting standards under section 1502 of title 41, United States Code.

(3) Compliance with requirements for full and open competition under section 2304 of title 10, United States Code, without reliance on one of the exceptions set forth in subsection (c) of such section.
SEC. 892. RIGHTS IN TECHNICAL DATA RELATED TO MEDICAL RESEARCH.

The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless the contract, grant, or cooperative agreement provides that the United States Government will have the same rights to the technical data to an item or process developed under the contract, grant, or cooperative agreement as applicable under section 2320(a)(2)(A) of title 10, United States Code, to items and processes developed exclusively with Federal funds where the medical research results in medicines and other treatments that will be procured or otherwise paid for by the Federal Government through the Department of Defense, the Department of Veterans Affairs, Medicare, Medicaid, or other Federal Government health programs.

SEC. 893. OVERSIGHT, AUDIT, AND CERTIFICATION FROM THE DEFENSE CONTRACT AUDIT AGENCY FOR PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.

The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Depart-
ment of Defense unless the contract, grant, or cooperative agreement meets the following conditions:

(1) Prior to obligation of any funds, review by and certification from the Defense Contract Audit Agency regarding the adequacy of the accounting systems of the proposed awardee, including a forward pricing review of the awardee’s proposal.

(2) Prior to any payment on the contract, grant, or cooperative agreement, performance by the Defense Contract Audit Agency of an incurred cost audit.

SEC. 894. REQUIREMENTS FOR DEFENSE CONTRACT AUDIT AGENCY REPORT.

Subparagraph (E) of section 2313a(a)(2) of title 10, United States Code, is amended to read as follows:

“(E) the total number and dollar value of audits that are pending for a period longer than 18 months as of the end of the fiscal year covered by the report, including a breakdown by type of audit;”.

SEC. 895. PROTOTYPE PROJECTS TO DIGITIZE DEFENSE ACQUISITION REGULATIONS, POLICIES, AND GUIDANCE, AND EMPOWER USER TAILORING OF ACQUISITION PROCESS.

(a) In General.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and
Engineering, shall conduct development efforts to develop prototypes to digitize defense acquisition regulations, policies, and guidance and to develop a digital decision support tool that facilitates the ability of users to tailor programs in accordance with existing laws, regulations, and guidance.

(b) ELEMENTS.—Under the prototype projects, the Secretary shall—

(1) convert existing acquisition policies, guides, memos, templates, and reports to an online, interactive digital format to create a dynamic, integrated, and authoritative knowledge environment for purposes of assisting program managers and the acquisition workforce of the Department of Defense to navigate the complex lifecycle for each major type of acquisition program or activity of the Department;

(2) as part of this digital environment, create a digital decision support capability that uses decision trees and tailored acquisition models to assist users to develop strategies and facilitate coordination and approvals; and

(3) as part of this environment, establish a foundational data layer to enable advanced data analytics on the acquisition enterprise of the Department,
to include business process reengineering to improve
productivity.

(c) USE OF PROTOTYPES IN ACQUISITION ACTIVITIES.—The Under Secretary of Defense for Research and
Engineering shall encourage the use of these prototypes to
model, develop, and test any procedures, policies, instruc-
tions, or other forms of direction and guidance that may
be required to support acquisition training, practices, and
policies of the Department of Defense.

(d) FUNDING.—The Secretary may use the authority
under section 1705(e)(4)(B) of title 10, United States Code,
to develop acquisition support prototypes and tools under
this program.

SEC. 896. PILOT PROGRAM FOR ADOPTION OF ACQUISITION
STRATEGY FOR DEFENSE BASE ACT INSUR-
ANCE.

(a) IN GENERAL.—The Secretary of Defense shall es-
establish a pilot program for the United States Army Corps
of Engineers (USACE) for purposes of adopting an acquisi-
tion strategy for insurance required by the Defense Base
Act (42 U.S.C. 1651 et seq.) in order to minimize the cost
of such insurance to the Department of Defense.

(b) CRITERIA.—The pilot program acquisition strat-
agy developed pursuant to subsection (a) shall address the
following criteria:
(1) Minimize overhead costs associated with obtaining insurance required by the Defense Base Act, such as direct or indirect costs for contract management and contract administration.

(2) Minimize costs for coverage of such insurance consistent with realistic assumptions regarding the likelihood of incurred claims by contractors of the Department and USACE.

(3) Provide for a correlation of premiums paid in relation to claims incurred that is modeled on best practices in government and industry for similar kinds of insurance.

(4) Provide for a competitive marketplace for insurance required by the Defense Base Act to the maximum extent practicable.

(c) SINGLE CONTRACT.—

(1) IN GENERAL.—In adopting the pilot program acquisition strategy pursuant to subsection (a), the Secretary shall enter into a single Defense Base Act insurance contract for USACE for contracts involving performance in all theaters, and potentially including combat operations.

(2) SCOPE.—The contract shall extend to all categories of insurance coverage, including construction, aviation, security, and services contracts.
(3) **Term.**—The contract entered into under this subsection shall be in effect for at least 3 years, or as considered appropriate by the Secretary.

(d) **Report.**—

(1) **In General.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the pilot program and the acquisition strategy adopted pursuant to subsection (a).

(2) **Elements.**—The report required under paragraph (1) shall include—

(A) a discussion of each of the options considered and the extent to which each option addresses the criteria identified under subsection (b); and

(B) a plan to implement within 18 months after the date of enactment of this Act the acquisition strategy adopted by the Secretary.

(e) **Review and Renewal of Pilot Program and Acquisition Strategy.**—The Secretary shall review the pilot program and may renew the program, provided that the objectives have been reached.
SEC. 897. PHASE III AWARDS.

Section 9(r)(4) of the Small Business Act (15 U.S.C. 638(r)(4)) is amended by striking “shall issue Phase III awards” and inserting the following: “shall—

“(A) consider an award under the SBIR program or the STTR program to satisfy the requirements under section 2304 of title 10, United States Code, and any other applicable competition requirements; and

“(B) issue, without further justification, Phase III awards”.

SEC. 898. PILOT PROGRAM FOR STREAMLINED TECHNOLOGY TRANSITION FROM THE SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) DEFINITIONS.—In this section—

(1) the terms “commercialization”, “Federal agency”, “Phase I”, “Phase II”, “Phase III”, “SBIR”, and “STTR” have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e));

(2) the term “covered small business concern” means—

(A) a small business concern that completed a Phase II award under the SBIR or STTR program of the Department; or
(B) a small business concern that—

(i) completed a Phase I award under the SBIR or STTR program of the Department; and

(ii) a contracting officer for the Department recommends for inclusion in a multiple award contract described in subsection (b);

(3) the term “Department” means the Department of Defense;

(4) the term “multiple award contract” has the meaning given the term in section 3302(a) of title 41, United States Code;

(5) the term “pilot program” means the pilot program established under subsection (b); and

(6) the term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall establish a pilot program under which the Department shall award multiple award contracts to covered small business concerns for the purchase of technologies, supplies, or services that the covered small business concern has developed through the SBIR or STTR program.
(c) **Waiver of Competition in Contracting Act**

Requirements.—The Secretary of Defense may establish procedures to waive provisions of section 2304 of title 10, United States Code, for purposes of carrying out the pilot program.

(d) **Use of Contract Vehicle.**—A multiple award contract described in subsection (b) may be used by any service or component of the Department.

(e) **Termination.**—The pilot program established under this section shall terminate on September 30, 2023.

(f) **Rule of Construction.**—Nothing in this section shall be construed to prevent the commercialization of products and services produced by a small business concern under an SBIR or STTR program of a Federal agency through—

(1) direct awards for Phase III of an SBIR or STTR program; or

(2) any other contract vehicle.

SEC. 899. **Annual Report on Limitation of Subcontractor Intellectual Property Rights.**

Not later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of Defense shall submit to the congressional defense committees a report listing all contracts entered into during the previous fiscal year using procedures under part 15 of
the Federal Acquisition Regulation where the prime contractor limited the intellectual property rights of one or more subcontractors without being required to do so by the United States Government.

SEC. 899A. EXTENSION FROM 20 TO 30 YEARS OF MAXIMUM TOTAL PERIOD FOR DEPARTMENT OF DEFENSE CONTRACTS FOR STORAGE, HANDLING, OR DISTRIBUTION OF LIQUID FUELS AND NATURAL GAS.

(a) EXTENSION.—Section 2922(b) of title 10, United States Code, is amended by striking “a total of 20 years” and inserting “a total of 30 years”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2027, and shall apply with respect to contracts entered into on or after such date.

SEC. 899B. EXCEPTION FOR DEPARTMENT OF DEFENSE CONTRACTS FROM REQUIREMENT THAT BUSINESS OPERATIONS CONDUCTED UNDER GOVERNMENT CONTRACTS ACCEPT AND DISPENSE $1 COINS.

Section 5112(p)(1) of title 31, United States Code, is amended by inserting “, with the exception of business operations conducted by any entity under a contract with the Department of Defense,” before “shall take such action”.

† HR 2810 PAP
SEC. 899C. INVESTING IN RURAL SMALL BUSINESSES.

(a) Flexibility for Residency in HUBZones.—Section 3(p)(5)(A)(i)(I) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)) is amended by striking “35 percent” each place that term appears and inserting “33 percent”.

(b) Enabling Local Communities to Maximize Economic Potential.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 3(p)(1) (15 U.S.C. 632(p)(1))—

(A) in subparagraph (E), by striking “or” at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

“(F) another qualified area designated by the Administrator under section 31(d); or”;

(2) in section 31 (15 U.S.C. 657a)—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following:

“(d) Other Qualified Areas.—

“(1) Definitions.—In this subsection—
“(A) the term ‘covered area’ means an area in a State—

“(i) that is located outside of an urbanized area, as determined by the Bureau of the Census; and

“(ii) with a population of not more than 50,000;

“(B) the term ‘governor’ means the chief executive of a State; and

“(C) the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

“(2) DESIGNATION.—A governor may petition the Administrator to designate one or more covered areas as a HUBZone if the average unemployment rate of each covered area is not less than 120 percent of the average unemployment rate of the United States or of the State in which the covered area is located, whichever is less, based on the most recent data available from the American Community Survey conducted by the Bureau of the Census.
“(3) CRITERIA.—In reviewing a petition submitted by a governor under paragraph (2), the Administrator may consider—

“(A) the potential for job creation and investment;

“(B) the demonstrated interest of small business concerns in the covered area to participate in the HUBZone program established under section 31; and

“(C) the consideration by State and local government officials of a HUBZone as part of an economic development strategy.

“(4) PETITION.—With respect to a petition submitted by a governor to the Administrator under paragraph (2)—

“(A) the governor may submit not more than 1 petition in a fiscal year unless the Administrator determines that an additional petition from the State of the governor is appropriate;

“(B) the governor may not submit a petition for more than 10 percent of the total number of covered areas in the State of the governor; and
“(C) if the Administrator grants the petition and designates one or more covered areas as a HUBZone, the governor shall, not less frequently than annually, submit data to the Administrator certifying that each covered area continues to meet the requirements of clauses (i) and (ii) of paragraph (1)(A).

“(5) PROCESS.—The Administrator shall establish procedures—

“(A) to ensure that the Administration accepts petitions under paragraph (2) from all States each fiscal year; and

“(B) to provide technical assistance, before the filing of a petition under paragraph (2), to a governor who is interested in filing such a petition.”.

(c) ENSURING TIMELY CONSIDERATION OF HUBZONE APPLICATIONS.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended by adding at the end the following:

“(C) REVIEW OF APPLICATIONS.—Not later than 60 days after the date on which the Administrator receives an application from a small business concern to be certified as a qualified HUBZone small business concern under sub-
paragraph (A)(i), the Administrator shall approve or deny the application.”.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) CHIEF MANAGEMENT OFFICER.—

(1) IN GENERAL.—Effective February 1, 2018, section 132a of title 10, United States Code, is amended to read as follows:

“§ 132a. Chief Management Officer

“(a) APPOINTMENT.—There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Chief Management Officer shall be appointed from among persons who have an extensive management or business background and experience with managing large or complex organizations. A person may not be appointed as Chief Management Officer within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.
“(b) Responsibilities.—Subject to the authority, direction, and control of the Secretary of Defense, the Chief Management Officer shall perform such duties and exercise such powers as the Secretary may prescribe, including—

“(1) serving as the chief management officer of the Department of Defense with the mission of managing the business operations of the Department;

“(2) serving as the principal advisor to the Secretary on establishing policies for, and directing, all business operations of the Department, including business transformation, business planning and processes, performance management, and business information technology management and improvement activities and programs, including the allocation of resources for business operations and unifying business management efforts across the Department;

“(3) exercising authority, direction, and control over the Defense Agencies and Department of Defense Field Activities providing shared business services for the Department that are designated by the Secretary for purposes of this paragraph;

“(4) as of January 1, 2019—

“(A) serving as the Chief Information Officer of the Department for purposes of section 2222 of this title;
“(B) administering the responsibilities and duties specified in sections 11315 and 11319 of title 40, section 3506(a)(2) of title 44, and section 2223(a) of this title for business systems and management; and

“(C) any responsibilities, duties, and powers relating to business systems or management that are exercisable by a chief information officer for the Department, other than those responsibilities, duties, and powers of a chief information officer that are vested in the Chief Information Warfare Officer by section 142 of this title;

“(5) serving as the official with principal responsibility in the Department for providing for the availability of common, usable, Defense-wide data sets with applications such as improving acquisition outcomes and personnel management; and

“(6) the authority to direct the Secretaries of the military departments and the heads of all other elements of the Department with regard to matters for which the Chief Management Officer has responsibility under this section.

“(c) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.
(2) **CLERICAL AMENDMENT.**—Effective February 1, 2018, the table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”

(b) **CONFORMING REPEAL OF PRIOR AUTHORITIES ON CMO.**—

(1) **IN GENERAL.**—Effective on January 31, 2018, subsection (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2341; 10 U.S.C. 131 note) is repealed, and the amendments to be made by paragraph (4) of that subsection shall not be made.

(2) **FURTHER CONFORMING AMENDMENTS.**—Effective on February 1, 2018, section 132 of title 10, United States Code, is amended—

(A) by striking subsection (c); and

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

(c) **CONFORMING AMENDMENTS ON PRECEDENCE IN DoD.**—Effective on February 1, 2018, and immediately after the coming into effect of the amendments made by section 901 of the National Defense Authorization Act for Fiscal Year 2017—
(1) section 131(b) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”;

(2) section 133a(c) of such title is amended—

(A) in paragraph (1), by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”; and

(B) in paragraph (2), by inserting “the Chief Management Officer,” after “the Deputy Secretary,”; and

(3) section 133b(c) of such title is amended—

(A) in paragraph (1), by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,”; and
(B) in paragraph (2), by inserting “the Chief Management Officer,” after “the Deputy Secretary,”.

(d) EXECUTIVE SCHEDULE LEVEL II.—Effective on February 1, 2018, and immediately after the coming into effect of the amendment made by section 901(h) of the National Defense Authorization Act for Fiscal Year 2017, section 5313 of title 5, United States Code, is amended by inserting before the item relating to the Under Secretary of Defense for Research and Engineering the following new item:

“Chief Management Officer of the Department of Defense.”.

(e) SERVICE OF INCUMBENT DEPUTY CHIEF MANAGEMENT OFFICER AS CHIEF MANAGEMENT OFFICER UPON COMMENCEMENT OF LATTER POSITION WITHOUT FURTHER APPOINTMENT.—The individual serving in the position of Deputy Chief Management Officer of the Department of Defense as of February 1, 2018, may continue to serve as Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by subsection (a)), commencing as of that date without further appointment pursuant to such section 132a.

(f) REPORT ON DEFENSE AGENCIES AND FIELD ACTIVITIES PROVIDING SHARED BUSINESS SERVICES.—Not
later than January 15, 2018, the Secretary of Defense shall submit to the congressional defense committees a report specifying each Defense Agency and Department of Defense Field Activity providing shared business services for the Department of Defense that is to be designated by the Secretary for purposes of subsection (b)(3) of section 132a of title 10, United States Code (as so amended), as of the coming into effect of such section 132a.

(g) Notice to Congress on Transfer of Oversight of Defense Agencies and Field Activities with Business-support Functions to CMO.—Upon the transfer of responsibility for oversight of a Defense Agency or Department of Defense Field Activity specified in subsection (c) of section 132a of title 10, United States Code (as so amended), to the Chief Management Officer of the Department of Defense, the Secretary of Defense shall submit to the congressional defense committees a notice on the transfer, including the Defense Agency or Field Activity subject to the transfer and a description of the nature and scope of the responsibility for oversight transferred.

SEC. 902. REALIGNMENT OF RESPONSIBILITIES, DUTIES, AND POWERS OF CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) In General.—Effective on January 1, 2019, the responsibilities, duties, and powers vested in the Chief In-
formation Officer of the Department of Defense as of December 31, 2018, are realigned as follows:

(1) There is vested in the Chief Information Warfare Officer of the Department of Defense the responsibilities, duties, and powers provided for by section 142 of title 10, United States Code (as amended by subsection (b)).

(2) There is vested in the Chief Management Officer of the Department of Defense any responsibilities, duties, and powers vested in the Chief Information Officer of the Department of Defense as of December 31, 2018, that are not vested in the Chief Information Warfare Officer by paragraph (1) and such section 142.

(b) CHIEF INFORMATION WARFARE OFFICER.—

(1) IN GENERAL.—Section 142 of title 10, United States Code, is amended to read as follows:

“§142. Chief Information Warfare Officer

“(a) IN GENERAL.—(1) There is a Chief Information Warfare Officer of the Department of Defense, who shall be appointed from among civilians who are qualified to serve as the Chief Information Warfare Officer by the President, by and with the advice and consent of the Senate.
“(2) The Chief Information Warfare Officer shall report directly to the Secretary of Defense in the performance of duties under this section.

“(b) Responsibility and Authority.—(1) Subject to the authority, direction, and control of the Secretary of Defense, the Chief Information Warfare Officer is responsible for all matters relating to the information environment of the Department of Defense and has the authority to establish policy for, and direct the Secretaries of the military departments and the heads of all other elements of the Department relating to, the matters as follow:

“(A) Space and space launch systems.

“(B) Communications networks and information technology (other than business systems).

“(C) National security systems.

“(D) Information assurance and cybersecurity.

“(E) Electronic warfare and cyber warfare.

“(F) Nuclear command and control and senior leadership communications systems.

“(G) Command and control systems and networks.

“(H) The electromagnetic spectrum.

“(I) Positioning, navigation, and timing.

“(J) Any other matters assigned to the Chief Information Officer of the Department of Defense, not
relating to business systems or management, in sections 2223 and 2224 of this title, sections 11315 and 11319 of title 40, and sections 3506 and 3544 of title 44.

“(2) In addition to the responsibilities in paragraph (1), the responsibilities of the Chief Information Warfare Officer include—

“(A) exercising authority, direction, and control over the missions, programs, and organizational elements pertaining to information assurance (formally Information Assurance Directorate) of the National Security Agency;

“(B) exercising authority, direction, and control over the Defense Information Systems Agency, or any successor organization, for the matters described in paragraph (1); and

“(C) responsibilities for policy, oversight, guidance, and coordination for all Department matters relating to the electromagnetic spectrum, including—

“(i) coordination with other Federal agencies and the private sector;

“(ii) coordination for classified programs; and
“(iii) in coordination with the Under Secretary for Personnel and Health, the spectrum management workforce.

“(3) Notwithstanding the exemptions for the Department of Defense in section 11319 of title 40, the authority of the Chief Information Warfare Officer to direct the secretaries of the military departments for information warfare matters as provided in paragraph (1) shall include—

“(A) playing a significant and directive role in the decision processes for all annual and multi-year planning, programming, budgeting, and execution decisions, including the authority to realign the elements of the budgets and budget requests of the military departments that pertain to the responsibilities of the Chief Information Warfare Officer;

“(B) reviewing and approving any funding request or reprogramming request;

“(C) ensuring that the military departments comply with Government and Department standards on a matter described in paragraph (1) or (2);

“(D) reviewing and approving the appointment of any other employee who functions in the capacity of a Chief Information Officer or a Chief Information Warfare Officer for any component within the De-
partment, except for the Chief Management Officer of
the Department of Defense; and

“(E) participating in all meetings, management,
and decision-making forums on issues pertaining to
any matter described in paragraph (1) or (2).

“(4) The Chief Information Warfare Officer shall over-
see and may require that programs of the military depart-
ments comply with such direction and standards as the
Chief Information Warfare Officer may establish relating
to a matter described in paragraph (1) or (2).

“(5) The Chief Information Warfare Officer shall per-
form such additional duties and exercise such additional
powers as the Secretary may prescribe.

“(c) CHIEF INFORMATION OFFICER FOR CERTAIN
PURPOSES.—The Chief Information Warfare Officer—

“(1) is the Chief Information Officer of the De-
partment of Defense for purposes of 3554(a)(3) of title
44 and section 2224 of this title; and

“(2) in coordination with the Chief Management
Officer of the Department of Defense, is the Chief In-
formation Officer of the Department of Defense for
purposes of section 11315 of title 40 and section 2223
of this title.

“(d) PRINCIPAL CYBER ADVISOR.—In addition to any
other duties under this section, the Chief Information War-
fare Officer shall serve as Principal Cyber Advisor under section 932(c) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2224 note).

“(e) Principal Department of Defense Space Advisor.—In addition to any other duties under this section, the Chief Information Warfare Officer shall perform the duties of the Principal Department of Defense Space Advisor in accordance with Department of Defense Directive 5100.96 and any succeeding directive.

“(f) Collaborative Mechanisms.—(1) The Secretary of Defense shall establish collaboration mechanisms between the Chief Information Warfare Officer and the Under Secretary of Defense for Intelligence, the Under Secretary of Defense for Policy, the Chairman of the Joint Chiefs of Staff, and the Assistant Secretary of Defense for Public Affairs for purposes of developing and overseeing the execution of offensive and defensive information warfare strategies, plans, programs, and operations.

“(2) The strategies, plans, programs and operations shall appropriately integrate cyber, electronic, and electromagnetic spectrum warfare, military deception, military information support operations, and public affairs to conduct, counter, and deter information warfare.

“(g) Precedence in DoD.—(1) The Chief Information Warfare Officer shall take precedence in the Depart-
ment of Defense with the officials serving in positions specified in section 131(b)(2) of this title.

“(2) The officials serving in positions specified in such section and the Chief Information Warfare Officer take precedence among themselves in the order prescribed by the Secretary.”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 142 and inserting the following new item:

“142. Chief Information Warfare Officer.”.

(3) Executive Schedule Level II.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Defense the following new item:

“Chief Information Warfare Officer of the Department of Defense.”.

(4) References.—Any reference to the Chief Information Officer of the Department of Defense in any law, regulation, map, document, record, or other paper of the United States in that official’s capacity as the official responsible for the information security and information dominance of the Department of Defense shall be deemed to be a reference to Chief Information Warfare Officer of the Department of Defense.
(5) **Principal Cyber Advisor.**—Paragraph (1) of section 932(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 829; 10 U.S.C. 2224 note) is amended to read as follows:

“(1) **In General.**—The Chief Information Warfare Officer of the Department of Defense under section 142 of title 10, United States Code, shall serve as the Principal Cyber Advisor to act as the principal advisor to the Secretary on military cyber forces and activities.”.

(6) **Standards for Networks.**—A military department may not develop or procure a network that does not fully comply with such standards as the Chief Information Warfare Officer under section 142 of title 10, United States Code (as amended by paragraph (1)), may establish relating to a matter described in subsection (b) of such section.

(7) **Alternative Proposal.**—Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a proposal for such alternatives or modifications to the realignment of responsibilities required by section 142 of title 10, United States Code (as so amended), as the Secretary considers appropriate, together with an implementa-
tion plan for such proposal. The proposal may not be
carried out unless approved by statute.

(8) **QUARTERLY BRIEFING ON IMPLEMENTATION.**—Not later than January 30, 2018, and every
90 days thereafter through January 1, 2019, the Sec-
retary shall provide to the congressional defense com-
mittees a briefing on the status of the implementation
of the Chief Information Warfare Officer of the De-
partment of Defense under section 142 of title 10,
United States Code (as so amended), during the pre-
ceding 90 days.

(9) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—Except as provided in
subparagraph (B), this subsection and the
amendments made by this subsection shall take
effect on January 1, 2019.

(B) **INTERIM MATTERS.**—Paragraphs (7)
and (8) of this subsection shall take effect on the
date of the enactment of this Act.
SEC. 903. CLARIFICATION OF AUTHORITY OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT WITH RESPECT TO SERVICE ACQUISITION PROGRAMS FOR WHICH THE SERVICE ACQUISITION EXECUTIVE IS THE MILESTONE DECISION AUTHORITY.

Effective on February 1, 2018, and immediately after the coming into effect of the amendment made by section 901(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), subsection (b)(6) of section 133b of title 10, United States Code, as added by such section 901(b), is amended by striking “supervisory authority” and inserting “advisory authority”.

SEC. 904. EXECUTIVE SCHEDULE MATTERS RELATING TO UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.

(a) INAPPLICABILITY OF PENDING AMENDMENT.—The amendment to be made by section 901(h) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2342) with regard to the Under Secretary of Defense for Acquisition and Sustainment shall not be made.

(b) EXECUTIVE SCHEDULE LEVEL III.—Effective on February 1, 2018, section 5314 of title 5, United States Code, is amended by inserting before the item relating to the Under Secretary of Defense for Policy the following:
“Under Secretary of Defense for Acquisition and Sustainment.”.

SEC. 905. TECHNICAL AMENDMENT.

Section 901(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2339; 10 U.S.C. 133a note) is amended—

(1) by striking “RESEARCH AND ENGINEERING.—” and all that follows through “Effective on February 1, 2018” and inserting “RESEARCH AND ENGINEERING.—Effective on February 1, 2018”; and

(2) by striking paragraph (2).

SEC. 906. REDESIGNATION OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS AS UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND HEALTH.

(a) Redesignation.—

(1) In general.—Section 136 of title 10, United States Code, is amended by striking “and Readiness” each place it appears and inserting “and Health”.

(2) Heading amendment.—The heading of such section is amended to read as follows:
“§136. Under Secretary of Defense for Personnel and Health”.

(3) Clerical Amendment.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 136 and inserting the following new item:

“136. Under Secretary of Defense for Personnel and Health.”.

(b) Conforming Amendments.—

(1) Title 10.—

(A) Subparagraph (D) of section 131(b)(2) of title 10, United States Code, is amended to read as follows:

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

(B) Section 137(c) of such title is amended by striking “and Readiness” and inserting “and Health”.

(2) Executive Schedule Level III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Defense for Personnel and Readiness and inserting the following new item:

“Under Secretary of Defense for Personnel and Health.”.

(c) References.—Any reference to the Under Secretary of Defense for Personnel and Readiness in any law,
regulation, map, document, record, or other paper of the
United States shall be deemed to be a reference to the Under
Secretary of Defense for Personnel and Health.

SEC. 907. QUALIFICATIONS FOR APPOINTMENT AND ADDI-
TIONAL DUTIES AND POWERS OF CERTAIN
OFFICIALS WITHIN THE OFFICE OF THE
UNDER SECRETARY OF DEFENSE (COMPTROLLER).

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—

(1) QUALIFICATION FOR APPOINTMENT.—Sub-
section (a) of section 135 of title 10, United States
Code, is amended—

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

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

“(2)(A) Any individual appointed as Under Secretary
of Defense (Comptroller) shall be an individual who—

“(i) has significant financial management serv-

ice in—

“(I) a Federal or State agency that received
an audit with an unqualified opinion on such
agency’s financial statements during the time of
such individual’s service; or
“(II) a public company that received an audit with an unqualified opinion on such company’s financial statements during the time of such individual’s service; or

“(ii) has served as chief financial officer, deputy chief financial officer, or an equivalent executive-level position with direct authority for financial management in a large public or private sector organization.

“(B) In this paragraph, the term ‘public company’ has the meaning given the term ‘issuer’ in section 2(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(7)).”.

(2) DUTIES AND POWERS.—Such section is further amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

“(d) In addition to any duties under subsection (c), the Under Secretary of Defense (Comptroller) shall, subject to the authority, direction, and control of the Secretary of Defense, do the following:

“(1) Provide guidance and instruction on annual performance plans and evaluations to the fol-
“(A) The Assistant Secretaries of the military departments for financial management.

“(B) Any other official of an agency, organization, or element of the Department of Defense with responsibility for financial management.

“(2) Give directions to the military departments, Defense Agencies, and other organizations and elements of the Department of Defense regarding their financial statements and the audit and audit readiness of such financial statements.”.

(b) DEPUTY CHIEF FINANCIAL OFFICER.—

(1) QUALIFICATION FOR APPOINTMENT.—Any individual appointed as Deputy Chief Financial Officer of the Department of Defense shall be an individual who—

(A) has significant financial management service in—

(i) a Federal or State agency that received an audit with an unqualified opinion on such agency’s financial statements during the time of such individual’s service; or

(ii) a public company that received an audit with an unqualified opinion on such
company’s financial statements during the time of such individual’s service; or

(B) has served as chief financial officer, deputy chief financial officer, or an equivalent executive-level position with direct authority for financial management in a large public or private sector organization.

(2) **PUBLIC COMPANY DEFINED.**—In this subsection, the term “public company” has the meaning given the term “issuer” in section 2(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(7)).

(c) **APPLICABILITY.**—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments that are made on or after that date.

**SEC. 908. FIVE-YEAR PERIOD OF RELIEF FROM ACTIVE DUTY AS A COMMISSIONED OFFICER OF A REGULAR COMPONENT OF THE ARMED FORCES FOR APPOINTMENT TO UNDER SECRETARY OF DEFENSE POSITIONS.**

(a) **UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.**—Effective on February 1, 2018, and immediately after the coming into effect of the amendments made by subsection (a) of the National Defense Authorization Act for Fiscal Year 2017 (130 Stat. 2339), section
133a(a) of title 10, United States Code (as added by such subsection (a)), is amended by striking “seven years” and inserting “five years”.

(b) **Under Secretary of Defense for Acquisition and Sustainment.**—Effective on February 1, 2018, and immediately after the coming into effect of the amendments made by subsection (b) of the National Defense Authorization Act for Fiscal Year 2017 (130 Stat. 2340), section 133b(a) of title 10, United States Code (as added by such subsection (b)), is amended by striking “seven years” and inserting “five years”.

(c) **Under Secretary of Defense for Policy.**—Section 134(a) of title 10, United States Code, is amended by striking “seven years” and inserting “five years”.

(d) **Under Secretary of Defense (Comptroller).**—Section 135(a) of such title is amended by adding at the end the following new sentence: “A person may not be appointed as Under Secretary within five years after relief from active duty as a commissioned officer of a regular component of the armed forces.”.

(e) **Under Secretary of Defense for Personnel and Health.**—Subsection (a) of section 136 of such title, as amended by section 906(a) of this Act, is further amended by adding at the end the following new sentence: “A person may not be appointed as Under Secretary within five
...years after relief from active duty as a commissioned officer of a regular component of the armed forces.”.

(f) Under Secretary of Defense for Intelligence.—Section 137(a) of such title is amended by adding at the end the following new sentence: “A person may not be appointed as Under Secretary within five years after relief from active duty as a commissioned officer of a regular component of the armed forces.”.


(a) Redesignation.—Section 137a of title 10, United States Code, is amended by striking “Principal” each place it appears.

(b) Increase in Authorized Number.—Subsection (a)(1) of such section is amended by striking “five” and inserting “six”.

(c) Replacement of ATL Position With Two Positions in Connection With OSD Reform.—Subsection (c) of such section is amended—

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

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

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“(1) One of the Deputy Under Secretaries is the Deputy Under Secretary of Defense for Research and Engineering.

“(2) One of the Deputy Under Secretaries is the Deputy Under Secretary of Defense for Acquisition and Sustainment.”.

(d) Re designation of DUSD for Personnel and Readiness as DUSD for Personnel and Health.— Paragraph (4) of subsection (c) of such section, as amended and redesignated by this section, is further amended by striking “Personnel and Readiness” and inserting “Personnel and Health”.

(e) Conforming Amendments.—

(1) OSD.—Paragraph (6) of section 131(b) of title 10, United States Code, is amended to read as follows:

“(6) The Deputy Under Secretaries of Defense.”.

(2) Precedence.—Section 138(d) of such title is amended by striking “Principal”.

(f) Executive Schedule Level IV.—

(1) In General.—Section 5315 of title 5, United States Code, is amended—

(A) by striking “Principal” in the items relating to the Principal Deputy Under Secretary of Defense for Policy, the Principal Deputy
Under Secretary of Defense (Comptroller), and
the Principal Deputy Under Secretary of Defense
for Intelligence; and

(B) by striking the item relating to the
Principal Deputy Under Secretary of Defense for
Personnel and Readiness and inserting the fol-
lowing new item:

“Deputy Under Secretary of Defense for Per-
sonnel and Health.”.

(2) OSD REFORM.—Section 5315 of such title is
further amended by inserting before the item relating
to the Deputy Under Secretary of Defense for Policy,
as amended by paragraph (1)(A), the following new
items:

“Deputy Under Secretary of Defense for Re-
search and Engineering.

“Deputy Under Secretary of Defense for Acquisi-
tion and Sustainment.”.

(g) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of sec-
tion 137a of such title is amended to read as follows:

“§137a. Deputy Under Secretaries of Defense”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 4 of such title is
amended by striking the item relating to section 137a
and inserting the following new item:

“137a. Deputy Under Secretaries of Defense.”.

(h) EFFECTIVE DATES.—

(1) In general.—Except as provided in para-
graph (2), the amendments made by this section shall
take effect on the date of the enactment of this Act.

(2) ATL POSITION AMENDMENTS.—The amend-
ments made by subsections (b), (c), and (f)(2) of this
section shall take effect on February 1, 2018, imme-
diately after the coming into effect of the amendments
made by subsections (a) and (b) of section 901 of the
National Defense Authorization Act for Fiscal Year
2017 (Public Law 114–328; 130 Stat. 2339), to which
the amendments made by subsections (b), (c), and
(f)(2) of this section relate.

SEC. 910. REDUCTION OF NUMBER AND ELIMINATION OF
SPECIFIC DESIGNATIONS OF ASSISTANT SEC-
RETARIES OF DEFENSE.

(a) REDUCTION OF AUTHORIZED NUMBER.—Sub-
section (a)(1) of section 138 of title 10, United States Code,
is amended by striking “14” and inserting “13”.

(b) ELIMINATION OF CERTAIN SPECIFIC DESIGNA-
TIONS.—Subsection (b) of such section is amended—

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

SEC. 911. LIMITATION ON MAXIMUM NUMBER OF DEPUTY
ASSISTANT SECRETARIES OF DEFENSE.

The maximum number of Deputy Assistant Secretaries
of Defense after the date of the enactment of this Act may
not exceed 46.

SEC. 912. MODIFICATION OF DEFINITION OF OSD PER-
SONNEL FOR PURPOSES OF LIMITATION ON
NUMBER OF OFFICE OF SECRETARY OF DE-
FENSE PERSONNEL.

(a) Modification.—

(1) In general.—Section 143(b) of title 10,
United States Code, as amended by section 903(a) of
the National Defense Authorization Act for Fiscal
Year 2017 (Public Law 114–328), is further amended
by striking “and detailed personnel” and inserting
“detailed, and contractor personnel”.

(2) Effective date.—The amendment made by
paragraph (1) shall take effect on October 1, 2018.

(b) Report on Number of Contractor Personnel
in OSD and Each Secretariat of the Military De-
partments.—Not later than December 31, 2017, the Sec-
retary of Defense shall submit to the congressional defense
committees a report specifying the following:
(1) The number of contractor personnel in the Office of the Secretary of Defense as of October 1, 2017.

(2) The number of contractor personnel in each office of a Secretary of a military department as of October 1, 2017.

Subtitle B—Organization of Other Department of Defense Offices and Elements

SEC. 921. REDUCTION IN AUTHORIZED NUMBER OF ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) Assistant Secretaries of the Army.—Section 3016(a) of title 10, United States Code, is amended by striking “five” and inserting “four”.

(b) Assistant Secretaries of the Navy.—Section 5016(a) of such title is amended by striking “four” and inserting “three”.

(c) Assistant Secretaries of the Air Force.—Section 8016(a) of such title is amended by striking “four” and inserting “three”.

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SEC. 922. QUALIFICATIONS FOR APPOINTMENT OF ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR FINANCIAL MANAGEMENT.

(a) Assistant Secretary of the Army.—Section 3016(b)(4) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(4)”;

(2) by striking “The Assistant Secretary shall have as his principal responsibility” and inserting the following:

“(C) The principal responsibility of the Assistant Secretary shall be”; and

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following new subparagraph (B):

“(B)(i) Any individual appointed as Assistant Secretary shall be an individual who—

“(I) has significant financial management service in—

“(aa) a Federal or State agency that received an audit with an unqualified opinion on such agency’s financial statements during the time of such individual’s service; or

“(bb) a public company that received an audit with an unqualified opinion on such company’s financial statements during the time of such individual’s service; or
“(II) has served as chief financial officer, deputy chief financial officer, or an equivalent executive-level position with direct authority for financial management in a large public or private sector organization.

“(ii) In this subparagraph, the term ‘public company’ has the meaning given the term ‘issuer’ in section 2(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(7)).”

(b) ASSISTANT SECRETARY OF THE NAVY.—Section 5016(b)(3) of such title is amended—

(1) by inserting “(A)” after “(3)”;

(2) by striking “The Assistant Secretary shall have as his principal responsibility” and inserting the following:

“(C) The principal responsibility of the Assistant Secretary shall be”; and

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following new subparagraph (B):

“(B)(i) Any individual appointed as Assistant Secretary shall be an individual who—

“(I) has significant financial management service in—

“(aa) a Federal or State agency that received an audit with an unqualified opinion on
such agency’s financial statements during the
time of such individual’s service; or

“(bb) a public company that received an
audit with an unqualified opinion on such com-
pany’s financial statements during the time of
such individual’s service; or

“(II) has served as chief financial officer, deputy
chief financial officer, or an equivalent executive-level
position with direct authority for financial manage-
ment in a large public or private sector organization.

“(ii) In this subparagraph, the term ‘public company’
has the meaning given the term ‘issuer’ in section 2(7) of
the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(7)).”.

(c) ASSISTANT SECRETARY OF THE AIR FORCE.—Sec-
tion 8016(b)(3) of such title is amended—

(1) by inserting “(A)” after “(3)”;

(2) by striking “The Assistant Secretary shall
have as his principal responsibility” and inserting
the following:

“(C) The principal responsibility of the Assistant Sec-
retary shall be”; and

(3) by inserting after subparagraph (A), as des-
ignated by paragraph (1), the following new subpara-
graph (B):
“(B)(i) Any individual appointed as Assistant Secretary shall be an individual who—

“(I) has significant financial management service in—

“(aa) a Federal or State agency that received an audit with an unqualified opinion on such agency’s financial statements during the time of such individual’s service; or

“(bb) a public company that received an audit with an unqualified opinion on such company’s financial statements during the time of such individual’s service; or

“(II) has served as chief financial officer, deputy chief financial officer, or an equivalent executive-level position with direct authority for financial management in a large public or private sector organization.

“(ii) In this subparagraph, the term ‘public company’ has the meaning given the term ‘issuer’ in section 2(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(7)).”.

(d) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments that are made on or after that date.
Subtitle C—Organization and Management of the Department of Defense Generally

SEC. 931. REDUCTION IN LIMITATION ON NUMBER OF DEPARTMENT OF DEFENSE SES POSITIONS.

Section 1109(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking “1,260” and inserting “1,140”.

SEC. 932. MANNER OF CARRYING OUT REDUCTIONS IN MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.

Section 346(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 796; 10 U.S.C. 111 note) is amended by adding at the end the following new paragraph:

“(5) MANNER OF CARRYING OUT REDUCTIONS.—Reductions in major Department of Defense headquarters activities pursuant to the headquarters reduction plan referred to in paragraph (1), as modified pursuant to that paragraph, shall be carried out after a consideration of the current manpower levels, historic manpower levels, mission requirements, and anticipated staffing needs of such headquarters activities necessary to meet national defense objectives. Further, the plan required by subsection (a) shall be
modified to take into account the requirement in the preceding sentence.”.

SEC. 933. CERTIFICATIONS ON COST SAVINGS ACHIEVED BY REDUCTIONS IN MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.

Section 346(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 796 10 U.S.C. 111 note), as amended by section 932 of this Act, is further amended by adding at the end the following new paragraph:

“(6) CERTIFICATIONS ON COST SAVINGS ACHIEVED.—Not later than 60 days after close of each of fiscal years 2017 through 2020, the Director of Cost Assessment and Program Evaluation shall certify to the Secretary of Defense, and to the congressional defense committees, the following:

“(A) The validity of the cost savings achieved for each major Department of Defense headquarters activity during the fiscal year concerned.

“(B) Whether the cost savings achieved for each major Department of Defense headquarters activity during the fiscal year concerned met the savings objective for such activity for such fiscal year, as established pursuant to paragraph (1).”.

† HR 2810 PAP
SEC. 934. DIRECT HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR PERSONNEL TO ASSIST IN BUSINESS TRANSFORMATION AND MANAGEMENT INNOVATION.

(a) Authority.—The Secretary of Defense may appoint in the Department of Defense individuals described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, for the purpose of assisting and facilitating the efforts of the Department in business transformation and management innovation.

(b) Covered Individuals.—The individuals described in this subsection are individuals who have all of the following:

(1) A management or business background.

(2) Experience working with large or complex organizations.

(3) Expertise in management and organizational change, data analytics, or business process design.

(c) Limitation on Number.—The number of individuals appointed pursuant to this section at any one time may not exceed 25 individuals.

(d) Nature of Appointment.—Any appointment under this section shall be on a term basis. The term of any such appointment shall be specified by the Secretary at the time of the appointment.
SEC. 935. DATA ANALYTICS CAPABILITY FOR SUPPORT OF ENHANCED OVERSIGHT AND MANAGEMENT OF THE DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES.

(a) DATA ANALYTICS CAPABILITY REQUIRED.—

(1) In general.—By not later than September 30, 2020, the Deputy Chief Management Officer of the Department of Defense shall establish and maintain within the Department of Defense a data analytics capability for purposes of supporting enhanced oversight and management of the Defense Agencies and Department of Defense Field Activities.

(2) Discharge through successor position.—If the position of Deputy Chief Management Officer of the Department of Defense is succeeded by another position in the Department, the duties of the Deputy Chief Management Officer under this section shall be discharged by the occupant of such succeeding position.

(b) ELEMENTS.—The data analytics capability shall permit the following:

(1) The maintenance on a continuing basis of an accurate tabulation of the amounts being expended by the Defense Agencies and Department of Defense Field Activities on their personnel.
(2) The maintenance on a continuing basis of an accurate number of the personnel currently supporting the Defense Agencies and Field Activities, including the following:

(A) Members of the regular components of the Armed Forces.

(B) Members of the reserve components of the Armed Forces.

(C) Civilian employees of the Department of Defense.

(D) Employees of contractors of the Department, including federally funded research and development centers.

(E) Detailees, whether from another organization or element of the Department or from another department or agency of the Federal Government.

(3) The maintenance of a continuing basis of the following:

(A) An identification of the functions being performed by each Defense Agency and Field Activity.

(B) An accurate tabulation of the amounts being expended by each Defense Agency and Field Activity on its functions.
(4) The streamlined assembly and analysis of data for purposes of the capability, including through appropriate automated processes.

(c) RESOURCES.—In establishing the data analytics capability, the Deputy Chief Management Officer may use the following:

(1) Data and information from each of the Defense Agencies and Department of Defense Field Activities.

(2) Data and information from the Defense Manpower Data Center (DMDC).

(3) Subject to the direction and control of the Secretary of Defense, any other resources of the Department the Deputy Chief Management Officer considers appropriate.

(d) REPORTS.—

(1) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Deputy Chief Management Officer shall submit to the congressional defense committees a report on the progress of the Deputy Chief Management Officer in establishing the data analytics capability. The report shall include the following:

(A) A description and assessment of the efforts of the Deputy Chief Management Officer
through the date of the report to establish the data analytics capability.

(B) A description of current gaps in the data required to establish the data analytics capability, and a description of the efforts to be undertaken to eliminate such gaps.

(C) Any other matters in connection with the establishment of the data analytics capability that the Deputy Chief Management Officer considers appropriate.

(2) FINAL REPORT.—Not later than December 31, 2020, the Deputy Chief Management Officer shall submit to the congressional defense committees a report on the data analytics capability as established pursuant to this section. The report shall include the following:

(A) A description and assessment of the data analytics capability.

(B) Any other matters in connection with the data analytics capability that the Deputy Chief Management Officer considers appropriate.

SEC. 936. ENHANCED USE OF DATA ANALYTICS TO IMPROVE ACQUISITION PROGRAM OUTCOMES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense
shall, acting jointly through the Deputy Chief Management Officer and the Chief Information Officer of the Department of Defense, and in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Armed Forces, establish a set of activities that use data analysis, measurement, and other evaluation-related methods to improve the acquisition outcomes of the Department of Defense and enhance organizational learning.

(b) Activities.—

(1) In general.—The set of activities established under subsection (a) may include the following:

(A) Establishment of data analytics capabilities and organizations within the appropriate military service.

(B) Development of capabilities in Department of Defense laboratories, test centers, and Federally funded research and development centers to provide technical support for data analytics activities that support acquisition program management and business process re-engineering activities.

(C) Increased use of existing analytical capabilities available to acquisition programs and offices to support improved acquisition outcomes.
(D) Funding of intramural and extramural research and development activities to develop and implement data analytics capabilities in support of improved acquisition outcomes.

(E) Publication, to the maximum extent practicable, and in a manner that protects classified and proprietary information, of data collected by the Department related to acquisition program costs and activities for access and analyses by the general public.

(F) Clarification by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, of a consistent policy as to the role of data analytics in establishing budgets and making milestone decisions for major defense acquisition programs.

(G) Continual assessment, in consultation with the private sector, of the efficiency of current data collection and analyses processes, so as to minimize the requirement for collection and delivery of data by, from, and to government organizations.
(II) Promulgation of guidance to acquisition programs and activities on the efficient use and sharing of data between programs and organizations to improve acquisition program analytics and outcomes.

(I) Promulgation of guidance on assessing and enhancing quality of data and data analyses to support improved acquisition outcomes.

(2) GAP ANALYSIS OF CURRENT ACTIVITIES.—The Secretary shall, in coordination with the Armed Forces, identify the current activities, organizations, and groups of personnel that are pursuing tasks similar to those described in paragraph (1) that are being carried out as of the date of the enactment of this Act. The Secretary shall consider such current activities, organizations, and personnel in determining the set of activities to establish pursuant to subsection (a).

(3) TRAINING AND EDUCATION.—The Secretary shall, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, conduct a review of the curriculum taught at the National Defense University, the Defense Acquisition University, and appropriate private sector academic institutions to determine the extent to which the curricula include appropriate courses on data analytics and other eval-
(c) Discharge of Certain Duties.—After January 31, 2018—

(1) any duties under this section to be discharged by the Deputy Chief Management Officer of the Department of Defense shall be discharged by the Chief Management Officer of the Department of Defense; and

(2) any duties under this section to be discharged by the Under Secretary of Defense for Acquisition, Technology, and Logistics shall be discharged by the Under Secretary of Defense for Acquisition and Sustainment.

SEC. 937. PILOT PROGRAMS ON DATA INTEGRATION STRATEGIES FOR THE DEPARTMENT OF DEFENSE.

(a) Pilot Programs Required.—The Secretary of Defense shall, acting through the Chief Management Officer of the Department of Defense, carry out pilot programs to develop data integration strategies for the Department of Defense to address high-priority challenges of the Department.

(b) Scope of Pilot Programs.—The pilot programs required by subsection (a) shall involve data integration
strategies to address challenges of the Department with respect to the following:

(1) The budget of the Department.

(2) Logistics.

(3) Personnel security and insider threats.

(4) At least two other high-priority challenges of the Department identified by the Secretary for purposes of this section.

(c) ELEMENTS.—In developing a data integration strategy to address a challenge of the Department for purposes of a pilot program under this section, the Secretary shall do the following:

(1) Identify the elements of the Department, and the officials of such elements, to be involved in carrying out the data integration strategy.

(2) Specify the elements of the data integration strategy.

(3) Specify the policies of the Department, if any, to be modified or waived in order to facilitate the carrying out of the data integration strategy by enabling timely and continuous sharing of information needed to solve the challenge concerned.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary
shall submit to the congressional defense committees a report on the pilot programs to be carried out under this section.

(2) **Elements.**—The report shall include the following:

(A) A description of each pilot program, including the challenge of the Department to be addressed by such pilot program and the manner in which the data integration strategy under such pilot program will address the challenge.

(B) If the carrying out of any pilot program requires legislative action for the waiver or modification of a statutory requirement that prevents or impedes the carrying out of the pilot program, a recommendation for legislative action to waive or modify such statutory requirement.

**SEC. 938. BACKGROUND AND SECURITY INVESTIGATIONS FOR DEPARTMENT OF DEFENSE PERSONNEL.**

(a) **Transition To Discharge by Defense Security Service.**—

(1) **In General.**—The Secretary of Defense has the authority to conduct security, suitability, and credentialing background investigations. In carrying out such authority, the Secretary may use such authority, or may delegate such authority to another en-
tity. As part of providing for the conduct of background investigations initiated by the Department of Defense through the Defense Security Service by not later than the deadline specified in subsection (b), the Secretary shall, in consultation with the Director of the Office of Personnel Management, provide for a phased transition from the conduct of such investigations by the National Background Investigations Bureau (NBIB) of the Office of Personnel Management to the conduct of such investigations by the Defense Security Service by that deadline.

(2) PHASED TRANSITION.—The phased transition required by paragraph (1) shall—

(A) provide for the transition of the conduct of investigations to the Defense Security Service using a risk management approach; and

(B) be consistent with the transition from legacy information technology operated by the Office of Personnel Management to the new information technology, including the National Background Investigations System, as described in subsection (f).

(b) COMMENCEMENT OF IMPLEMENTATION PLAN FOR ONGOING DISCHARGE OF INVESTIGATIONS THROUGH DSS.—Not later than October 1, 2020, the Secretary of De-
fense shall commence carrying out the implementation plan developed pursuant to section 951(a)(1) of the National De-

(c) TRANSFER OF CERTAIN FUNCTIONS WITHIN DoD TO DSS.—

(1) IN GENERAL.—For purposes of meeting the requirements in subsections (a) and (b), the Secretary of Defense shall transfer the functions, personnel, and associated resources of the organizations specified in paragraph (2) to the Defense Security Service.

(2) ORGANIZATIONS.—The organizations specified in this paragraph are the following:

(A) The Consolidated Adjudications Facility.

(B) The Personnel Security Assurance Division of the Defense Manpower Data Center.

(C) Other organizations identified by the Secretary for purposes of this subsection.

(3) SUPPORTING ORGANIZATIONS.—In addition to the organizations identified pursuant to (2), the following organizations shall prioritize resources to directly support the execution of requirements in subsections (a) and (b):

(B) The Defense Digital Services.

(C) Other organizations designated by the Secretary for purposes of this paragraph.

(4) TIMING AND MANNER OF TRANSFER.—The Secretary—

(A) may carry out the transfer required by paragraph (1) at any time before the date specified in subsection (b) that the Secretary considers appropriate for purposes of this section; and

(B) shall carry out the transfer in a manner designed to minimize disruptions to the conduct of background investigations for personnel of the Department of Defense.

(d) TRANSFER OF CERTAIN FUNCTIONS IN OPM TO DSS.—

(1) IN GENERAL.—For purposes of meeting the requirements in subsections (a) and (b), the Secretary of Defense shall, in consultation with the Director of the Office of Personnel Management, provide for the transfer of the functions described in paragraph (2), and any associated personnel and resources, to the Department of Defense.
(2) FUNCTIONS.—The functions described in this paragraph are the following:


(B) Any other functions of the Office of Personnel Management in connection with background investigations initiated by the Department of Defense that the Secretary and the Director jointly consider appropriate.

(3) LOCATION WITHIN DOD.—Any functions transferred to the Department pursuant to this subsection shall be located within the Defense Security Service.

(e) CONDUCT OF CERTAIN ACTIONS.—For purposes of the conduct of background investigations following the commencement of the carrying out of the implementation plan referred to in subsection (b), the Secretary of Defense shall provide for the following:

(1) A single capability for the centralized funding, submissions, and processing of all background investigations, from within the Defense Security Service.
(2) The discharge by the Consolidated Adjudications Facility, from within the Defense Security Service pursuant to transfer under subsection (c), of adjudications in connection with the following:

(A) Background investigations.

(B) Continuous evaluation and vetting checks.

(f) ENHANCEMENT OF INFORMATION TECHNOLOGY CAPABILITIES OF NBIS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Director of the Office of Personnel Management, conduct a review of the information technology capabilities of the National Background Investigations System (NBIS) in order to determine whether enhancements to such capabilities are required for the following:

(A) Support for background investigations pursuant to this section and section 951 of the National Defense Authorization Act for Fiscal Year 2017.

(B) Support of the National Background Investigations Bureau.

(C) Execution of the conduct of background investigations initiated by the Department of
Defense pursuant to this section, including submissions and adjudications.

(2) COMMON COMPONENT.—In providing for the transition and operation of the System as described in paragraph (1)(C), the Secretary shall, in consultation with the Director, develop a common component of the System usable for background investigations by both the Defense Security Service and the National Background Investigations Bureau.

(3) ENHANCEMENTS.—If the review pursuant to paragraph (1) determines that enhancements described in that paragraph are required, the Secretary shall, in consultation with the Director, carry out such enhancements.

(g) USE OF CERTAIN PRIVATE INDUSTRY DATA.—In carrying out background and security investigations pursuant to this section and section 951 of the National Defense Authorization Act for Fiscal Year 2017, the Secretary of Defense may use background materials collected on individuals by the private sector, in accordance with national policies and standards, that are applicable to such investigations, including materials as follows:

(1) Financial information, including credit scores and credit status.

(2) Criminal records.
(3) Drug screenings.

(4) Verifications of information on resumes and employment applications (such as previous employers, educational achievement, and educational institutions attended).

(5) Other publicly available electronic information.

(h) SECURITY CLEARANCES FOR CONTRACTOR PERSONNEL.—

   (1) IN GENERAL.—The Secretary of Defense shall review the requirements of the Department of Defense relating to position sensitivity designations for contractor personnel in order to determine whether such requirements may be reassessed or modified to reduce the number and range of contractor personnel who are issued security clearances in connection with work under contracts with the Department.

   (2) GUIDANCE.—The Secretary shall issue guidance to program managers, contracting officers, and security personnel of the Department specifying requirements for the review of contractor position sensitivity designations and the number of contractor personnel of the Department who are issued security clearances for the purposes of determining whether the
number of such personnel who are issued security clearances should and can be reduced.

(i) PERSONNEL TO SUPPORT THE TRANSFER OF FUNCTIONS.—The Secretary of Defense shall authorize the Director of the Defense Security Service to promptly increase personnel for the purpose of beginning the establishment and expansion of investigative capacity to support the phased transfer of investigative functions from the Office of Personnel Management to the Department of Defense under this section. The Director of Cost Analysis and Program Assessment shall advise the Secretary on the size of the initial investigative workforce and the rate of growth of that workforce.

(j) BRIEFINGS AND REPORTS.—

(1) REPORT ON FUTURE PERIODIC REINVESTIGATIONS, INSIDER THREAT, AND CONTINUOUS VETTING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Director of the Office of Personnel Management, submit to Congress a report that includes the following:

(A) An assessment of the feasibility and advisability of periodic reinvestigations of back-
grounds of Government and contractor personnel
with security clearances.

(B) A plan to provide the Government with
an enhanced risk management model which re-
duces the gaps in coverage perpetuated by the
current time-based periodic reinvestigations
model, particularly in light of the increasing use
of continuous background evaluations of such
personnel.

(C) A plan for expanding continuous back-
ground vetting capabilities such as the Installa-
tion Matching Engine for Security and Analysis
to the broader population, including those at the
lowest Tiers and levels of access, which plan shall
include details to ensure that all individuals
credentialed for physical access to Department of
Defense facilities and installations are vetted to
the same level of fitness determinations and sub-
ject to appropriate continuous vetting.

(D) A plan to fully integrate and incor-
porate insider threat data, tools, and capabilities
into the new end-to-end vetting processes and
supporting information technology established by
the Defense Security Service to ensure a holistic
and transformational approach to detecting, de-
terring, and mitigating threats posed by trusted
insiders.

(2) QUARTERLY BRIEFINGS.—Not later than the
end of each calendar year quarter after the date of the
enactment of this Act, the Secretary of Defense shall
provide the Committees on Armed Services of the Sen-
ate and the House of Representatives a briefing on the
progress of the Secretary in carrying out the require-
ments of this section during such calendar year quar-
ter. Until the backlog of security clearance applica-
tions at the National Background Investigations Bu-
reau is eliminated, each quarterly briefing shall also
include the current status of the backlog and the re-
sulting mission and resource impact to the Depart-
ment of Defense and the defense industrial base.

(3) ANNUAL REPORTS.—Not later than the end of
each calendar year after the date of the enactment of
this Act, the Secretary shall submit to the committees
of Congress referred to in paragraph (2) a report on
the following for the calendar year in which such re-
port is to be submitted:

(A) The status of the Secretary in meeting
the requirements in subsections (a), (b), and (c)
as of the end of such calendar year.
(B) The status as of the end of such calendar year of any transfers to be carried out pursuant to subsection (d).

(C) An assessment of the personnel security capabilities of the Department of Defense as of the end of such calendar year.

(4) Termination.—No briefing or report is required pursuant to paragraph (2) or (3) after December 31, 2020.

Subtitle D—Other Matters

Sec. 951. Transfer of Lead of Guam Oversight Council from the Deputy Secretary of Defense to the Secretary of the Navy.

(a) Transfer.—Section 5013 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) Until September 30, 2020, the Secretary of the Navy shall lead the Guam Oversight Council and shall be the principal representative of the Department of Defense for coordinating the interagency efforts in matters relating to Guam, including the following executive orders:


(b) Repeal of Superseded Authority.—Section 132 of such title is amended by striking subsection (e).

SEC. 952. CORROSION CONTROL AND PREVENTION EXECUTIVES MATTERS.

(a) Scope and Level of Positions.—Subsection (a) of section 903 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2228 note) is amended—

(1) by striking “shall be the senior official” and inserting “shall be a senior official”; and

(2) by adding at the end the following new sentence: “Each individual so designated shall be a senior civilian employee of the military department concerned in pay grade GS–15 or higher.”.

(b) Qualifications.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):
“(b) QUALIFICATIONS.—Any individual designated as a corrosion control and prevention executive of a military department pursuant to subsection (a) shall—

“(1) have a working knowledge of corrosion prevention and control;

“(2) have strong program management and communication skills; and

“(3) understand the acquisition, research, development, test, and evaluation, and sustainment policies and procedures of the military department, including for the sustainment of infrastructure.”.

SEC. 953. REQUIREMENT FOR NATIONAL LANGUAGE SERVICE CORPS.

(a) IN GENERAL.—Subsection (a)(1) of 813 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1913) is amended by striking “may establish and maintain” and inserting “shall establish and maintain”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking “If the Secretary establishes the Corps, the Secretary” and inserting “The Secretary”.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—
(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2018 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

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

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

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

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and
(2) may not be used to provide authority for an item that has been denied authorization by Congress.

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

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. CALCULATIONS FOR PAYMENTS INTO DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND USING SINGLE LEVEL PERCENTAGE OF BASIC PAY DETERMINED ON ARMED FORCES-WIDE RATHER THAN ARMED FORCES-WIDE BASIS.

Section 1465 of title 10, United States Code, is amended—

(1) in subsection (c)(1), in the flush matter at the end of paragraph (1), by striking “Such single level” and inserting “Except as otherwise provided in subsection (d), such single level”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and
(3) by inserting after subsection (c) the following new subsection (d):

“(d)(1) Notwithstanding subsection (c), in any actuarial valuation of Department of Defense military retirement and survivor benefits programs for purposes of a fiscal year beginning after fiscal year 2018—

“(A) the determination made pursuant to subsection (c)(1)(A) shall be a single level percentage of basic pay for active duty for each armed force (other than the Coast Guard) and for each of the Army National Guard and the Air National Guard for full-time National Guard duty (rather than the single level percentage of basic pay otherwise required by that subsection); and

“(B) the determination made pursuant to subsection (c)(1)(B) shall be a single level percentage of basic pay and of compensation for members of the Selected Reserve of each armed force (other than the Coast Guard) (rather than the single level percentage of basic pay and of compensation otherwise required by that subsection).

“(2) In making calculations for purposes of subsection (b)(1) for fiscal years after fiscal year 2018—

“(A) the Secretary of Defense—
“(i) shall not use the single level percentage
of basic pay determined under subsection
(c)(1)(A) as provided for in subsection
(b)(1)(A)(i); but
“(ii) shall use for purposes of subsection
(b)(1)(A)(i) each separate single level percentage
of basic pay determined under paragraph (1)(A)
for each armed force and for each of the Army
National Guard and the Air National Guard;
and
“(B) the Secretary of Defense—
“(i) shall not use the single level percentage
of basic pay and of compensation determined
under subsection (c)(1)(B) as provided for in
subsection (b)(1)(B)(i); but
“(ii) shall use for purposes of subsection
(b)(1)(B)(i) each separate single level percentage
of basic pay and of compensation determined
under paragraph (1)(B) for each armed force.
“(3) In making calculations for purposes of section
1466(a) of this title for purposes of deposits into the Fund
for months in fiscal years after fiscal year 2018—
“(A) the Secretary of Defense—
“(i) shall not use the single level percentage
of basic pay determined under subsection
(c)(1)(A) as provided for in section 1466(a)(1)(A) of this title; but

“(ii) shall use for purposes of section 1466(a)(1)(A) of this title each separate single level percentage of basic pay determined under paragraph (1)(A) for each armed force and for each of the Army National Guard and the Air National Guard; and

“(B) the Secretary of Defense—

“(i) shall not use the single level percentage of basic pay and of compensation determined under subsection (c)(1)(B) as provided for in section 1466(a)(2)(A) of this title; but

“(ii) shall use for purposes of section 1466(a)(2)(A) each separate single level percentage of basic pay and of compensation determined under paragraph (1)(B) for each armed force.”.


(a) Department of Defense.—Not later than September 30, 2017, and each year thereafter, the Secretary of Defense shall certify to the congressional defense commit-
tees whether or not the full financial statements of the Department of Defense are audit ready as of the date of such certification.

(b) **Military Departments, Defense Agencies, and Other Organizations and Elements.**—

(1) **In general.**—Not later than September 30, 2017, and each year thereafter, each Secretary of a military department, each head of a Defense Agency, and each head of any other organization or element of the Department of Defense designated by the Secretary of Defense for purposes of this subsection shall certify to the congressional defense committees whether or not the full financial statements of the military department, the Defense Agency, or the organization or element concerned became audit ready during the fiscal year in which such certification is to be submitted.

(2) **Transmittal through Secretary of Defense.**—The individual certifications required by this subsection shall be transmitted to the congressional defense committees collectively by the Secretary under procedures established by the Secretary for purposes of this subsection.

(c) **Termination on Receipt of Audit Opinion on Full Financial Statements.**—A certification is no
longer required under subsection (a) or (b) with respect to the Department of Defense, or a military department, Defense Agency, or organization or element of the Department, as applicable, after the Department of Defense or such military department, Defense Agency, or organization or element receives an audit opinion on its full financial statements.

(d) Audit Ready Defined.—In this section, the term “audit ready”, with respect to the full financial statements of the Department of Defense, a military department, a Defense Agency, or another organization or element of the Department of Defense, means that the Department of Defense, the military department, the Defense Agency, or the organization or element has in place critical audit capabilities and associated infrastructure to successfully start and support a financial audit of its full financial statements.

SEC. 1004. FAILURE TO OBTAIN AUDIT OPINION ON FISCAL YEAR FULL FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) Reduction in Basic Pay of Military Secretaries for Failure to Obtain Audit Opinion on Full Financial Statements for Fiscal Years 2018 and Thereafter.—If the Department of Defense does not obtain an audit opinion on its full financial statements for fiscal year 2018, or any fiscal year thereafter, by March
31 of the succeeding calendar year, the annual rate of basic
pay payable for each Secretary of a military department
for the calendar year next following such succeeding cal-
endar year shall be the annual rate of basic pay for posi-
tions at level III of the Executive Schedule pursuant to sec-
tion 5313 of title 5, United States Code, rather than the
annual rate of basic pay otherwise provided for the posi-
tions of Secretary of a military department by law.

(b) REVIEW AND RECOMMENDATIONS ON EFFORTS TO
OBTAIN AUDIT OPINION ON FULL FINANCIAL STATEMENTS
FOR FISCAL YEAR 2018 BY MARCH 31, 2019.—

(1) IN GENERAL.—If the Department does not
obtain an audit opinion on its full financial state-
ments for fiscal year 2018 by March 31, 2019, the
Secretary of Defense shall establish within the De-
partment a team of distinguished, private sector ex-
erts with experience conducting financial audits of
large public or private sector organizations to review
and make recommendations to improve the efforts of
the Department to obtain an audit opinion on its full
financial statements.

(2) SCOPE OF ACTIVITIES.—The team established
pursuant to paragraph (1) shall—

(A) identify impediments to the progress of
the Department in obtaining an audit opinion
on its full financial statements, including an
identification of the organizations or elements
that are lagging in their efforts toward obtaining
such audit opinion;

(B) estimate when an audit opinion on the
full financial statements of the Department will
be obtained; and

(C) consider mechanisms and incentives to
support efficient achievement by the Department
of its audit goals, including organizational
mechanisms to transfer direction and manage-
ment control of audit activities from subordinate
organizations to the Office of the Secretary of
Defense, individual personnel incentives, work-
force improvements (including in senior leader-
ship positions), business process, technology, and
systems improvements (including the use of data
analytics), and metrics by which the Secretary
and Congress may measure and assess progress
toward achievement of the audit goals of the De-
partment.

(3) REPORT.—If the Secretary takes action pur-
suant to paragraph (1), the Secretary shall, not later
than September 30, 2019, submit to the congressional
defense committees a report on the team established
pursuant to that paragraph, including a description of the actions taken and to be taken by the team pursuant to paragraph (2).

SEC. 1005. IMPROPER PAYMENT MATTERS.

Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense (Comptroller) shall take the following actions:

(1) With regard to estimating improper payments:

(A) Establish and implement key quality assurance procedures, such as reconciliations, to ensure the completeness and accuracy of sampled populations.

(B) Revise the procedures for the sampling methodologies of the Department of Defense so that such procedures—

(i) comply with Office of Management and Budget guidance and generally accepted statistical standards;

(ii) produce statistically valid improper payment error rates, statistically valid improper payment dollar estimates, and appropriate confidence intervals for both; and
(iii) in meeting clauses (i) and (ii),
take into account the size and complexity of
the transactions being sampled.

(2) With regard to identifying programs suscep-
tible to significant improper payments, conduct a risk
assessment that complies with the Improper Payments
Elimination and Recovery Act of 2010 (Public Law
111–204) and the amendments made by that Act (in
this section collectively referred to as “IPERA”).

(3) With regard to reducing improper payments,
establish procedures that produce corrective action
plans that—

(A) comply fully with IPERA and associ-
ated Office of Management and Budget guidance,
including by holding individuals responsible for
implementing corrective actions and monitoring
the status of corrective actions; and

(B) are in accordance with best practices,
such as those recommended by the Chief Finan-
cial Officers Council, including by providing
for—

(i) measurement of the progress made
toward remediating root causes of improper
payments; and
(ii) communication to the Secretary of Defense and the heads of departments, agencies, and organizations and elements of the Department of Defense, and key stakeholders, on the progress made toward remediating the root causes of improper payments.

(4) With regard to implementing recovery audits for improper payments, develop and implement procedures to—

(A) identify costs related to the recovery audits and recovery efforts of the Department of Defense; and

(B) evaluate improper payment recovery efforts in order to ensure that they are cost effective.

(5) Monitor the implementation of the revised chapter of the Financial Management Regulations on recovery audits in order to ensure that the Department of Defense, the military departments, the Defense Agencies, and the other organizations and elements of the Department of Defense either conduct recovery audits or demonstrate that it is not cost effective to do so.
(6) Develop and submit to the Office of Management and Budget for approval a payment recapture audit plan that fully complies with Office of Management and Budget guidance.

(7) With regard to reporting on improper payments, design and implement procedures to ensure that the annual improper payment and recovery audit reporting of the Department of Defense is complete, accurate, and complies with IPERA and associated Office of Management and Budget guidance.

SEC. 1006. FINANCIAL OPERATIONS DASHBOARD FOR THE DEPARTMENT OF DEFENSE.

(a) FINANCIAL OPERATIONS DASHBOARD.—

(1) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall develop and maintain on an Internet website available to Federal Government agencies a tool (commonly referred to as a “dashboard”) to permit Federal Government officials to track key indicators of the financial performance of the Department of Defense, including outstanding accounts payable, abnormal accounts payable, outstanding advances, unmatched disbursements, abnormal undelivered orders, negative unliquidated obligations, violations of sections 1341 and 1517(a) of title 31, United States Code (commonly referred to as the...
“Anti-Deficiency Act”), costs deriving from payment delays, interest penalty payments, and improper payments, and actual savings realized through interest payments made, discounts for timely or advanced payments, and other financial management and improvement initiatives.

(2) INFORMATION COVERED.—The tool shall cover financial performance information for the military departments, the defense agencies, and any other organizations or elements of the Department of Defense.

(3) TRACKING OF PERFORMANCE OVER TIME.— The tool shall permit the tracking of financial performance over time, including by month, quarter, and year, and permit users of the tool to export both current and historical data on financial performance.

(4) UPDATES.—The information covered by the tool shall be updated not less frequently than monthly.

(b) ANNUAL REPORT ON VALUE CREATED BY IMPROVED FINANCIAL MANAGEMENT.—Not later than December 31 each year, the Secretary of Defense shall submit to Congress a report setting forth, for each military department, defense agency, and other organization or element of the Department of Defense, the following:
(1) A description of the value, if any, that accrued as a result of improved financial management and related cost-savings initiatives during the most recent fiscal year.

(2) A description of the manner in which such value, if any, was applied, and will be applied, to provide mission value.

(3) A target for the savings to be achieved as a result of improved financial management and related cost-savings initiatives during the fiscal year in which such report is submitted.

SEC. 1007. COMPTROLLER GENERAL OF THE UNITED STATES RECOMMENDATIONS ON AUDIT CAPABILITIES AND INFRASTRUCTURE AND RELATED MATTERS.

(a) Bi-monthly Summary of Status of Audit Corrective Action Plan.—The Under Secretary of Defense (Comptroller) shall assemble on a bi-monthly basis a management summary of the current status of actions under the consolidated audit corrective action plan (CAP) with respect to the critical audit capabilities and associated infrastructure of the Department of Defense, the military departments, the Defense Agencies, and other organizations and elements of the Department of Defense.
(b) Centralized Monitoring and Reporting Process.—The Under Secretary of Defense (Comptroller) shall develop and implement a centralized monitoring and reporting process that captures and maintains up-to-date information, including the standard data elements recommended in the Implementation Guide for OMB Circular A–123, for all corrective action plans Department of Defense-wide that pertain to critical audit capabilities and associated infrastructure.

SEC. 1008. INFORMATION ON DEPARTMENT OF DEFENSE FUNDING IN DEPARTMENT PRESS RELEASES AND RELATED PUBLIC STATEMENTS ON PROGRAMS, PROJECTS, AND ACTIVITIES FUNDED BY THE DEPARTMENT.

(a) Information Required.—

(1) In general.—Subchapter II of chapter 134 of title 10, United States Code, is amended by inserting after section 2257 the following new section:

“§ 2258. Department of Defense press releases and related public statements on Department funded programs, projects, and activities

“Any press release, statement, or other document issued to the public by the Department of Defense that describes a program, project, or activity funded, whether in whole or in part, by amounts provided by the Department,
including any project, project, or activity of a foreign, State, or local government, shall clearly state the following:

“(1) That the program, project, or activity is funded, in whole or in part (as applicable), by funds provided by the Department.

“(2) An estimate of the amount of funding from the Department that the program, project, or activity currently receives.”.

(2) Clerical Amendment.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by inserting after the item relating to section 2257 the following new item:

“2258. Department of Defense press releases and related public statements on Department funded programs, projects, and activities.”.

(b) 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 programs, projects, and activities funded by the Department of Defense with amounts authorized to be appropriated for fiscal years after fiscal year 2018.
Subtitle B—Counterdrug Activities

SEC. 1011. EXTENSION AND MODIFICATION OF AUTHORITY
TO SUPPORT A UNIFIED COUNTERDRUG AND
COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) Extension.—Section 1021 of the Ronald W.
2005 (Public Law 108–375; 118 Stat. 2042), as most re-
cently amended by section 1013 of the National Defense Au-
thorization Act for Fiscal Year 2017 (Public Law 114–328;
130 Stat. 2385), is further amended—

(1) in subsection (a)(1), by striking “2019” and
inserting “2022”; and

(2) in subsection (c), by striking “2019” and in-
serting “2022”.

(b) Scope of Authority.—Subsection (a) of such sec-
tion 1021 is further amended—

(1) in paragraph (1), by striking “organizations
designated as” and all that follows and inserting
“terrorist organizations and other illegally armed
groups determined by the Secretary of Defense to pose
a significant threat to the national security interests
of the United States.”; and
(2) in paragraph (2), by striking “authority” and all that follows and inserting “authority as follows:

“(A) To protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

“(B) To support efforts to demobilize, disarm, and reintegrate members of illegally armed groups.”.

Subtitle C—Naval Vessels and Shipyards

SEC. 1016. POLICY OF THE UNITED STATES ON MINIMUM NUMBER OF BATTLE FORCE SHIPS.

(a) POLICY.—It shall be the policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships, comprised of the optimal mix of platforms, with funding subject to the availability of appropriations or other funds.

(b) BATTLE FORCE SHIPS DEFINED.—In this section, the term “battle force ships” has the meaning given the term in Secretary of the Navy Instruction 5030.8C.

SEC. 1017. OPERATIONAL READINESS OF LITTORAL COMBAT SHIPS ON EXTENDED DEPLOYMENT.

(a) IN GENERAL.—Subsection (a) of section 7310 of title 10, United States Code, is amended—
(1) by inserting “UNDER JURISDICTION OF THE SECRETARY OF THE NAVY” in the subsection heading after “VESSELS”;

(2) by striking “A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy)” and inserting “(1) Except as provided in paragraph (2), a naval vessel”; and

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

“(2)(A) Subject to subparagraph (B), in the case of a naval vessel classified as a Littoral Combat Ship and operating on deployment, corrective and preventive maintenance or repair (whether intermediate or depot level) and facilities maintenance may be performed on the vessel—

“(i) in a foreign shipyard;

“(ii) at a facility outside of a foreign shipyard;

or

“(iii) at any other facility convenient to the vessel.

“(B)(i) Corrective and preventive maintenance or repair may be performed on a vessel as described in subparagraph (A) if the work is performed by United States Government personnel or United States contractor personnel.
“(ii) Facilities maintenance may be performed by a foreign contractor on a vessel as described in subparagraph (A) only as approved by the Secretary of the Navy.”.

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

“(d) DEFINITIONS.—In this section:

“(1) The term ‘corrective and preventive maintenance or repair’ means—

“(A) maintenance or repair actions performed as a result of a failure in order to return or restore equipment to acceptable performance levels; and

“(B) scheduled maintenance or repair actions to prevent or discover functional failures.

“(2) The term ‘facilities maintenance’ means preservation or corrosion control efforts and cleaning services.”.

(c) CLERICAL AMENDMENTS.—

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

“§ 7310. Overhaul, repair, and maintenance of vessels in foreign shipyards and facilities: restrictions; exceptions”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 633 of such title is
amended by striking the item relating to section 7310
and inserting the following new item:

“7310. Overhaul, repair, and maintenance of vessels in foreign shipyards and fa-
cilities: restrictions; exceptions.”.

SEC. 1018. AUTHORITY TO PURCHASE USED VESSELS TO RE-
CAPITALIZE THE READY RESERVE FORCE
AND THE MILITARY SEALIFT COMMAND
SURGE FLEET.

(a) DEPOSIT OF ADDITIONAL FUNDS IN NATIONAL DE-
FENSE SEALIFT FUND.—

(1) OTHER FUNDS MADE AVAILABLE TO DEPART-
MENT OF THE NAVY.—Subsection (d) of section 2218
of title 10, United States Code, is amended by adding
at the end the following new paragraph:

“(4) Any other funds made available to the De-
partment of the Navy for carrying out the purposes
of the Fund set forth in subsection (c).”.

(2) EXPIRATION OF FUNDS AFTER 5 YEARS.—
Subsection (g) of such section is amended by striking
“subsection (d)(1)” and inserting “paragraph (1) or
(4) of subsection (d)”.

(b) AUTHORITY TO PURCHASE USED VESSELS.—Sub-
section (f) of such section is amended by adding at the end
the following new paragraph:

“(3)(A) Notwithstanding the limitations in paragraph
(1) and subsection (c)(1)(E), the Secretary of Defense may,
as part of a program to recapitalize the Ready Reserve Force component of the National Defense Reserve Fleet and the Military Sealift Command surge fleet, purchase used vessels, regardless of where constructed, from among vessels previously participating in the Maritime Security Fleet, if available at a reasonable cost (as determined by the Secretary). If such previously participating vessels are not available at a reasonable cost, used vessels comparable to such previously participating vessels may be purchased from any source, regardless of where constructed, if available at a reasonable cost (as determined by the Secretary).

“(B) In exercising the authority in subparagraph (A), the Secretary shall purchase used vessels constructed in the United States, if available at a reasonable cost (as determined by the Secretary).

“(C) In exercising the authority in subparagraph (A), the Secretary shall ensure that any conversion, modernization, maintenance, or repair of vessels occurs in shipyards located in the United States, except in emergency situations (as determined by the Secretary).”.

(c) DEFINITION OF MARITIME SECURITY FLEET.—Subsection (k) of such section is amended by adding at the end the following new paragraph:
“(5) The term ‘Maritime Security Fleet’ means the fleet established under section 53102(a) of title 46.”.

(d) TECHNICAL AMENDMENT.—Subsection (i) of such section is amended by striking “(50 U.S.C. App. 1744)” and inserting “(50 U.S.C. 4405)”.

SEC. 1019. SURVEYING SHIPS.

(a) SURVEYING SHIP REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Chief of Naval Operations shall submit to the congressional defense committees a report setting forth a force structure assessment that establishes a surveying ship requirement. The Chief of Naval Operations shall conduct the assessment for purposes of the report, and may limit the assessment to surveying ships.

(b) DEFINITIONS.—In this section:

(1) The term “surveying ship” has the meaning given the term in Secretary of the Navy Instruction 5030.8C.

(2) The term “force structure assessment” has the meaning given the term in Chief of Naval Operations Instruction 3050.27.
SEC. 1020. PILOT PROGRAM ON FUNDING FOR NATIONAL
DEFENSE SEALIFT VESSELS.

(a) In General.—The Secretary of the Navy may
carry out a pilot program to assess the feasability and ad-
visability of the use of the authorities specified in subsection
(b) in connection with research and development and oper-
ation, maintenance, and lease or charter of national defense
sealift vessels.

(b) Authorities.—The authorities specified in this
subsection are authorities as follows:

(1) To derive funds for obligations and expendi-
tures for research and development relating to na-
tional defense sealift vessels from the Research, Devel-
opment, Test, and Evaluation, Navy account.

(2) To derive funds for obligations and expendi-
tures for operation, maintenance, and lease or charter
of national defense sealift vessels from the Operation
and Maintenance, Navy account.

(3) To use funds in the account referred to in
paragraph (1) for obligations and expenditures de-
scribed in that paragraph, and to use funds in the ac-
count referred to in paragraph (2) for obligations and
expenditures described in that paragraph, without the
transfer of such funds to the National Defense Sealift
Fund.

† HR 2810 PAP
(c) LIMITATION.—The authorities in subsection (b) may be used under the pilot program only with respect to applicable amounts authorized to be appropriated for the Department of Defense for fiscal years 2018 and 2019.

(d) CONTINUING AVAILABILITY OF NDSF FUNDS.—Nothing in this section shall be construed to prohibit the use of amounts available in the National Defense Sealift Fund for fiscal years 2018 and 2019 for use for the purposes of the Fund under section 2218(c) of title 10, United States Code, in such fiscal years.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the conclusion of the pilot program, the Secretary, the Commander of the United States Transportation Command, and the Administrator of the Maritime Administration each shall submit to the congressional defense committees an independent report on the pilot program.

(2) ELEMENTS.—Each report shall include the following:

(A) A description of lessons learned from the pilot program regarding the efficacy of funding national defense sealift vessel requirements using the accounts specified in paragraphs (1)
and (2) of subsection (b) rather than the National Defense Sealift Fund.

(B) An assessment of potential operational, financial, and other significant impacts if the pilot program is made permanent.

(C) Such recommendations as the official submitting such report considers appropriate regarding modifications of section 2218 of title 10, United States Code, in light of the pilot program.

(f) DEFINITIONS.—In this section:

(1) The term “national defense sealift vessel” has the meaning given the term in section 2218(k)(3) of title 10, United States Code.

(2) The term “National Defense Sealift Fund” means the Fund established by section 2218 of title 10, United States Code.

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

Section 1032 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended
by striking “December 31, 2017” and inserting “December 31, 2018”.

SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINNEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1033(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking “December 31, 2017” and inserting “December 31, 2018”.

SEC. 1033. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1034 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking “December 31, 2017” and inserting “December 31, 2018”.

† HR 2810 PAP
SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1035 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2391) is amended by striking “fiscal year 2017” and inserting “any of fiscal years 2017 through 2021”.

SEC. 1035. AUTHORITY TO TRANSFER INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES TEMPORARILY FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT.

(a) Temporary Transfer for Medical Treatment.—Notwithstanding section 1032 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as amended by section 1031 of this Act, or any similar provision of law enacted after September 30, 2015, the Secretary of Defense may, after consultation with the Secretary of Homeland Security, temporarily transfer an individual detained at Guantanamo to a Department of Defense medical facility in the United States for the sole purpose of providing the individual medical treatment if the Secretary of Defense determines that—
(1) the medical treatment of the individual is necessary to prevent death or imminent significant injury or harm to the health of the individual;

(2) the necessary medical treatment is not available to be provided at United States Naval Station, Guantanamo Bay, Cuba, without incurring excessive and unreasonable costs; and

(3) the Department of Defense has provided for appropriate security measures for the custody and control of the individual during any period in which the individual is temporarily in the United States under this section.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) may be exercised only by the Secretary of Defense or another official of the Department of Defense at the level of Under Secretary of Defense or higher.

(c) CONDITIONS OF TRANSFER.—An individual who is temporarily transferred under the authority in subsection (a) shall—

(1) while in the United States, remain in the custody and control of the Secretary of Defense at all times; and

(2) be returned to United States Naval Station, Guantanamo Bay, Cuba, as soon as feasible after a
Department of Defense physician determines, in consultation with the Commander, Joint Task Force-Guantanamo Bay, Cuba, that any necessary follow-up medical care may reasonably be provided the individual at United States Naval Station, Guantanamo Bay.

(d) Status While in United States.—An individual who is temporarily transferred under the authority in subsection (a), while in the United States—

(1) shall be deemed at all times and in all respects to be in the uninterrupted custody of the Secretary of Defense, as though the individual remained physically at United States Naval Station, Guantanamo Bay, Cuba;

(2) shall not at any time be subject to, and may not apply for or obtain, or be deemed to enjoy, any right, privilege, status, benefit, or eligibility for any benefit under any provision of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), or any other law or regulation;

(3) shall not be permitted to avail himself of any right, privilege, or benefit of any law of the United States beyond those available to individuals detained
at United States Naval Station, Guantanamo Bay;

and

(4) shall not, as a result of such transfer, have a change in any designation that may have attached to that detainee while detained at United States Naval Station, Guantanamo Bay, pursuant to the Authorization for Use of Military Force (Public Law 107–40), as determined in accordance with applicable law and regulations.

(e) NO CAUSE OF ACTION.—Any decision to transfer or not to transfer an individual made under the authority in subsection (a) shall not give rise to any claim or cause of action.

(f) LIMITATION ON JUDICIAL REVIEW.—

(1) LIMITATION.—Except as provided in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any claim or action against the United States or its departments, agencies, officers, employees, or agents arising from or relating to any aspect of the detention, transfer, treatment, or conditions of confinement of an individual transferred under this section.

(2) EXCEPTION FOR HABEAS CORPUS.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to consider an
application for writ of habeas corpus seeking release
from custody filed by or on behalf of an individual
who is in the United States pursuant to a temporary
transfer under the authority in subsection (a). Such
jurisdiction shall be limited to that required by the
Constitution, and relief shall be only as provided in
paragraph (3). In such a proceeding the court may
not review, halt, or stay the return of the individual
who is the object of the application to United States
Naval Station, Guantanamo Bay, Cuba, pursuant to
subsection (c).

(3) RELIEF.—A court order in a proceeding cov-
ered by paragraph (2)—

(A) may not order the release of the indi-
vidual within the United States; and

(B) shall be limited to an order of release
from custody which, when final, the Secretary of
Defense shall implement in accordance with sec-
tion 1034 of the National Defense Authorization

(g) NOTIFICATION.—Whenever a temporary transfer of
an individual detained at Guantanamo is made under the
authority of subsection (a), the Secretary of Defense shall
notify the Committees on Armed Services of the Senate and
the House of Representatives of the transfer not later than
five days after the date on which the transfer is made.

(h) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at
Guantanamo” means an individual located at United
States Naval Station, Guantanamo Bay, Cuba, as of Octo-
ber 1, 2009, who—

(1) is not a national of the United States (as de-
defined in section 101(a)(22) of the Immigration and
Nationality Act (8 U.S.C. 1101(a)(22)) or a member
of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of
the Department of Defense; or

(B) otherwise detained at United States
Naval Station, Guantanamo Bay.

(i) APPLICABILITY.—This section shall apply to an in-
dividual temporarily transferred under the authority in
subsection (a) regardless of the status of any pending or
completed proceeding or detention on the date of the enact-
ment of this Act.
Subtitle E—Miscellaneous
Authorities and Limitations

SEC. 1041. MATTERS RELATING TO THE SUBMITTAL OF FUTURE-YEARS DEFENSE PROGRAMS.

(a) TIMING OF SUBMITTAL TO CONGRESS.—Subsection (a) of section 221 of title 10, United States Code, is amended by striking “at or about the same time” and inserting “not later than five days after the date on which”.

(b) MANNER AND FORM OF SUBMITTAL.—Such section is further amended—

(1) in subsection (a) by inserting “make available to United States Government entities and” before “submit to Congress”; and

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

“(d)(1) The Secretary of Defense shall make available to United States Government entities and submit to Congress each future-years defense program under this section as follows:

“(A) By making such program available on an Internet website of the Under Secretary of Defense (Comptroller) available to United States Government in the form of an unclassified electronic database.

“(B) By delivering printed copies of such program to the congressional defense committee.
“(2) In the event inclusion of classified material in a future-years defense program would otherwise render the totality of the program classified for purposes of this subsection—

“(A) such program shall be made available to United States Government entities and submitted to Congress in unclassified form, with such material attached as a classified annex; and

“(B) such annex shall be submitted to the congressional defense committees, the Congressional Budget Office, the Comptroller General of the United States, and the Congressional Research Service.”.

(c) ACCURACY OF INFORMATION.—Such section is further amended by adding at the end the following new subsection:

“(e) Each future-years defense program under this subsection shall be accompanied by a certification by the Under Secretary of Defense (Comptroller), in the case of the Department of Defense, and the comptroller of each military department, in the case of such military department, that any information entered into the Standard Data Collection System of the Department of Defense, the Comptroller Information System, or any other data system, as applicable, for purposes of assembling such future-years defense program was accurate.”.
(d) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 221 of such title is amended to read as follows:

“§221. Future-years defense program: consistency in budgeting; availability to United States Government entities and submittal to Congress”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 221 and inserting the following new item:

“221. Future-years defense program: consistency in budgeting; availability to United States Government entities and submittal to Congress.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to future-years defense programs submitted at the time of budgets of the President for fiscal years beginning after fiscal year 2018.

(f) DoD GUIDANCE.—The Secretary of Defense shall, in coordination with the Under Secretary of Defense (Comptroller), update Department of Defense Financial Management Regulation 7000.14–R, and any other appropriate instructions and guidance, to ensure that the Department of Defense takes appropriate actions to comply with the amendments made by this section in the submittal of
future-years defense programs in calendar years after calendar year 2017.

SEC. 1042. DEPARTMENT OF DEFENSE INTEGRATION OF INFORMATION OPERATIONS AND CYBER-ENABLED INFORMATION OPERATIONS.

(a) Integration of Department of Defense Information Operations and Cyber-enabled Information Operations.—

(1) Establishment of cross-functional task force.—

(A) In general.—The Secretary of Defense shall establish a cross-functional task force consistent with section 911(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (114–328; 10 U.S.C. 111 note) to integrate across the organizations of the Department of Defense responsible for information operations, military deception, public affairs, electronic warfare, and cyber operations to produce integrated strategy, planning, and budgeting to counter, deter, and conduct strategic information operations and cyber-enabled information operations.

(B) Duties.—The task force shall carry out the following:
(i) Development of a strategic framework for the conduct by the Department of Defense of information operations, including cyber-enabled information operations, coordinated across all relevant Department of Defense entities, including both near-term and long-term guidance for the conduct of such coordinated operations.

(ii) Development and dissemination of a common operating paradigm across the organizations specified in subparagraph (A) of the influence, deception, and propaganda activities of key malign actors, including in cyberspace.

(iii) Development of guidance for, and promotion of, the liaison capability of the Department to interact with the private sector, including social media, on matters related to the influence activities of malign actors.

(2) HEAD OF CROSS-FUNCTIONAL TASK FORCE.—

(A) IN GENERAL.—The Secretary of Defense shall appoint as the head of the task force such individual as the Secretary considers appropriate from among individuals serving in the
Department as an Under Secretary of Defense or in such other position within the Department of lesser order of precedence.

(B) RESPONSIBILITIES.—The responsibilities of the head of the task force are as follows:

(i) Oversight of strategic policy and guidance.

(ii) Overall resource allocation for the integration of information operations and cyber operations of the Department.

(iii) Ensuring the task force faithfully pursues the purpose set forth in subparagraph (A) of paragraph (1) and carries out its duties as set forth in subparagraph (B) of such paragraph.

(iv) Carrying out such activities as are required of the head of the task force under subsections (b) and (c).

(b) REQUIREMENTS AND PLANS FOR INFORMATION OPERATIONS.—

(1) COMBATANT COMMAND PLANNING.—The Secretary shall require each commander of a combatant command to develop such requirements and specific plans as may be necessary for the conduct of information operations, including plans for deterring infor-
information operations, particularly in the cyber domain, by malign actors against the United States, allies of the United States, and interests of the United States.

(2) IMPLEMENTATION PLAN FOR DEPARTMENT OF DEFENSE STRATEGY FOR OPERATIONS IN THE INFORMATION ENVIRONMENT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the head of the task force shall—

(i) review the Department of Defense Strategy for Operations in the Information Environment, dated June 2016; and

(ii) submit to the congressional defense committees a plan for implementation of such strategy.

(B) ELEMENTS.—The implementation plan shall include, at a minimum, the following:

(i) An accounting of the efforts undertaken in support of the strategy described in subparagraph (A)(i) since it was issued in June 2016.

(ii) A description of any updates or changes to such strategy that have been made since it was first issued, as well as
any expected updates or changes in light of
the establishment of the task force.

(iii) A description of the role of the De-
partment as part of a broader whole-of-gov-
ernment strategy for strategic communica-
tions, including assumptions about the roles
and contributions of other Government de-
partments and agencies to such a strategy.

(iv) Defined actions, performance
metrics, and projected timelines to achieve
the following specified tasks:

(I) Train, educate, and prepare
commanders and their staffs, and the
Joint Force as a whole, to lead, man-
age, and conduct operations in the in-
formation environment.

(II) Train, educate, and prepare
information operations professionals
and practitioners to enable effective op-
erations in the information environ-
ment.

(III) Manage information oper-
ations professionals, practitioners, and
organizations to meet emerging opera-
tional needs.
(IV) Establish a baseline assessment of current ability of the Department to conduct operations in the information environment, including an identification of the types of units and organizations currently responsible for building and employing information-related capabilities and an assignment of appropriate roles and missions for each type of unit or organization.

(V) Develop the ability of the Department and operating forces to engage, assess, characterize, forecast, and visualize the information environment.

(VI) Develop and maintain the proper capabilities and capacity to operate effectively in the information environment in coordination with implementation of related cyber and other strategies.

(VII) Develop and maintain the capability to assess accurately the effect of operations in the information environment.
(VIII) Adopt, adapt, and develop new science and technology for the Department to operate effectively in the information environment.

(IX) Develop and adapt information environment-related concepts, policies, and guidance.

(X) Ensure doctrine relevant to operations in the information environment remains current and responsive based on lessons learned and best practices.

(XI) Develop, update, and de-conflict authorities and permissions, as appropriate, to enable effective operations in the information environment.

(XII) Establish and maintain partnerships among Department and interagency partners to enable more effective whole-of-government operations in the information environment.

(XIII) Establish and maintain appropriate interaction with entities that are not part of the Federal Government, including entities in indus-
try, entities in academia, Federally
funded research and development cen-
ters, and other organizations, to enable
operations in the information environ-
ment.

(XIV) Establish and maintain
collaboration between and among the
Department and international part-
ners, including partner countries and
nongovernmental organizations, to en-
able more effective operations in the in-
formation environment.

(XV) Foster, enhance, and lever-
age partnership capabilities and ca-
pacities.

(v) An analysis of any personnel,
resourcing, capability, authority, or other
gaps that will need to be addressed to en-
sure effective implementation of the strategy
described in subparagraph (A)(i) across all
relevant elements of the Department.

(vi) An investment framework and
projected timeline for addressing any gaps
identified under clause (v).
(vii) Such other matters as the Secretary of Defense considers relevant.

(C) PERIODIC STATUS REPORTS.—Not later than 90 days after the date on which the implementation plan is submitted under subparagraph (A)(ii) and not less frequently than once every 90 days thereafter until the date that is three years after the date of such submittal, the head of the task force shall submit to the congressional defense committees a report describing the status of the efforts of the Department to accomplish the tasks specified under clauses (iv) and (vi) of subparagraph (B).

(c) TRAINING AND EDUCATION.—Consistent with the elements of the implementation plan required under clauses (i) and (ii) of subsection (b)(2)(B)(4), the head of the task force shall establish programs to provide training and education to such members of the Armed Forces and civilian employees of the Department of Defense as the Secretary considers appropriate to ensure understanding of the role of information in warfare, the central goal of all military operations to affect the perceptions, views, and decision-making of adversaries, and the effective management and conduct of operations in the information environment.
(d) Establishment of Defense Intelligence Officer for Information Operations and Cyber Operations.—The Secretary shall establish a position within the Department of Defense known as the “Defense Intelligence Officer for Information Operations and Cyber Operations”.

(e) Definitions.—In this section:

(1) The term “head of the task force” means the head appointed under subsection (a)(2)(A).

(2) The term “implementation plan” means the plan required by subsection (b)(2)(A)(ii).

(3) The term “task force” means the cross-functional task force established under subsection (a)(1)(A).

SEC. 1043. PROHIBITION ON LOBBYING ACTIVITIES WITH RESPECT TO THE DEPARTMENT OF DEFENSE BY CERTAIN OFFICERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT WITHIN TWO YEARS OF SEPARATION FROM MILITARY SERVICE OR EMPLOYMENT WITH THE DEPARTMENT.

(a) Prohibition.—An individual described in subsection (b) may not engage in lobbying activities with respect to the Department of Defense during the two-year period beginning on the date of retirement or separation from
service in the Armed Forces or the date of retirement or separation from service with the Department, as applicable.

(b) COVERED INDIVIDUALS.—An individual described in this section is the following:

(1) An officer of the Armed Forces in grade O–7 or higher at the time of retirement or separation from the Armed Forces.

(2) A civilian employee of the Department of Defense at the Senior Executive Service (SES) level or higher at the time of retirement or separation from service with the Department.

(c) LOBBYING ACTIVITIES WITH RESPECT TO THE DEPARTMENT OF DEFENSE DEFINED.—In this section:

(1) The term “lobbying activities with respect to the Department of Defense” means the following:

(A) Lobbying contacts and other lobbying activities with covered executive branch officials and covered legislative branch officials with respect to the Department of Defense.

(B) Lobbying contacts with covered executive branch officials described in subparagraphs (C) through (F) of section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) in the Department of Defense.
(2) The term “lobbying activities” has the meaning given that term in section 3(7) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(7)).

(3) The term “covered executive branch official” has the meaning given that term in section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)).

(4) The term “covered legislative branch official” has the meaning given that term in section 3(4) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(4)).

**SEC. 1044. DEFINITION OF “UNMANNED AERIAL VEHICLE”**

**FOR PURPOSES OF TITLE 10, UNITED STATES CODE.**

Section 101(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) **UNMANNED AERIAL VEHICLE.**—The term ‘unmanned aerial vehicle’—

“(A) means an aerial vehicle that is not controlled by a human being after launch, such as a cruise missile; and

“(B) does not include a remotely piloted aerial vehicle if the vehicle is controlled by a human being after launch.”.
SEC. 1045. TECHNICAL AMENDMENT RELATING TO MANAGEMENT OF MILITARY TECHNICIANS.

Section 1053(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 10216 note) is amended by striking “20 percent” and inserting “12.6 percent”.

SEC. 1046. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURE PLATFORMS.

Section 1045(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended in the matter preceding paragraph (1) by striking “authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy” and inserting “authorized to be appropriated or otherwise made available for the Navy for fiscal year 2017 or 2018”.

SEC. 1047. SENSE OF CONGRESS ON THE BASING OF KC–46A AIRCRAFT OUTSIDE THE CONTINENTAL UNITED STATES.

(a) FINDING.—Congress finds that the Department of Defense is continuing its process of permanently stationing KC–46A aircraft at installations in the continental United States (CONUS) and forward-basing outside the continental United States (OCONUS).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force, as part of the strategic
basing process for KC–46A aircraft, should continue to place emphasis on and consider the benefits derived from locations outside the continental United States that—

(1) support day-to-day air refueling operations, operations plans of the combatant commands, and flexibility for contingency operations, and have—

(A) a strategic location that is essential to the defense of the United States and its interests;

(B) receivers for boom or probe-and-drogue training opportunities with joint and international partners; and

(C) sufficient airfield and airspace availability and capacity to meet requirements; and

(2) possess facilities that—

(A) take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuels receipt, storage, and distribution capacities for a 5-day peace-time operating stock; and

(B) minimize overall construction and operational costs.
SEC. 1048. AUTHORIZATION TO PROCURE UP TO SIX POLAR-CLASS ICEBREAKERS.

(a) Authority To Procure Icebreakers.—

(1) In general.—The Secretary of the department in which the Coast Guard is operating may, in consultation with the Secretary of the Navy, enter into a contract or contracts for the procurement of up to six polar-class icebreakers, including—

(A) polar-class heavy icebreakers; and

(B) polar-class medium icebreakers.

(2) Condition for out-year contract payments.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(b) Comptroller General of the United States Report.—

(1) In general.—Not later than 45 days 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, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastruc-
ture of the House of Representatives a report assessing
the cost and procurement schedule for new United
States icebreakers.

(2) ELEMENTS.—The report required in para-
graph (1) shall include an analysis of the following:

(A) The current status of the efforts of the
Coast Guard to acquire new icebreaking capa-
bility, including coordination through the Inte-
grated Program Office.

(B) Actions being taken by the Coast Guard
to incorporate key practices from other nations
that procure icebreakers to increase knowledge
and reduce costs and risks.

(C) The extent by which the cost and sched-
dule for building Coast Guard icebreakers differs
from those in other countries, if known.

(D) The extent that innovative acquisition
practices (such as multiyear funding and block
buys) may be applied to icebreaker acquisition to
reduce the cost and accelerate the schedule.

(E) A capacity replacement plan to miti-
gate a potential icebreaker capability gap if the
Polar Star cannot remain in service.

(F) Any other matters the Comptroller Gen-
eral considers appropriate.
SEC. 1049. SENSE OF CONGRESS ON USE OF TEST SITES FOR RESEARCH AND DEVELOPMENT ON COUNTERING UNMANNED AIRCRAFT SYSTEMS.

It is the sense of Congress that—

(1) the armed unmanned aircraft systems deployed by adversaries for military purposes pose a threat to military installations, critical infrastructure, and members of the Armed Forces in conflict areas like Iraq and Syria;

(2) the unmanned aircraft systems test sites designated by the Federal Aviation Administration offer unique capabilities, expertise, and airspace for research and development related to unmanned aircraft systems; and

(3) the Armed Forces should, as appropriate and to the extent practicable, seek to leverage the test sites described in paragraph (2), as well as existing Department of Defense facilities with appropriate expertise, for research and development on capabilities to counter the nefarious use of unmanned aircraft systems.

Subtitle F—Studies and Reports

SEC. 1061. ASSESSMENT OF GLOBAL FORCE POSTURE.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall, in consultation with the Chairman of the Joint
Chiefs of Staff and the commanders of the combatant commands, provide for and oversee an assessment of the global force posture of the Armed Forces.

(b) REPORT.—Not later than the earlier of 180 days after the production of the 2018 National Defense Strategy (which is intended to be closely coordinated with and complementary to a new National Security Strategy) or December 31, 2018, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment required by subsection (a). The report shall include the following:

(1) Recommendations for force size, structure, and basing in Europe, the Middle East, and Asia Pacific that reflect and complement the force sizing construct included in the 2018 National Defense Strategy in order to guide the growth of the force structure of the Armed Forces, which recommendations shall be based on an evaluation of the relative costs of rotational and forward-based forces as well as impacts to deployment timelines of threats to lines of communication and anti-access area denial capabilities of potential adversaries.

(2) An assessment by each commander of a geographic combatant command of the capability and force structure gaps within the context of an evalu-
tion of the potential threats in the theater of operations of the combatant command concerned and the operation plans that such combatant command are expected to execute.

(3) An evaluation of the concept of operations and the sources of manpower for headquarters required to oversee and direct execution of current operations plans.

SEC. 1062. ARMY MODERNIZATION STRATEGY.

(a) Strategy Required.—The Secretary of the Army shall develop a modernization strategy for the total Army.

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

(1) A comprehensive description of the future total Army, including key objectives, war fighting challenges, and risks, sufficient to establish requirements, set priorities, identify opportunity costs, and establish acquisition time lines for the total Army over a period beyond the period of the current future-years defense program under section 221 of title 10, United States Code.

(2) Mechanisms for identifying programs of the Army that may be unnecessary, or do not perform ac-
cording to expectations, in achieving the future total Army.

(3) A comprehensive description of the manner in which the future total Army intends to fight and win as part of a joint force engaged in combat across all operational domains.

(4) A comprehensive description of the mechanisms required by the future total Army to maintain command, control, and communications and sustainment.

(c) PARTICULAR CONSIDERATIONS.—In developing the strategy required by subsection (a), the Secretary shall take into particular account the following:

(1) Current trends and developments in weapons and equipment technologies.

(2) New tactics and force design of peer adversaries, including the rapid pace of development of such tactics and force design by such adversaries.

(d) REPORT.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the strategy required by subsection (a).
(2) FORM.—If the report is submitted in classified form, the report shall be accompanied by an unclassified summary.

SEC. 1063. REPORT ON ARMY PLAN TO IMPROVE OPERATIONAL UNIT READINESS BY REDUCING NUMBER OF NON-DEPLOYABLE SOLDIERS ASSIGNED TO OPERATIONAL UNITS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the plans of the Army to improve operational unit readiness in the Army by reducing the number of non-deployable soldiers assigned to operational units of the Army and replacing such soldiers with soldiers capable of world-wide deployment.

SEC. 1064. EFFORTS TO COMBAT PHYSIOLOGICAL EPISODES ON CERTAIN NAVY AIRCRAFT.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until January 1, 2020, the Secretary of the Navy shall provide to the congressional defense committees information on efforts by the Navy’s Physiological Episode Team to combat the prevalence of physiological episodes in F/A–18 Hornet and Super Hornet, EA–18G Growler, and T–45 Goshawk aircraft.
(b) **ELEMENTS.**—The information required under subsection (a) shall include the following elements:

(1) A description of Naval Aviation Enterprise activities addressing physiological episodes during the reporting period.

(2) An estimate of funding expended in support of the activities described under paragraph (1).

(3) A description of any planned or executed changes to Physiological Episode Team structure or processes.

(4) A description of activities planned for the upcoming two quarters.

(c) **FORM.**—The information required under subsection (a) may be provided in a written report or a briefing.

**SEC. 1065. STUDIES ON AIRCRAFT INVENTORIES FOR THE AIR FORCE.**

(a) **INDEPENDENT STUDIES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall provide for the performance of three independent studies of alternative aircraft inventories through 2030, and an associated force-sizing construct, for the Air Force.

(2) **SUBMITTAL TO CONGRESS.**—Not later than March 1, 2019, the Secretary shall submit the results of each study to the congressional defense committees.
(3) FORM.—The result of each study shall be submitted in unclassified form, but may include a classified annex.

(b) ENTITIES TO PERFORM STUDIES.—The Secretary shall provide for the studies under subsection (a) to be performed as follows:

(1) One study shall be performed by the Secretary of the Air Force, in consultation with the Director of the Office of Net Assessment.

(2) One study shall be performed by a federally funded research and development center.

(3) One study shall be conducted by an independent, nongovernmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs.

(c) PERFORMANCE OF STUDIES.—

(1) INDEPENDENT PERFORMANCE.—The Secretary shall require the studies under this section to be conducted independently of one another.

(2) MATTERS TO BE CONSIDERED.—In performing a study under this section, the organization performing the study, while being aware of current and projected aircraft inventories for the Air Force,
shall not be limited by such current or projected aircraft inventories, and shall consider the following matters:

(A) The national security and national defense strategies of the United States.

(B) Potential future threats to the United States and to United States air and space forces through 2030.

(C) Traditional roles and missions of the Air Force.

(D) Alternative roles and missions for the Air Force.

(E) The force-sizing methodology and rationale used to calculated aircraft inventory levels.

(F) Other government and nongovernment analyses that would contribute to the study through variations in study assumptions or potential scenarios.

(G) The role of evolving technology on future air forces, including unmanned and space systems.

(H) Opportunities for reduced operation and sustainment costs.
(I) Current and projected capabilities of other Armed Forces that could affect force structure capability and capacity requirements of the Air Force.

(d) **Study Results.**—The results of each study under this section shall—

(1) identify a force-sizing construct for the Air Force that connects national security strategy to aircraft inventories;

(2) present the alternative aircraft inventories considered, with assumptions and possible scenarios identified for each;

(3) provide for presentation of minority views of study participants; and

(4) for the recommended inventories, provide—

(A) the numbers and types of aircraft, the numbers and types of manned and unmanned aircraft, and the basic capabilities of each of such platforms;

(B) describe the force-sizing rationale used to arrive at the recommended inventory levels;

(C) other information needed to understand the aircraft inventories in basic form and the supporting analysis; and
(D) options to address aircraft types whose retirement commences before 2030.

SEC. 1066. PLAN AND RECOMMENDATIONS FOR INTER-AGENCY VETTING OF FOREIGN INVESTMENTS WITH POTENTIAL IMPACTS ON NATIONAL DEFENSE AND NATIONAL SECURITY.

(a) PLAN AND RECOMMENDATIONS REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Treasury, assess and develop a plan, and recommendations for agencies of the United States Government other than the Department of Defense, to improve the effectiveness of interagency vetting of foreign investments that could potentially impair both the national security of the United States and the ability of the Department to defend the nation, specifically investments from nations that pose threats to the national security interests of the United States.

(b) OBJECTIVES.—The assessment, plan, and recommendations required by subsection (a) shall have the following objectives:

1. To increase collaboration and coordination among the Department of Defense and other agencies of the United States Government, including the Director of National Intelligence, in the identification and prevention of foreign investments that could poten-
ially impair the national security of the United States and the ability of the Department to defend the nation.

(2) To increase collaboration and cooperation among the United States Government and governments of United States allies and partners on investments described in paragraph (1), including through information sharing.

(3) To restrict investments described in paragraph (1) by countries of special concern in critical technologies and emerging technologies that are foundational for maintaining the United States technological advantage.

(c) ANALYSIS OF ISSUES.—The plan and recommendations required by subsection (a) shall be based upon the results of an analysis of issues as follows:

(1) Whether the current interagency vetting processes and policies place adequate focus on the country of origin of each transaction, particularly when it is a country of special concern, and whether certain transactions emanating from those countries should be presumed to pose certain risks to the ability of the Department to defend the nation.

(2) What are the current or projected major vulnerabilities of the Department pertaining to for-
foreign investment, including in the areas of cybersecu-

rity, reliance on foreign suppliers in the supply chain

for defense equipment, limitations on access to certain

materials that are essential for national defense, and

the use of transportation assets and other critical in-

frastructure for training, mobilizing, and deploying

forces.

(3) Whether the current interagency vetting proc-

ess for foreign investments—

(A) requires additional resources in order to

be effective;

(B) permits the Department adequate time

to thoroughly review transactions to conduct na-

tional security threat assessments and also deter-

mine the impacts of transactions on national de-

defense;

(C) adequately takes into account risks to

the ability of the Department to defend the na-

tion posed by transactions before attempting to

mitigate them in various ways; and

(D) provides adequate monitoring and com-

pliance of agreements to mitigate such risks.

(4) Whether other agencies of the United States

Government, including the Department of the Inte-

rior, are aware of the counterintelligence risks posed
to facilities of the Department by purchases or leases of nearby Federal land and are cooperative in providing information to permit a proper assessment of those risks.

(5) Whether and to what extent industrial espionage is occurring against private United States companies to obtain commercial secrets related to critical or foundational technologies.

(6) Whether and to what extent future foreign investments have the potential for any of the following:

(A) To increase the cost to the Department of acquiring or maintaining necessary defense-related equipment and systems.

(B) To reduce the United States technological and industrial advantage relative to any country of special concern.

(C) To give any country of special concern a heightened ability to conduct information warfare against the United States, including through the spread false or misleading information to the American public and the manipulation of American public opinion on critical public policy issues.
(7) Whether currently mandated annual reports to Congress on the interagency vetting of foreign investments provide valuable information.

(d) ELEMENTS.—The elements of the assessment, plan, and recommendations required by subsection (a) shall include the following:

(1) A list of countries of special concern for investments that could potentially impair the ability of the Department to defend the nation.

(2) A description of recent trends in foreign investment transactions by countries of special concern, including joint ventures, the sale of assets pursuant to bankruptcy, and the purchase or lease of real estate in proximity to military installations.

(3) A description of any strategies used by countries of special concern to exploit vulnerabilities in existing foreign investment vetting processes and regulations.

(4) An assessment of any market distortion or unfair competition by any country of special concern that directly or indirectly impairs the national security or the United States and the ability of the Department to defend the nation.

(e) REPORTS.—
(1) **INTERIM REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the Secretary in developing the plan and recommendations required by subsection (a).

(2) **FINAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the committees of Congress referred to in paragraph (1) a report setting forth the plan and recommendations developed pursuant to subsection (a).

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

**SEC. 1067. REPORT ON AUTHORITIES FOR THE EMPLOYMENT, USE, AND STATUS OF NATIONAL GUARD AND RESERVE TECHNICIANS.**

(a) **IN GENERAL.**—Not later than April 1, 2018, 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 a review, undertaken by the Secretary for purposes of the report, of the following:
(1) Authority for the employment, use, and status of National Guard technicians under section 709 of title 32, United States Code (commonly referred to as the “National Guard Technicians Act of 1968”).

(2) Authorities for the employment, use, and status of National Guard and Reserve technicians under sections 10216 through 10218 of title 10, United States Code.

(3) Any other authorities on the employment, use, and status of National Guard and Reserve technicians under law.

(b) PURPOSES.—The purposes of the review required pursuant to subsection (a) shall be as follows:

(1) To define the mission and requirements of National Guard and Reserve technicians.

(2) To identify means to improve the management and administration of the National Guard and Reserve technician workforce.

(3) To identify means to enhance the capability of the Department of Defense to recruit and retain National Guard and Reserve technicians.

(4) To assess the current career progression tracks of National Guard and Reserve technicians.

(c) CONSULTATION.—In conducting the review required pursuant to subsection (a), the Secretary shall con-
sult with the Chief of the National Guard Bureau, the Chief
of Army Reserve, the Chief of Air Force Reserve, and rep-
resentatives of National Guard and Reserve technicians (in-
cluding collective bargaining representatives of such techni-
cians).

(d) INCLUSION OF RECENT AUTHORITIES IN RE-
VIEW.—The Secretary shall ensure that the review required
pursuant to subsection (a) takes into account authorities,
and modifications of authorities, for the employment, use,
and status of National Guard and Reserve technicians in
the National Defense Authorization Act for Fiscal Year
2016 (Public Law 114–92) and the National Defense Au-
thorization Act for Fiscal Year 2017 (Public Law 114–328).

(e) REQUIRED ELEMENTS.—In meeting the purposes
of the review as set forth in subsection (b), the review re-
quired pursuant to subsection (a) shall address, in par-
ticular, the following:

(1) The extent to which National Guard and Re-
serve technicians are assigned military duties incon-
sistent with, or of a different nature than, their civil-
ian duties, the impact of such assignments on unit
readiness, and the effect of such assignments on the
career progression of technicians.

(2) The use by the Department of Defense (espe-
cially within the National Guard) of selective reten-
tion boards to separate National Guard and Reserve technicians from military service (with the effect of thereby separating them from civilian service) before they accrue a full, unreduced retirement annuity in connection with Federal civilian service, and whether that use is consistent with the authority in section 10216(f) of title 10, United States Code, that technicians be permitted to remain in service past their mandatory separation date until they qualify for an unreduced retirement annuity.

(3) The feasibility and advisability of extending eligibility for benefits under the TRICARE program to National Guard and Reserve technicians, including the types, if any, of benefits whose extension would be feasible and advisable.

(4) The impact on recruitment and retention, and the budgetary impact, of permitting National Guard and Reserve technicians who receive an enlistment incentive before becoming a technician to retain such incentive upon becoming a technician.

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

(1) The results of the review undertaken pursuant to subsection (a), including on the matters set forth in subsections (b) and (c).
(2) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the review in order to improve and enhance the employment, use, and status of National Guard and Reserve technicians.

SEC. 1068. CONFORMING REPEALS AND TECHNICAL AMENDMENTS IN CONNECTION WITH REPORTS OF THE DEPARTMENT OF DEFENSE WHOSE SUBMITTAL TO CONGRESS HAS PREVIOUSLY BEEN TERMINATED BY LAW.

(a) Title 10, United States Code.—Title 10, United States Code, is amended as follows:

(1) Section 113(c) is amended—

(A) by striking paragraph (2);

(B) by striking “(1)”;

(C) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(2) Section 113 is further amended by striking subsection (l).

(3)(A) Section 115a is repealed.

(B) The table of sections at the beginning of chapter 2 is amended by striking the item relating to section 115a.
(4) Section 386(c)(1) is amended by striking “331,”.

(5)(A) Section 235 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 235.

(6) Section 428 is amended by striking subsection (f).

(7) Section 974(d) is amended by striking paragraph (3).

(8) Section 1073b is amended—

(A) by striking subsection (a); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(9) Section 1597 is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(C) in subsection (c), as redesignated by subparagraph (B), by striking “or a master plan prepared under subsection (c)”.

(10) Section 1705 is amended—

(A) by striking subsection (f); and
(B) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(11) Section 1722b is amended by striking subsection (c).

(12) Section 1781b is amended by striking subsection (d).

(13) Section 2193b is amended—

(A) by striking subsection (g); and

(B) by redesignating subsection (h) as subsection (g).

(14) Section 2262 is amended by striking subsection (d).

(15) Section 2263 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(16)(A) Section 2277 is repealed.

(B) The table of sections at the beginning of chapter 135 is amended by striking the item relating to section 2277.

(17) Section 2306b(l) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (4), (5), and (6), and (7), respectively.
(A) Section 2313a is repealed.

(B) The table of sections at the beginning of chapter 137 is amended by striking the item relating to section 2313a.

(19) Section 2330a is amended by striking subsection (c).

(20) Section 2350j is amended by striking subsection (f).

(21) Section 2410i(c) is amended by striking the second sentence.

(22) Section 2475 is amended—

(A) by striking subsection (a); and

(B) by striking "(b) NOTIFICATION OF DECISION TO EXECUTE PLAN.—".

(23) Section 2506 is amended—

(A) by striking "(a) DEPARTMENTAL GUIDANCE.—"; and

(B) by striking subsection (b).

(24) Section 2537 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(25) Section 2564 is amended—

(A) by striking subsection (e); and
(B) by redesignating subsections (f) and (g) as subsection (e) and (f), respectively.

(26) Section 2831 is amended—

(A) by striking subsection (e);

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

(C) in subsection (e), as so redesignated—

(i) by striking “(1) Except as provided in paragraphs (2) and (3), the Secretary” and inserting “The Secretary”;

(ii) by striking paragraphs (2) and (3); and

(iii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(27) Section 2859 is amended—

(A) by striking subsection (c); and

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

(28) Section 2861 is amended by striking subsection (d).

(29) Section 2866(b) is amended by striking paragraph (3).

(30) Section 2912 is amended by striking subsection (d).
(31)(A) Section 4316 is repealed.

(B) The table of sections at the beginning of
chapter 401 is amended by striking the item relating
to section 4316.

(32) Section 5144(d) is amended—

(A) by striking “(1)” before “The Com-
mander”; and

(B) by striking paragraph (2).

(33) Section 10504 is amended—

(A) by striking “(a) ANNUAL REPORT.—”; and

(B) by striking subsection (b).

(b) Title 32, United States Code.—Section 509 of
title 32, United States Code, is amended—

(1) by striking subsection (k); and

(2) by redesignating subsections (l) and (m) as
subsections (k) and (l), respectively.

(c) Title 5, United States Code.—Section
9902(f)(2) of title 5, United States Code, is amended—

(1) by striking “(A)” after “(2)”;

(2) by striking subparagraphs (B) and (C).

(d) Department of Defense Authorization Act,
1985.—Section 1003 of the Department of Defense Author-
note) is amended by striking subsections (c) and (d).


(1) in subsection (c)(1), by striking “Congress and” in the second sentence; and

(2) in subsection (e)—

(A) by striking paragraph (2);

(B) by striking “(1)” before “Not later than”; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.


(k) **National Defense Authorization Act for Fiscal Year 2002.**—The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:

1. **Section 346** (115 Stat. 1062) is amended—
   - (A) by striking subsections (b) and (c); and
   - (B) by redesignating subsection (d) as subsection (b).

2. **Section 1008(d)** (10 U.S.C. 113 note) is amended—
   - (A) by striking “(1)” before “On each”; and
   - (B) by striking paragraph (2).

(l) **National Defense Authorization Act for Fiscal Year 2003.**—Section 817 of the Bob Stump Na-

(1) by striking subsection (c); and

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


(1) Section 123 (119 Stat. 3157) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) Section 218(c) (119 Stat. 3171) is amended by striking paragraph (3).

(3) Section 1224 (10 U.S.C. 113 note) is repealed.

(1) by striking “(a) RECONCILIATION REQUIRED.—”;
and

(2) by striking subsection (b).

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 328 (10 U.S.C. 4544 note) is amended by striking subsection (b).

(2) Section 330 (122 Stat. 68) is amended by striking subsection (e).

(3) Section 845 (5 U.S.C. App. 5 note) is repealed.

(q) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 943 (122 Stat. 4578) is amended—

(A) by striking subsection (e); and
(B) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(2) Section 1014 (122 Stat. 4586) is amended by striking subsection (c).

(3) Section 1048 (122 Stat. 4603) is repealed.


(1) by striking subsection (e); and

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

(s) National Defense Authorization Act for Fiscal Year 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows:

(1) Section 112(b) (124 Stat. 4153) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) Section 243 (10 U.S.C. 2358 note) is amended—

(A) by striking subsection (c); and
(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(3) Section 866(d) (10 U.S.C. 2302 note) is amended—

(A) by striking “(d) REPORTS.—” and all that follows through “(2) PROGRAM ASSESSMENT.—If the Secretary” and inserting the following:

“(d) PROGRAM ASSESSMENT.—If the Secretary”; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and indenting the left margin of such paragraphs, as so redesignated, two ems from the left margin.

(4) Section 1054 (10 U.S.C. 113 note) is repealed.

(t) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended as follows:

(1) Subsection (b) of section 1102 (5 U.S.C. 9902 note) is repealed.

(2) Section 1207 (22 U.S.C. 2151 note) is amended—

(A) by striking subsection (n); and
(B) by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(3) Section 2828 (10 U.S.C. 7291 note) is amended—

(A) by striking ``(a) METERING REQUIRED.——''; and

(B) by striking subsection (b).

(4) Section 2867 (10 U.S.C. 2223a note) is amended by striking subsection (d).

(u) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) is amended as follows:

(1) Section 126 (126 Stat. 1657) is amended—

(A) by striking ``(a) DESIGNATION REQUIRED.——''; and

(B) by striking subsection (b).

(2) Section 144 (126 Stat. 1663) is amended by striking subsection (c).

(3) Section 716 (10 U.S.C. 1074g note) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.
(4) Section 738(e) (10 U.S.C. 1071 note) is amended—

(A) by striking “REPORTS REQUIRED.—” and all that follows through “Not later than” and inserting “REPORT.—Not later than”; and

(B) by striking paragraph (2).

(5) Section 865 (126 Stat. 1861) is repealed.

(6) Section 917 (126 Stat. 1878) is repealed.

(7) Subsection (c) of section 921 (126 Stat. 1878) is repealed.

(8) Subsection (c) of section 1079 (10 U.S.C. 221 note) is repealed.

(9) Section 1211(d) (126 Stat. 1983) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(10) Section 1273 (22 U.S.C. 2421f) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(11) Section 1276 (10 U.S.C. 2350c note) is amended—

(A) by striking subsection (e); and
(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(v) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—The National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) is amended as follows:

(1) Section 907(c)(3) (10 U.S.C. 1564 note) is amended—

(A) by striking “METRICS.—” and all that follows through “In developing the strategy” and inserting “METRICS.—In developing the strategy”; and

(B) by striking subparagraph (B).

(2) Section 923 (10 U.S.C. prec. 421 note) is amended—

(A) by striking subsection (b); and

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

(3) Section 1249 (127 Stat. 925) is repealed.

(4) Section 1611 (127 Stat. 947) is amended by striking subsection (d).

(5) Section 2916 (127 Stat. 1028) is amended—

(A) by striking “(a) PROGRAM OF DECON- TAMINATION REQUIRED.—”; and
(B) by striking subsection (b).

(w) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—The Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended as follows:

(1) Section 232 (10 U.S.C. 2358 note) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) Section 914(d) (5 U.S.C. 5911 note) is amended—

(A) by striking paragraphs (2) and (3); and

(B) by redesignating paragraph (4) as paragraph (2).

(3) Section 1052(b) (128 Stat. 3497) is amended—

(A) by striking paragraph (2);

(B) by striking “REPORTS REQUIRED.—” and all that follows through “Not later than” and inserting “REPORT.—Not later than”; and

(C) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3) and
indenting the left margin of such paragraphs, as
so redesignated, two ems from the left margin.

(4) Section 1207 (10 U.S.C. 2342 note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(5) Section 1209 (128 Stat. 3542) is amended by striking subsection (d).

(6) Section 1236 (128 Stat. 3559) is amended by striking subsection (d).

(7) Section 1325 (50 U.S.C. 3715) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(8) Section 1341 (50 U.S.C. 3741) is repealed.

(9) Section 1342 (50 U.S.C. 3742) is repealed.

(10) Section 1532(b) (128 Stat. 3613) is amended by striking paragraph (5).

(11) Section 1534 (128 Stat. 3616) is amended—

(A) by striking subsection (g); and

(B) by redesignating subsection (h) as subsection (g).
(12) Section 1607 (128 Stat. 3625) is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(C) in subsection (c), as redesignated by subparagraph (B), by striking “requirements under subsections (a) and (b)” and inserting “requirement in subsection (a)”.

(x) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 3002(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3343(c)) is amended by striking paragraph (4).

SEC. 1069. ANNUAL REPORTS ON APPROVAL OF EMPLOYMENT OR COMPENSATION OF RETIRED GENERAL OR FLAG OFFICERS BY FOREIGN GOVERNMENTS FOR EMOLUMENTS CLAUSE PURPOSES.

(a) Annual Reports.—Section 908 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(d) Annual Reports on Approvals for Retired General and Flag Officers.—(1) Not later than January 31 each year, the Secretaries of the military departments shall jointly submit to the appropriate committees
and Members of Congress a report on each approval under subsection (b) for employment or compensation described in subsection (a) for a retired member of the armed forces in a general or flag officer grade that was issued during the preceding year.

“(2) In this subsection, the appropriate committees and Members of Congress are—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate;

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

“(C) the Majority Leader and the Minority Leader of the Senate; and

“(D) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.”.

(b) SCOPE OF FIRST REPORT.—The first report submitted pursuant to subsection (d) of section 908 of title 37, United States Code (as added by subsection (a) of this section), after the date of the enactment of this Act shall cover the five-year period ending with the year before the year in which such report is submitted.
SEC. 1070. ANNUAL REPORT ON CIVILIAN CASUALTIES IN
CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) Annual Report Required.—Not later than May 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on civilian casualties caused as a result of United States military operations during the preceding year.

(b) Elements.—Each report under subsection (a) shall set forth the following:

(1) A list of all the United States military operations during the year covered by such report that were confirmed to have resulted in civilian casualties.

(2) For each military operation listed pursuant to paragraph (1), the following:

(A) The date.

(B) The location.

(C) The type of operation.

(D) The confirmed number of civilian casualties.

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

(d) Sunset.—The requirement to submit a report under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.
SEC. 1071. REPORT ON LARGE-SCALE, JOINT EXERCISES INVOLVING THE AIR AND LAND DOMAINS.

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

(1) General Milley has stated that the Army would experience “High Military Risk” against emerging threats or great power conflict.

(2) General Goldfein has stated that “for 15 consecutive years, the Army’s been decisively committed to Iraq and Afghanistan and other counter terrorist, counter insurgency type operations. In order to do that, [the Air Force] essentially came off of a core warfare fighting skills of combined arms maneuver against a near peer or a higher end threat”.

(3) The United States has grown accustomed to technological supremacy and weapons overmatch to deter and defeat potential adversaries.

(4) The Department of Defense conducts several large-scale, joint exercises that stress interoperability in contested air and sea domains, including the VALIANT SHIELD, NORTHERN EDGE, and RIMPAC exercises, yet few large-scale, joint Army and Air Force exercises exist to stress interoperability in contested air and land domains.

(5) Large-scale, joint training exercises that stress interoperability across domains are a vital part
of establishing and maintaining military readiness for conflicts involving near-peer competitors.

(6) It is to the benefit of the United States and the North Atlantic Treaty Organization (NATO) to train to contested air and land operations in order to increase joint and coalition readiness, as well as to correct capability gaps in the European theatre of operations that may be discovered during these exercises.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Defense shall submit to the congressional defense committees a report on the following:

(1) Existing large-scale, joint exercises involving the air and land domains.

(2) Plans to expand the scale and scope of the exercises described in paragraph (1).

(3) Plans to conduct new large-scale, joint exercises in the domains referred to in paragraph (1).

(c) POTENTIAL LOCATIONS FOR EXPANDED OR NEW EXERCISES.—The report under subsection (b) shall include an analysis of potential locations for the expanded or new exercises covered by the plans described in paragraphs (2) and (3) of that subsection, with priority given to locations that facilitate training by and with—
(1) sufficient overlapping airspace and ground range capabilities and capacity to meet the training requirements for operating within an anti-access area denial (A2/AD) environment for air and ground operations;

(2) the ability to host bilateral and multilateral training opportunities with international partners in both the air and land domains;

(3) limited encroachments that adversely impact training or operations;

(4) robust use of the electromagnetic spectrum, including global positioning system (GPS), atmospheric, and communications-jamming;

(5) minimization of adversary intelligence collection capabilities;

(6) realistic replication of diverse geographic, topographic, and weather environments in which a near-peer combined air and ground campaign might occur;

(7) existing facilities to support personnel, operations, and logistics associated with the flying missions and ground maneuver missions; and

(8) minimization of overall construction and operational costs.
SEC. 1072. DEPARTMENT OF DEFENSE REVIEW OF NAVY CAPABILITIES IN THE ARCTIC REGION.

(a) Report on Capabilities.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the capabilities of the Navy in the Arctic region.

(2) Elements.—The report required by paragraph (1) shall include an analysis of the following:

(A) The current naval capabilities of the Department of Defense in the Arctic region, with a particular emphasis on surface capabilities.

(B) Any gaps that exist between the current naval capabilities described in paragraph (1) and the ability of the Department to fully execute its updated strategy for the Arctic region.

(C) Any gaps in the capabilities described in paragraph (1) that require ice-hardening of existing vessels or the construction of new vessels to preserve freedom of navigation in the Arctic region whenever and wherever necessary.

(D) An analysis and recommendation of which Navy vessels could be ice-hardened to effectively preserve freedom of navigation in the Arc-
tic region when and where necessary, in all sea-
sons and weather conditions.

(E) An analysis of any cost increases or
schedule adjustments that may result from ice-
hardening existing or new Navy vessels.

(b) **Comptroller General of the United States**

Review.—Not later than 90 days after the date on which
the Secretary submits the report required by subsection (a),
the Comptroller General of the United States shall submit
to the congressional defense committees a review of the re-
port, including any matters in connection with the report
and the review that the Comptroller General considers ap-
propriate.

(c) **Form.**—The report under subsection (a) and the
review under subsection (b) shall each be submitted in un-
classified form, but may include a classified annex.

**SEC. 1073. BUSINESS CASE ANALYSIS ON ESTABLISHMENT**

**OF ACTIVE DUTY ASSOCIATION AND ADDI-
TIONAL PRIMARY AIRCRAFT AUTHORIZA-
TIONS FOR THE 168TH AIR REFUELING WING.**

(a) **Business Case Analysis.**—The Secretary of the
Air Force shall conduct a business case analysis on the es-
tablishment of an active or classic association with the
168th Air Refueling Wing.
(b) ELEMENTS.—The business case analysis conducted under subsection (a) shall address the following:

(1) Consideration of the addition of two F–35A squadrons at Eielson Air Force Base, Alaska, in 2020, and an examination of future shortfalls in air refueling requirements due to such additional aircraft.

(2) An analysis of potential benefits of adding four primary aircraft authorizations (PAA) for KC–135R tanker aircraft to the 168th Air Refueling Wing.

(3) Identification of efficiencies and cost savings to be achieved by the 168th Air Refueling Wing after an active or classic association is in place in comparison with temporarily assigned tanker augmentation rotations.

(4) A detailed comparison of the costs and benefits of an active association for the 168th Air Refueling Wing with a classic association for the Wing.

(5) An analysis of the effects of the augmented airlift capability arising from additional tanker assets for the 168th Air Refueling Wing in better facilitating rapid deployment of 5th Generation Fighters, necessary support equipment and personnel, and other rapid response forces.
(c) REPORT.—Not later than 90 days after the date
of the enactment of this Act, the Secretary shall submit to
Congress a report on the business case analysis conducted
under subsection (a).

SEC. 1074. REPORT ON NAVY CAPACITY TO INCREASE PRO-
DUCTION OF ANTI-SUBMARINE WARFARE AND
SEARCH AND RESCUE ROTARY WING AIR-
CRAFT IN LIGHT OF INCREASE IN THE SIZE
OF THE SURFACE FLEET TO 355 SHIPS.

Not later than September 15, 2017, the Secretary of
the Navy shall submit to the congressional defense commit-
tees a report describing and assessing the capacity of the
Navy, in light of an increase in the size of the surface fleet
of the Navy to 355 ships, to increase production of the fol-
lowing:

(1) Anti-submarine warfare rotary wing air-
craft.

(2) Search and rescue rotary wing aircraft.

Subtitle G—Other Matters

SEC. 1081. PROTECTION AGAINST MISUSE OF NAVAL SPE-
CIAL WARFARE COMMAND INSIGNIA.

(a) In General.—Chapter 663 of title 10, United
States Code, is amended by adding at the end the following
new section:
§ 7882. Protection against misuse of insignia of Naval Special Warfare Command

“(a) PROTECTION AGAINST MISUSE.—Subject to subsection (b), no person may use any covered Naval Special Warfare insignia in connection with any promotion, good service, or other commercial activity when a particular use would be likely to suggest a false affiliation, connection, or association with, endorsement by, or approval of, the United States Government, the Department of Defense, or the Department of the Navy.

“(b) EXCEPTION.—Subsection (a) shall not apply to the use of a covered Naval Special Warfare insignia for purposes such as criticism, comment, news reporting, analysis, research, or scholarship.

“(c) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated this section shall be made without regard to any use of a disclaimer of affiliation, connection, or association with, endorsement by, or approval of the United States Government, the Department of Defense, the Department of the Navy, or any subordinate organization thereof to the extent consistent with international obligations of the United States.

“(d) ENFORCEMENT.—Whenever it appears to the Attorney General that any person is engaged in, or is about to engage in, an act or practice that constitutes or will constitute conduct prohibited by this section, the Attorney Gen-
eral may initiate a civil proceeding in a district court of
the United States to enjoin such act or practice, and such
court may take such injunctive or other action as is war-
ranted to prevent the act, practice, or conduct.

“(e) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be construed to limit the authority of the Sec-
retary of the Navy to register any symbol, name, phrase,
term, acronym, or abbreviation otherwise capable of reg-
istration under the provisions of the Act of July 5, 1946,
popularly known as the Lanham Act or the Trademark Act
of 1946 (15 U.S.C. 1051 et seq.).

“(f) COVERED NAVAL SPECIAL WARFARE INSIGNIA
DEFINED.—In this section, the term ‘covered Naval Special
Warfare insignia’ means any of the following:

“(1) The Naval Special Warfare insignia com-
prising or consisting of the design of an eagle holding
an anchor, trident, and flint-lock pistol.

“(2) The Special Warfare Combatant Craft
Crewman insignia comprising or consisting of the de-
sign of the bow and superstructure of a Special Opera-
tions Craft on a crossed flint-lock pistol and enlisted
cutlass, on a background of ocean swells.

“(3) Any colorable imitation of the insignia re-
ferred to in paragraphs (1) and (2), in a manner
which could reasonably be interpreted or construed as
conveying the false impression that an advertisement,
solicitation, business activity, or product is in any
manner approved, endorsed, sponsored, or authorized
by, or associated with, the United States Government,
the Department of Defense, or the Department of the
Navy.”.

(b) CLERICAL AMENDMENT.—The table of sections at
the beginning of chapter 663 of such title is amended by
adding at the end the following new item:

“7882. Protection against misuse of insignia of Naval Special Warfare Com-
mand.”.

SEC. 1082. COLLABORATIONS BETWEEN THE ARMED
FORCES AND CERTAIN NON-FEDERAL ENTI-
TIES ON SUPPORT OF ARMED FORCES MISSIONS ABROAD.

(a) FINDING.—The Senate finds that qualified non-
Federal entities have contributed to enhance the effectiveness
of the mission of the Department of Defense through the pro-
vision of private humanitarian, economic, and other non-
lethal assistance from United States citizens in response to
local needs identified by members of the Armed Forces in
areas in which the Armed Forces are deployed abroad.

(b) SENSE OF SENATE.—It is the sense of the Senate
that United States military commanders should collaborate
with and, consistent with applicable laws and regulations,
provide transportation, lodging, and other logistical sup-
port to qualified non-Federal entities to advance missions of the Armed Forces abroad.

(c) GUIDANCE ON COLLABORATIONS.—

(1) REVIEW OF CURRENT GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the guidance of the Department of Defense applicable to collaborations between United States military commanders and qualified non-Federal entities for support of missions of the Armed Forces abroad.

(2) ADDITIONAL GUIDANCE.—If the Secretary determines pursuant to the review that additional guidance is required in connection with collaborations described in paragraph (1), the Secretary shall, not later than 180 days after the date of the enactment of this Act, issue such additional guidance as the Secretary considers appropriate in light of the review, consistent with applicable law.

(3) BRIEFING.—Not later than 150 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the findings of the review, including recommendations for such legislative action as the Secretary considers appropriate to facilitate collabora-
tion between United States military commanders and qualified non-Federal entities for support of missions of the Armed Forces abroad.

(d) QUALIFIED NON-FEDERAL ENTITY DEFINED.—In this section, the term “qualified non-Federal entity” means an organization that—

(1) is based in the United States;

(2) has an independent board of directors and is subject to independent financial audits;

(3) is privately-funded;

(4) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code;

(5) provides international humanitarian, economic, or other non-lethal assistance;

(6) is a Private Voluntary Organization registered with the United States Agency for International Development; and

(7) has a stated mission of supporting the safety and security of members of the Armed Forces, civilian personnel of the United States, and United States missions abroad.

SEC. 1083. FEDERAL CHARTER FOR SPIRIT OF AMERICA.

(a) FEDERAL CHARTER.—
(1) In general.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 2003 the following new chapter:

“CHAPTER 2005—SPIRIT OF AMERICA

“Sec.
“200501. Organization.
“200502. Purposes.
“200504. Duty to maintain tax-exempt status.
“200505. Annual report.

“§ 200501. Organization

“(a) Federal Charter.—Spirit of America (in this chapter ‘the corporation’), a nonprofit corporation, is a federally chartered corporation.

“(b) Expiration of Charter.—If the corporation does not comply with the provisions of this chapter, the charter granted by this chapter expires.

“(c) Scope of Charter.—Nothing in the charter granted by this chapter shall be construed as conferring special rights or privileges upon the corporation, or as placing upon the Department of Defense any obligation with respect to the corporation.

“(d) No Claim of Governmental Approval or Authority.—The corporation may not claim approval of Congress, or the authority of the United States, for any activity of the corporation.
“§ 200502. Purposes
The purposes of the corporation are as provided in its constitution and bylaws and include the following patriotic, charitable, and inspirational purposes:

“(1) To respond to the needs of local populations abroad, as identified by members of the Armed Forces and diplomats of the United States abroad.

“(2) To provide privately-funded humanitarian, economic, and other nonlethal assistance to address such needs.

“(3) To support the safety and success of members of the Armed Forces and diplomats of the United States abroad.

“(4) To connect the people of the United States more closely to the members of the Armed Forces and diplomats of the United States abroad, and to the missions carried out by such personnel abroad.

“(5) To demonstrate the goodwill of the people of the United States to peoples around the world.

“§ 200503. Powers
The corporation may—

“(1) adopt and amend a constitution, by-laws, and regulations to carry out the purposes of the corporation;

“(2) adopt and alter a corporate seal;
“(3) establish and maintain offices to conduct its activities;

“(4) enter into contracts;

“(5) acquire, own, lease, encumber, and transfer property as necessary and appropriate to carry out the purposes of the corporation;

“(6) establish, regulate, and discontinue subordinate State and territorial subdivisions and local chapters or posts;

“(7) publish a magazine and other publications (including through the Internet);

“(8) sue and be sued; and

“(9) do any other act necessary and proper to carry out the purposes of the corporation as provided in its constitution, by-laws, and regulations.

“§200504. Duty to maintain tax-exempt status

“The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986.

“§200505. Annual report

“The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted as the same time as the report of the audit required by section 10101
of this title. The report may not be printed as public docu-
ment.”.

(2) TABLES OF CHAPTERS.—The table of chap-
ters at the beginning of title 36, United States Code, 
and at the beginning of subtitle II of such title, are 
each amended by inserting after the item relating to 
chapter 2003 the following new item:

“2005. Spirit of America ........................................ 200501.”.

(b) DISTRIBUTION OF CORPORATION ASSISTANCE 
ABROAD THROUGH DEPARTMENT OF DEFENSE.—

(1) ACCEPTANCE AND COORDINATION OF ASSIST-
ANCE.—The Department of Defense (including mem-
bers of the Armed Forces) may, in the discretion of 
the Secretary of Defense and in accordance with guid-
ance issued by the Secretary—

(A) accept from Spirit of America, a feder-
ally-chartered corporation under chapter 2005 of 
title 36, United States Code (as added by sub-
section (a)), humanitarian, economic, and other 
nonlethal assistance funded by private funds in 
the carrying out of the purposes of the corpora-
tion; and

(B) respond to requests from the corporation 
for the identification of the needs of local popu-
lations abroad for assistance, and coordinate 
with the corporation in the provision and dis-
distribution of such assistance, in the carrying out
of such purposes.

(2) **Distribution of Assistance to Local Populations.**—In accordance with guidance issued by the Secretary, members of the Armed Forces abroad may provide to local populations abroad humanitarian, economic, and other nonlethal assistance provided to the Department by the corporation pursuant to this subsection.

(3) **Scope of Guidance.**—The guidance issued pursuant to this subsection shall ensure that any assistance distributed pursuant to this subsection shall be for purposes of supporting the mission or missions of the Department and the Armed Forces for which such assistance is provided by the corporation.

(4) **DoD Support for Corporation Activities.**—In accordance with guidance issued by the Secretary, the Department and the Armed Forces may—

(A) provide transportation, lodging, storage, and other logistical support—

(i) to personnel of the corporation (whether in the United States or abroad) who are carrying out the purposes of the corporation; and
(ii) in connection with the acceptance and distribution of assistance provided by the corporation; and

(B) use assets of the Department and the Armed Forces in the provision of support described in subparagraph (A).

SEC. 1084. RECONSIDERATION OF CLAIMS FOR DISABILITY COMPENSATION FOR VETERANS WHO WERE THE SUBJECTS OF MUSTARD GAS OR LEWISITE EXPERIMENTS DURING WORLD WAR II.

(a) Reconsideration of Claims for Disability Compensation in Connection With Exposure to Mustard Gas or Lewisite.—

(1) In general.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall reconsider all claims for compensation described in paragraph (2) and make a new determination regarding each such claim.

(2) Claims for compensation described.— Claims for compensation described in this paragraph are claims for compensation under chapter 11 of title 38, United States Code, that the Secretary of Veterans Affairs determines are in connection with full-body exposure to mustard gas or lewisite during active military, naval, or air service during World War II
and that were denied before the date of the enactment of this Act.

(3) PRESUMPTION OF EXPOSURE.—In carrying out paragraph (1), if the Secretary of Veterans Affairs or the Secretary of Defense makes a determination regarding whether a veteran experienced full-body exposure to mustard gas or lewisite, such Secretary—

(A) shall presume that the veteran experienced full-body exposure to mustard gas or lewisite, as the case may be, unless proven otherwise; and

(B) may not use information contained in the DoD and VA Chemical Biological Warfare Database or any list of known testing sites for mustard gas or lewisite maintained by the Department of Veterans Affairs or the Department of Defense as the sole reason for determining that the veteran did not experience full-body exposure to mustard gas or lewisite.

(4) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report specifying any
claims reconsidered under paragraph (1) that were denied during the 90-day period preceding the submittal of the report, including the rationale for each such denial.

(b) DEVELOPMENT OF POLICY.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a policy for processing future claims for compensation under chapter 11 of title 38, United States Code, that the Secretary of Veterans Affairs determines are in connection with exposure to mustard gas or lewisite during active military, naval, or air service during World War II.

(c) INVESTIGATION AND REPORT BY SECRETARY OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) for purposes of determining whether a site should be added to the list of the Department of Defense of sites where mustard gas or lewisite testing occurred, investigate and assess sites where—

(A) the Army Corps of Engineers has uncovered evidence of mustard gas or lewisite testing; or

(B) more than two veterans have submitted claims for compensation under chapter 11 of title
38, United States Code, in connection with exposure to mustard gas or lewisite at such site and such claims were denied; and

(2) submit to the appropriate committees of Congress a report on experiments conducted by the Department of Defense during World War II to assess the effects of mustard gas and lewisite on people, which shall include—

(A) a list of each location where such an experiment occurred, including locations investigated and assessed under paragraph (1);

(B) the dates of each such experiment; and

(C) the number of members of the Armed Forces who were exposed to mustard gas or lewisite in each such experiment.

(d) INVESTIGATION AND REPORT BY SECRETARY OF VETERANS AFFAIRS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) investigate and assess—

(A) the actions taken by the Secretary to reach out to individuals who had been exposed to mustard gas or lewisite in the experiments described in subsection (c)(2)(A); and
(B) the claims for disability compensation
under laws administered by the Secretary that
were filed with the Secretary and the percentage
of such claims that were denied by the Secretary;
and
(2) submit to the appropriate committees of Con-
gress—
(A) a report on the findings of the Secretary
with respect to the investigations and assess-
ments carried out under paragraph (1); and
(B) a comprehensive list of each location
where an experiment described in subsection
(c)(2)(A) was conducted.
(e) Definitions.—In this section:
(1) The terms “active military, naval, or air
service”, “veteran”, and “World War II” have the
meanings given such terms in section 101 of title 38,
United States Code.
(2) The term “appropriate committees of Con-
gress” means—
(A) the Committee on Veterans’ Affairs, the
Committee on Armed Services, and the Special
Committee on Aging of the Senate; and
(B) the Committee on Veterans’ Affairs and the Committee on Armed Services of the House of Representatives.

(3) The term “full-body exposure”, with respect to mustard gas or lewisite, has the meaning given that term by the Secretary of Defense.

SEC. 1085. PRIZE COMPETITION TO IDENTIFY ROOT CAUSE OF PHYSIOLOGICAL EPISODES ON NAVY, MARINE CORPS, AND AIR FORCE TRAINING AND OPERATIONAL AIRCRAFT.

(a) In general.—Under the authority of section 2374a of title 10, United States Code, and section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, the Commandant of the Marine Corps, and the heads of any other appropriate Federal agencies that have experience in prize competitions, and when appropriate, in coordination with private organizations, may establish a prize competition designed to accelerate identification of the root cause or causes of physiological episodes experienced in Navy, Marine Corps, and Air Force training and operational aircraft.
(b) **Authorization of Appropriations.**—There is authorized to be appropriated $10,000,000 for fiscal year 2018 to carry out this section.

(c) **Supplement Not Supplant.**—Any funds made available pursuant to this section are in addition to any other amount made available for research on identification of root cause or causes of physiological episodes experienced in Navy, Marine Corps, and Air Force training and operational aircraft.

**SEC. 1086. Exception to the Interdepartmental Waiver Doctrine for Cleanup of Vehicle Crashes.**

(a) **Responsibility for Cleanup.**—Notwithstanding the interdepartmental waiver doctrine, the Secretary of Defense may, at the request of the affected Federal department or agency, expend funds necessary for cleanup resulting from an activity of the Department of Defense involving a vehicle crash on land or other property under the jurisdiction of another Federal department or agency.

(b) **Scope.**—The authority under subsection (a) includes expenditures necessary to complete cleanup to meet the regulations of the affected department or agency, which may be different than the regulations applicable to the Department.
SEC. 1087. TRANSFER OF SURPLUS FIREARMS TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.

(a) IN GENERAL.—Section 40728(h) of title 36, United States Code, is amended—

(1) by striking “(1) Subject to paragraph (2), the Secretary may transfer” and inserting “The Secretary shall transfer”; and

(2) by striking “The Secretary shall determine a reasonable schedule for the transfer of such surplus pistols.”.

(b) SALE OF M1911/M1911A1 PISTOLS.—

(1) SALE.—Any M1911/M1911A1 pistols sold under the Civilian Marksmanship Program under subchapter II of chapter 407 of title 36, United States Code, shall be sold at fair market value.

(2) DISPOSITION OF PROCEEDS.—Any proceeds of the sale of M1911/M1911A1 pistols pursuant to paragraph (1), less transfer and storage costs, shall be covered over into the Treasury as miscellaneous receipts.

SEC. 1088. PREVENTION OF CERTAIN HEALTH CARE PROVIDERS FROM PROVIDING NON-DENPARTMENT HEALTH CARE SERVICES TO VETERANS.

(a) IN GENERAL.—On and after the date that is one year after the date of the enactment of this Act, the Sec-
Secretary of Veterans Affairs shall deny or revoke the eligibility of a health care provider to provide non-Department health care services to veterans if the Secretary determines that the health care provider—

(1) was removed from employment with the Department of Veterans Affairs due to conduct that violated a policy of the Department relating to the delivery of safe and appropriate health care;

(2) violated the requirements of a medical license of the health care provider;

(3) had a Department credential revoked and the grounds for such revocation impacts the ability of the health care provider to deliver safe and appropriate health care; or

(4) violated a law for which a term of imprisonment of more than one year may be imposed.

(b) PERMISSIVE ACTION.—On and after the date that is one year after the date of the enactment of this Act, the Secretary may deny, revoke, or suspend the eligibility of a health care provider to provide non-Department health care services if the Secretary has reasonable belief that such action is necessary to immediately protect the health, safety, or welfare of veterans and—
(1) the health care provider is under investigation by the medical licensing board of a State in which the health care provider is licensed or practices;

(2) the health care provider has entered into a settlement agreement for a disciplinary charge relating to the practice of medicine by the health care provider; or

(3) the Secretary otherwise determines that such action is appropriate under the circumstances.

(c) SUSPENSION.—The Secretary shall suspend the eligibility of a health care provider to provide non-Department health care services to veterans if the health care provider is suspended from serving as a health care provider of the Department.

(d) INITIAL REVIEW OF DEPARTMENT EMPLOYMENT.—Not later than one year after the date of the enactment of this Act, with respect to each health care provider providing non-Department health care services, the Secretary shall review the status of each such health care provider as an employee of the Department and the history of employment of each such health care provider with the Department to determine whether the health care provider is described in any of subsections (a) through (c).

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the
Comptroller General of the United States shall submit to Congress a report on the implementation by the Secretary of this section, including the following:

(1) The aggregate number of health care providers denied or suspended under this section from participation in providing non-Department health care services.

(2) An evaluation of any impact on access to health care for patients or staffing shortages in programs of the Department providing non-Department health care services.

(3) An explanation of the coordination of the Department with the medical licensing boards of States in implementing this section, the amount of involvement of such boards in such implementation, and efforts by the Department to address any concerns raised by such boards with respect to such implementation.

(4) Such recommendations as the Comptroller General considers appropriate regarding harmonizing eligibility criteria between health care providers of the Department and health care providers eligible to provide non-Department health care services.
(f) Non-Department Health Care Services Defined.—In this section, the term “non-Department health care services” means services—

(1) provided under subchapter I of chapter 17 of title 38, United States Code, at non-Department facilities (as defined in section 1701 of such title);

(2) provided under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note);

(3) purchased through the Medical Community Care account of the Department; or

(4) purchased with amounts deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014.

SEC. 1089. DECLASSIFICATION BY DEPARTMENT OF DEFENSE OF CERTAIN INCIDENTS OF EXPOSURE OF MEMBERS OF THE ARMED FORCES TO TOXIC SUBSTANCES.

(a) In General.—The Secretary of Defense shall declassify documents related to any known incident in which not fewer than 100 members of the Armed Forces were exposed to a toxic substance that resulted in at least one case of a disability that a member of the medical profession has determined to be associated with that toxic substance.
(b) LIMITATION.—The declassification required by subsection (a) shall be limited to information necessary for an individual who was potentially exposed to a toxic substance to determine the following:

(1) Whether that individual was exposed to that toxic substance.

(2) The potential severity of the exposure of that individual to that toxic substance.

(3) Any potential health conditions that may have resulted from exposure to that toxic substance.

(c) EXCEPTION.—The Secretary of Defense is not required to declassify documents under subsection (a) if the Secretary determines that declassification of those documents would materially and immediately threaten the security of the United States.

(d) DEFINITIONS.—In this section:

(1) ARMED FORCES.—The term “Armed Forces” has the meaning given that term in section 101 of title 10, United States Code.

(2) EXPOSED.—The term “exposed” means, with respect to a toxic substance, that an individual came into contact with that toxic substance in a manner that could be hazardous to the health of that individual, that may include if that toxic substance was inhaled, ingested, or touched the skin or eyes.
(3) **EXPOSURE.**—The term “exposure” means, with respect to a toxic substance, an event during which an individual was exposed to that toxic substance.

(4) **TOXIC SUBSTANCE.**—The term “toxic substance” means any substance determined by the Administrator of the Environmental Protection Agency to be harmful to the environment or hazardous to the health of an individual if inhaled or ingested by or absorbed through the skin of that individual.

**SEC. 1089A. CARRIAGE OF CERTAIN PROGRAMMING.**

(a) **DEFINITIONS.**—In this section—

(1) the term “local commercial television station” has the meaning given the term in section 614(h) of the Communications Act of 1934 (47 U.S.C. 534(h));

(2) the term “multichannel video programming distributor” has the meaning given the term in section 602 of the Communications Act of 1934 (47 U.S.C. 522);

(3) the term “qualified noncommercial educational television station” has the meaning given the term in section 615(l) of the Communications Act of 1934 (47 U.S.C. 535(l));
(4) the term “retransmission consent” means the authority granted to a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) to retransmit the signal of a television broadcast station; and

(5) the term “television broadcast station” has the meaning given the term in section 76.66(a) of title 47, Code of Federal Regulations.

(b) Carriage of Certain Content.—Notwithstanding any other provision of law, a multichannel video programming distributor may not be directly or indirectly required, including as a condition of obtaining retransmission consent, to—

(1) carry non-incidental video content from a local commercial television station, qualified non-commercial educational television station, or television broadcast station to the extent that such content is owned, controlled, or financed (in whole or in part) by the Government of the Russian Federation; or

(2) lease, or otherwise make available, channel capacity to any person for the provision of video programming that is owned, controlled, or financed (in
whole or in part) by the Government of the Russian Federation.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as applying to the editorial use by a local commercial television station, qualified noncommercial educational television station, or television broadcast station of programming that is owned, controlled, or financed (in whole or in part) by the Government of the Russian Federation.

Subtitle H—Modernizing Government Technology

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the “Modernizing Government Technology Act of 2017” or the “MGT Act”.

SEC. 1092. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) BOARD.—The term “Board” means the Technology Modernization Board established under section 1094(c)(1).

(3) CLOUD COMPUTING.—The term “cloud computing” has the meaning given the term by the National Institute of Standards and Technology in
NIST Special Publication 800–145 and any amendatory or superseding document thereto.

(4) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(5) FUND.—The term “Fund” means the Technology Modernization Fund established under section 1094(b)(1).

(6) INFORMATION TECHNOLOGY.—The term “information technology” has the meaning given the term in section 3502 of title 44, United States Code.

(7) IT WORKING CAPITAL FUND.—The term “IT working capital fund” means an information technology system modernization and working capital fund established under section 1093(b)(1).

(8) LEGACY INFORMATION TECHNOLOGY SYSTEM.—The term “legacy information technology system” means an outdated or obsolete system of information technology.

SEC. 1093. ESTABLISHMENT OF AGENCY INFORMATION TECHNOLOGY SYSTEMS MODERNIZATION AND WORKING CAPITAL FUNDS.

(a) DEFINITION.—In this section, the term “covered agency” means each agency listed in section 901(b) of title 31, United States Code.
(b) **Information Technology System Modernization and Working Capital Funds.**

1. **Establishment.**—The head of a covered agency may establish within the covered agency an information technology system modernization and working capital fund for necessary expenses described in paragraph (3).

2. **Source of Funds.**—The following amounts may be deposited into an IT working capital fund:

   (A) Reprogramming and transfer of funds made available in appropriations Acts enacted after the date of enactment of this Act, including the transfer of any funds for the operation and maintenance of legacy information technology systems, in compliance with any applicable reprogramming law or guidelines of the Committees on Appropriations of the Senate and the House of Representatives or transfer authority specifically provided in appropriations law.

   (B) Amounts made available to the IT working capital fund through discretionary appropriations made available after the date of enactment of this Act.
(3) **Use of Funds.**—An IT working capital fund established under paragraph (1) may only be used—

(A) to improve, retire, or replace existing information technology systems in the covered agency to enhance cybersecurity and to improve efficiency and effectiveness across the life of a given workload, procured using full and open competition among all commercial items to the greatest extent practicable;

(B) to transition legacy information technology systems at the covered agency to commercial cloud computing and other innovative commercial platforms and technologies, including those serving more than 1 covered agency with common requirements;

(C) to assist and support covered agency efforts to provide adequate, risk-based, and cost-effective information technology capabilities that address evolving threats to information security;

(D) to reimburse funds transferred to the covered agency from the Fund with the approval of the Chief Information Officer, in consultation with the Chief Financial Officer, of the covered agency; and
(E) for a program, project, or activity or to increase funds for any program, project, or activity that has not been denied or restricted by Congress.

(4) EXISTING FUNDS.—An IT working capital fund may not be used to supplant funds provided for the operation and maintenance of any system within an appropriation for the covered agency at the time of establishment of the IT working capital fund.

(5) PRIORITIZATION OF FUNDS.—The head of each covered agency—

(A) shall prioritize funds within the IT working capital fund of the covered agency to be used initially for cost savings activities approved by the Chief Information Officer of the covered agency; and

(B) may reprogram and transfer any amounts saved as a direct result of the cost savings activities approved under clause (i) for deposit into the IT working capital fund of the covered agency, consistent with paragraph (2)(A).

(6) AVAILABILITY OF FUNDS.—

(A) IN GENERAL.—Any funds deposited into an IT working capital fund shall be available for obligation for the 3-year period beginning on the
last day of the fiscal year in which the funds were deposited.

(B) Transfer of unobligated amounts.—Any amounts in an IT working capital fund that are unobligated at the end of the 3-year period described in subparagraph (A) shall be transferred to the general fund of the Treasury.

(7) Agency CIO responsibilities.—In evaluating projects to be funded by the IT working capital fund of a covered agency, the Chief Information Officer of the covered agency shall consider, to the extent applicable, guidance issued under section 1094(b)(1) to evaluate applications for funding from the Fund that include factors including a strong business case, technical design, consideration of commercial off-the-shelf products and services, procurement strategy (including adequate use of rapid, iterative software development practices), and program management.

(c) Reporting requirement.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, and every 6 months thereafter, the head of each covered agency shall submit to the Director, with respect to the IT working capital fund of the covered agency—
[A] a list of each information technology investment funded, including the estimated cost and completion date for each investment; and

[B] a summary by fiscal year of obligations, expenditures, and unused balances.

(2) Public Availability.—The Director shall make the information submitted under paragraph (1) publicly available on a website.

SEC. 1094. ESTABLISHMENT OF TECHNOLOGY MODERNIZATION FUND AND BOARD.

(a) Definition.—In this section, the term “agency” has the meaning given the term in section 551 of title 5, United States Code.

(b) Technology Modernization Fund.—

(1) Establishment.—There is established in the Treasury a Technology Modernization Fund for technology-related activities, to improve information technology, to enhance cybersecurity across the Federal Government, and to be administered in accordance with guidance issued by the Director.

(2) Administration of Fund.—The Administrator, in consultation with the Chief Information Officers Council and with the approval of the Director, shall administer the Fund in accordance with this subsection.
(3) Use of Funds.—The Administrator shall, in accordance with recommendations from the Board, use amounts in the Fund—

(A) to transfer such amounts, to remain available until expended, to the head of an agency for the acquisition of products and services, or the development of such products and services when more efficient and cost effective, to improve, retire, or replace existing Federal information technology systems to enhance cybersecurity and privacy and improve long-term efficiency and effectiveness;

(B) to transfer such amounts, to remain available until expended, to the head of an agency for the operation and procurement of information technology products and services, or the development of such products and services when more efficient and cost effective, and acquisition vehicles for use by agencies to improve Governmentwide efficiency and cybersecurity in accordance with the requirements of the agencies;

(C) to provide services or work performed in support of—

(i) the activities described in subparagraph (A) or (B); and
(ii) the Board and the Director in carrying out the responsibilities described in subsection (c)(2); and

(D) to fund only programs, projects, or activities or to fund increases for any programs, projects, or activities that have not been denied or restricted by Congress.

(4) Authorization of Appropriations; Credits; Availability of Funds.—

(A) Authorization of Appropriations.—There is authorized to be appropriated to the Fund $250,000,000 for each of fiscal years 2018 and 2019.

(B) Credits.—In addition to any funds otherwise appropriated, the Fund shall be credited with all reimbursements, advances, or refunds or recoveries relating to information technology or services provided for the purposes described in paragraph (3).

(C) Availability of Funds.—Amounts deposited, credited, or otherwise made available to the Fund shall be available until expended for the purposes described in paragraph (3).

(5) Reimbursement.—

(A) Reimbursement by Agency.—
(i) In general.—The head of an agency shall reimburse the Fund for any transfer made under subparagraph (A) or (B) of paragraph (3), including any services or work performed in support of the transfer under paragraph (3)(C), in accordance with the terms established in a written agreement described in paragraph (6).

(ii) Reimbursement from subsequent appropriations.—Notwithstanding any other provision of law, an agency may make a reimbursement required under clause (i) from any appropriation made available after the date of enactment of this Act for information technology activities, consistent with any applicable reprogramming law or guidelines of the Committees on Appropriations of the Senate and the House of Representatives.

(iii) Recording of obligation.—Notwithstanding section 1501 of title 31, United States Code, an obligation to make a payment under a written agreement described in paragraph (6) in a fiscal year after the date of enactment of this Act shall
be recorded in the fiscal year in which the payment is due.

(B) PRICES FIXED BY ADMINISTRATOR.—

(i) IN GENERAL.—The Administrator, in consultation with the Director, shall establish amounts to be paid by an agency under this paragraph and the terms of repayment for activities funded under paragraph (3), including any services or work performed in support of that development under paragraph (3)(C), at levels sufficient to ensure the solvency of the Fund, including operating expenses.

(ii) REVIEW AND APPROVAL.—Before making any changes to the established amounts and terms of repayment, the Administrator shall conduct a review and obtain approval from the Director.

(C) FAILURE TO MAKE TIMELY REIMBURSEMENT.—The Administrator may obtain reimbursement from an agency under this paragraph by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized bills, if payment is not made by the agency during the 90-day period beginning after
the expiration of a repayment period described in a written agreement described in paragraph (6).

(6) WRITTEN AGREEMENT.—

(A) IN GENERAL.—Before the transfer of funds to an agency under subparagraphs (A) and (B) of paragraph (3), the Administrator, in consultation with the Director, and the head of the agency shall enter into a written agreement—

(i) documenting the purpose for which the funds will be used and the terms of repayment, which may not exceed 5 years unless approved by the Director; and

(ii) which shall be recorded as an obligation as provided in paragraph (5)(A).

(B) REQUIREMENT FOR USE OF INCREMENTAL FUNDING, COMMERCIAL PRODUCTS AND SERVICES, AND RAPID, ITERATIVE DEVELOPMENT PRACTICES.—The Administrator shall ensure—

(i) for any funds transferred to an agency under paragraph (3)(A), in the absence of compelling circumstances documented by the Administrator at the time of transfer, that such funds shall be transferred
only on an incremental basis, tied to metric-based development milestones achieved by the agency through the use of rapid, iterative, development processes; and

(ii) that the use of commercial products and services are incorporated to the greatest extent practicable in activities funded under subparagraphs (A) and (B) of paragraph (3), and that the written agreement required under paragraph (6) documents this preference.

(7) REPORTING REQUIREMENTS.—

(A) LIST OF PROJECTS.—

(i) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall maintain a list of each project funded by the Fund, to be updated not less than quarterly, that includes a description of the project, project status (including any schedule delay and cost overruns), financial expenditure data related to the project, and the extent to which the project is using commercial products and services, including if applicable, a justification of why commercial products and
services were not used and the associated de-
velopment and integration costs of custom
development.

(ii) Public Availability.—The list
required under clause (i) shall be published
on a public website in a manner that is, to
the greatest extent possible, consistent with
applicable law on the protection of classified
information, sources, and methods.

(B) Comptroller General Reports.—
Not later than 2 years after the date of enact-
ment of this Act, and every 2 years thereafter,
the Comptroller General of the United States
shall submit to Congress and make publically
available a report assessing—

(i) the costs associated with estab-
lishing the Fund and maintaining the over-
sight structure associated with the Fund
compared with the cost savings associated
with the projects funded both annually and
over the life of the acquired products and
services by the Fund;

(ii) the reliability of the cost savings
estimated by agencies associated with
projects funded by the Fund;
(iii) whether agencies receiving transfers of funds from the Fund used full and open competition to acquire the custom development of information technology products or services; and

(iv) the number of IT procurement, development, and modernization programs, offices, and entities in the Federal Government, including 18F and the United States Digital Services, the roles, responsibilities, and goals of those programs and entities, and the extent to which they duplicate work.

(c) TECHNOLOGY MODERNIZATION BOARD.—

(1) ESTABLISHMENT.—There is established a Technology Modernization Board to evaluate proposals submitted by agencies for funding authorized under the Fund.

(2) RESPONSIBILITIES.—The responsibilities of the Board are—

(A) to provide input to the Director for the development of processes for agencies to submit modernization proposals to the Board and to establish the criteria by which those proposals are evaluated, which shall include—
(i) addressing the greatest security, privacy, and operational risks;

(ii) having the greatest Government-wide impact; and

(iii) having a high probability of success based on factors including a strong business case, technical design, consideration of commercial off-the-shelf products and services, procurement strategy (including adequate use of rapid, agile iterative software development practices), and program management;

(B) to make recommendations to the Administrator to assist agencies in the further development and refinement of select submitted modernization proposals, based on an initial evaluation performed with the assistance of the Administrator;

(C) to review and prioritize, with the assistance of the Administrator and the Director, modernization proposals based on criteria established pursuant to subparagraph (A);

(D) to identify, with the assistance of the Administrator, opportunities to improve or replace multiple information technology systems
with a smaller number of information technology services common to multiple agencies;

(E) to recommend the funding of modernization projects, in accordance with the uses described in subsection (b)(3), to the Administrator;

(F) to monitor, in consultation with the Administrator, progress and performance in executing approved projects and, if necessary, recommend the suspension or termination of funding for projects based on factors including the failure to meet the terms of a written agreement described in subsection (b)(6); and

(G) to monitor the operating costs of the Fund.

(3) MEMBERSHIP.—The Board shall consist of 7 voting members.

(4) CHAIR.—The Chair of the Board shall be the Administrator of the Office of Electronic Government.

(5) PERMANENT MEMBERS.—The permanent members of the Board shall be—

(A) the Administrator of the Office of Electronic Government; and

(B) a senior official from the General Services Administration having technical expertise in
information technology development, appointed by the Administrator, with the approval of the Director.

(6) ADDITIONAL MEMBERS OF THE BOARD.—

(A) APPOINTMENT.—The other members of the Board shall be—

(i) 1 employee of the National Protection and Programs Directorate of the Department of Homeland Security, appointed by the Secretary of Homeland Security; and

(ii) 4 employees of the Federal Government primarily having technical expertise in information technology development, financial management, cybersecurity and privacy, and acquisition, appointed by the Director.

(B) TERM.—Each member of the Board described in paragraph (A) shall serve a term of 1 year, which shall be renewable not more than 4 times at the discretion of the appointing Secretary or Director, as applicable.

(7) PROHIBITION ON COMPENSATION.—Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.
(8) **Staff.**—Upon request of the Chair of the Board, the Director and the Administrator may de-
tail, on a reimbursable or nonreimbursable basis, any
employee of the Federal Government to the Board to
assist the Board in carrying out the functions of the
Board.

(d) **Responsibilities of Administrator.**—

(1) **In General.**—In addition to the responsibil-
ities described in subsection (b), the Administrator
shall support the activities of the Board and provide
technical support to, and, with the concurrence of the
Director, oversight of, agencies that receive transfers
from the Fund.

(2) **Responsibilities.**—The responsibilities of
the Administrator are—

(A) to provide direct technical support in
the form of personnel services or otherwise to
agencies transferred amounts under subsection
(b)(3)(A) and for products, services, and acquisi-
tion vehicles funded under subsection (b)(3)(B);

(B) to assist the Board with the evaluation,
prioritization, and development of agency mod-
ernization proposals.

(C) to perform regular project oversight and
monitoring of approved agency modernization
projects, in consultation with the Board and the
Director, to increase the likelihood of successful
implementation and reduce waste; and

(D) to provide the Director with informa-
tion necessary to meet the requirements of sub-
section (b)(7).

(e) EFFECTIVE DATE.—This section shall take effect on
the date that is 90 days after the date of enactment of this
Act.

(f) SUNSET.—

(1) IN GENERAL.—On and after the date that is
2 years after the date on which the Comptroller Gen-
eral of the United States issues the third report re-
quired under subsection (b)(7)(B), the Administrator
may not award or transfer funds from the Fund for
any project that is not already in progress as of such
date.

(2) TRANSFER OF UNOBLIGATED AMOUNTS.—Not
later than 90 days after the date on which all projects
that received an award from the Fund are completed,
any amounts in the Fund shall be transferred to the
general fund of the Treasury and shall be used for
deficit reduction.

(3) TERMINATION OF TECHNOLOGY MODERNIZA-
tion BOARD.—Not later than 90 days after the date
on which all projects that received an award from the Fund are completed, the Technology Modernization Board and all the authorities of subsection (c) shall terminate.

TITLE XI—CIVILIAN PERSONNEL MATTERS
Subtitle A—Department of Defense Matters

SEC. 1101. PILOT PROGRAM ON ENHANCED PERSONNEL MANAGEMENT SYSTEM FOR CYBERSECURITY AND LEGAL PROFESSIONALS IN THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out within the Department of Defense a pilot program to assess the feasibility and advisability of an enhanced personnel management system in accordance with this section for cybersecurity and legal professionals in the Department described in subsection (b) who enter civilian service with the Department on or after January 1, 2020.

(b) CYBERSECURITY AND LEGAL PROFESSIONALS.—

(1) IN GENERAL.—The cybersecurity and legal professionals described in this subsection are the following:
(A) Civilian cybersecurity professionals in the Department of Defense consisting of civilian personnel engaged in or directly supporting planning, commanding and controlling, training, developing, acquiring, modifying, and operating systems and capabilities, and military units and intelligence organizations (other than those funded by the National Intelligence Program) that are directly engaged in or used for offensive and defensive cyber and information warfare or intelligence activities in support thereof.

(B) Civilian legal professionals in the Department occupying legal or similar positions, as determined by the Secretary of Defense for purposes of the pilot program, that require eligibility to practice law in a State or territory of the United States.

(2) Inapplicability to SES positions.—The pilot program shall not apply to positions within the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code.

(c) Direct-appointment authority.—

(1) Inapplicability of general civil service appointment authorities to appointments.—
Under the pilot program, the Secretary of Defense, with respect to the Defense Agencies, and the Secretary of the military department concerned, with respect to the military departments, may appoint qualified candidates as cybersecurity and legal professionals without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(2) APPOINTMENT ON DIRECT-HIRE BASIS.—Appointments under the pilot program shall be made on a direct-hire basis.

(d) TERM APPOINTMENTS.—

(1) RENEWABLE TERM APPOINTMENTS.—Each individual shall serve with the Department of Defense as a cybersecurity or legal professional under the pilot program pursuant to an initial appointment to service with the Department for a term of not less than 2 years nor more than 8 years. Any term of appointment under the pilot program may be renewed for one or more additional terms of not less than 2 years nor more than 8 years as provided in subsection (h).

(2) LENGTH OF TERMS.—The length of the term of appointment to a position under the pilot program shall be prescribed by the Secretary of Defense taking into account the national security, mission, and other applicable requirements of the position. Positions hav-
ing identical or similar requirements or terms may be grouped into categories for purposes of the pilot program. The Secretary may delegate any authority in this paragraph to a commissioned officer of the Armed Forces in pay grade O–7 or above or an employee in the Department in the Senior Executive Service.

(e) Nature of Service Under Appointments.—

(1) Treatment of Personnel Appointed as “Employees”.—Except as otherwise provided by this section, individuals serving with the Department of Defense as cybersecurity or legal professionals under the pilot program pursuant to appointments under this section shall be considered employees (as specified in section 2105 of title 5, United States Code) for purposes of the provisions of title 5, United States Code, and other applicable provisions of law, including, in particular, for purposes as follows:

(A) Eligibility for participation in the Federal Employees’ Retirement System under chapter 84 of title 5, United States Code, subject to the provisions of section 8402 of such title and the regulations prescribed pursuant to such section.
(B) Eligibility for enrollment in a health benefits plan under chapter 89 of title 5, United States Code (commonly referred as the “Federal Employees Health Benefits Program”).

(C) Eligibility for and subject to the employment protections of subpart F of part III of title 5, United States Code, relating to merit principles and protections.

(D) Eligibility for the protections of chapter 81, of title 5, United States Code, relating to workers compensation.

(2) Scope of rights and benefits.—In administering the pilot program, the Secretary of Defense shall specify, and from time to time update, a comprehensive description of the rights and benefits of individuals serving with the Department under the pilot program pursuant to this subsection and of the provisions of law under which such rights and benefits arise.

(f) Compensation.—

(1) Basic pay.—Individuals serving with the Department of Defense as cybersecurity or legal professionals under the pilot program shall be paid basic pay for such service in accordance with a schedule of
pay prescribed by the Secretary of Defense for purposes of the pilot program.

(2) **TREATMENT AS BASIC PAY.**—Basic pay payable under the pilot program shall be treated for all purposes as basic pay paid under the provisions of title 5, United States Code.

(3) **PERFORMANCE AWARDS.**—Individuals serving with the Department as cybersecurity or legal professionals under the pilot program may be awarded such performance awards for outstanding performance as the Secretary shall prescribe for purposes of the pilot program. The performance awards may include a monetary bonus, time off with pay, or such other awards as the Secretary considers appropriate for purposes of the pilot program. The award of performance awards under the pilot program shall be based in accordance with such policies and requirements as the Secretary shall prescribe for purposes of the pilot program.

(4) **ADDITIONAL COMPENSATION.**—Individuals serving with the Department as cybersecurity or legal professionals under the pilot program may be awarded such additional compensation above basic pay as the Secretary (or the designees of the Secretary) consider appropriate in order to promote the recruitment
and retention of highly skilled and productive cybersecurity and legal professionals to and with the Department.

(g) Probationary Period.—The following terms of appointment shall be treated as a probationary period under the pilot program:

(1) The first term of appointment of an individual to service with the Department of Defense as a cybersecurity or legal professional, regardless of length.

(2) The first term of appointment of an individual to a supervisory position in the Department as a cybersecurity or legal professional, regardless of length and regardless of whether or not such term of appointment to a supervisory position is the first term of appointment of the individual concerned to service with the Department as a cybersecurity or legal professional.

(h) Renewal of Appointments.—

(1) In General.—The Secretary of Defense shall prescribe the conditions for the renewal of appointments under the pilot program. The conditions may apply to one or more categories of positions, positions on a case-by-case basis, or both.
(2) **PARTICULAR CONDITIONS.**—In prescribing conditions for the renewal of appointments under the pilot program, the Secretary shall take into account the following (in the order specified):

(A) The necessity for the continuation of the position concerned based on mission requirements and other applicable justifications for the position.

(B) The service performance of the individual serving in the position concerned, with individuals with satisfactory or better performance afforded preference in renewal.

(C) Input from employees on conditions for renewal.

(D) Applicable private and public sector labor market conditions.

(3) **SERVICE PERFORMANCE.**—The assessment of the service performance of an individual under the pilot program for purposes of paragraph (2)(B) shall consist of an assessment of the ability of the individual to effectively accomplish mission goals for the position concerned as determined by the supervisor or manager of the individual based on the individual’s performance evaluations and the knowledge of and review by such supervisor or manager (developed in...
consultation with the individual) of the individual’s performance in the position. An individual’s tenure of service in a position or the Department of Defense may not be the primary element of the assessment.

(i) Professional Development.—The pilot program shall provide for the professional development of individuals serving with the Department of Defense as cybersecurity and legal professionals under the pilot program in a manner that—

(1) creates opportunities for education, training, and career-broadening experiences, and for experimental opportunities in other organizations within and outside the Federal Government; and

(2) reflects the differentiated needs of personnel at different stages of their careers.

(j) Sabbaticals.—

(1) In general.—The pilot program shall provide for an individual who is in a successive term after the first 8 years with the Department of Defense as a cybersecurity or legal professional under the pilot program to take, at the election of the individual, a paid or unpaid sabbatical from service with the Department for professional development or education purposes. The length of a sabbatical shall be any length not less than 6 months nor more than 1 year.
(unless a different period is approved by the Secretary of the military department or head of the organization or element of the Department concerned for purposes of this subsection). The purpose of any sabbatical shall be subject to advance approval by the organization or element in the Department in which the individual is currently performing service. The taking of a sabbatical shall be contingent on the written agreement of the individual concerned to serve with the Department for an appropriate length of time at the conclusion of the term of appointment in which the sabbatical commences, with the period of such service to be in addition to the period of such term of appointment.

(2) Number of Sabbaticals.—An individual may take more than one sabbatical under this subsection.

(3) Repayment.—Except as provided in paragraph (4), an individual who fails to satisfy a written agreement executed under paragraph (1) with respect to a sabbatical shall repay the Department an amount equal to any pay, allowances, and other benefits received by the individual from the Department during the period of the sabbatical.
(4) WAIVER OF REPAYMENT.—An agreement under paragraph (1) may include such conditions for the waiver of repayment otherwise required under paragraph (3) for failure to satisfy such agreement as the Secretary specifies in such agreement.

(k) REGULATIONS.—The Secretary of Defense shall administer the pilot program under regulations prescribed by the Secretary for purposes of the pilot program.

(l) TERMINATION.—

(1) IN GENERAL.—The authority of the Secretary of Defense to appoint individuals for service with the Department of Defense as cybersecurity or legal professionals under the pilot program shall expire on December 31, 2029.

(2) EFFECT ON EXISTING APPOINTMENTS.—The termination of authority in paragraph (1) shall not be construed to terminate or otherwise affect any appointment made under this section before December 31, 2029, that remains valid as of that date.

(m) IMPLEMENTATION.—

(1) INTERIM FINAL RULE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe an interim final rule to implement the pilot program.
(2) Final Rule.—Not later than 180 days after prescribing the interim final rule under paragraph (1) and considering public comments with respect to such interim final rule, the Secretary shall prescribe a final rule to implement the pilot program.

(3) Objectives.—The regulations prescribed under paragraphs (1) and (2) shall accomplish the objectives set forth in subsections (a) through (j) and otherwise ensure flexibility and expedited appointment of cybersecurity and legal professionals in the Department of Defense under the pilot program.

(n) Reports.—

(1) Reports Required.—Not later than January 30 of each of 2022, 2025, and 2028, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the carrying out of the pilot program. Each report shall include the following:

(A) A description and assessment of the carrying out of the pilot program during the period since the commencement of the pilot program or the previous submittal of a report under this subsection, as applicable.

(B) A description and assessment of the successes in and impediments to carrying out the pilot program system during such period.
(C) Such recommendations as the Secretary considers appropriate for legislative action to improve the pilot program and to otherwise improve civilian personnel management of cybersecurity and legal professionals by the Department of Defense.

(D) In the case of the report submitted in 2028, an assessment and recommendations by the Secretary on whether to make the pilot program permanent.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.
SEC. 1102. INCLUSION OF STRATEGIC CAPABILITIES OFFICE
AND DEFENSE INNOVATION UNIT EXPERIMENTAL OF THE DEPARTMENT OF DEFENSE
IN PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

(a) In General.—Subsection (a) of section 1599h of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(4) STRATEGIC CAPABILITIES OFFICE.—The Director of the Strategic Capabilities Office may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Office.

“(5) DIUx.—The Director of the Defense Innovation Unit Experimental may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Unit.”.

(b) Scope of Appointment Authority.—Subsection (b)(1) of such section is amended—

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

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

† HR 2810 PAP
“(D) in the case of the Strategic Capabilities Office, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Office; and

“(E) in the case of the Defense Innovation Unit Experimental, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Unit;”.

(c) Extension of Terms of Appointment.—Subsection (c)(2) of such section is amended by striking “or the Office of Operational Test and Evaluation” and inserting “the Office of Operational Test and Evaluation, the Strategic Capabilities Office, or the Defense Innovation Unit Experimental”.

SEC. 1103. PERMANENT AUTHORITY FOR DEMONSTRATION PROJECTS RELATING TO ACQUISITION PERSONNEL MANAGEMENT POLICIES AND PROCEDURES.

(a) Permanent Authority.—Section 1762 of title 10, United States Code, is amended by striking subsections (g) and (h).

(b) Scope of Authority.—Subsection (a) of such section is amended by striking “COMMENCEMENT.—” and all that follows through “a demonstration project” and insert-
ing “IN GENERAL.—The Secretary of Defense may carry out demonstration projects”.

(c) INCREASE IN LIMIT ON NUMBER OF PARTICIPANTS.—Subsection (c) of such section is amended by striking “the demonstration project under this section may not exceed 120,000” and inserting “at any one time in demonstration projects under this section may not exceed 130,000”.

(d) ASSESSMENTS.—Subsection (e) of such section is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:
“(1) Upon the completion of a demonstration project under this section, the Secretary of Defense shall provide for the conduct of an assessment of the demonstration project by an appropriate independent organization designated by the Secretary for that purpose. The Secretary shall submit to the covered congressional committees a report on each assessment conducted pursuant to this paragraph.”; and

(2) by striking paragraph (3).
SEC. 1104. ESTABLISHMENT OF SENIOR SCIENTIFIC TECHNICAL MANAGERS AT MAJOR RANGE AND TEST FACILITY BASE FACILITIES AND DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 2358a of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “, each facility of the Major Range and Test Facility Base, and the Defense Test Resource Management Center” after “each STRL”; and

(ii) in subparagraph (A), by inserting “, of such facility of the Major Range and Test Facility Base, or the Defense Test Resource Management Center”; and

(B) in paragraph (2)—

(i) by striking “The positions” and inserting “(A) The laboratory positions”; and

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

“(B) The test and evaluation positions described in paragraph (1) may be filled, and shall be managed, by the director of the Major Range and Test Fa-
ility Base, in the case of a position at a facility of
the Major Range and Test Facility Base, and the di-
rector of the Defense Test Resource Management Cen-
ter, in the case of a position at such center, under cri-
teria established pursuant to section 342(b) of the Na-
tional Defense Authorization Act for Fiscal Year 1995
(Public Law 103–337; 10 U.S.C. 2358 note), relating
to personnel demonstration projects at laboratories of
the Department of Defense, except that the director
involved shall determine the number of such positions
at each facility of the Major Range and Test Facility
Base and the Defense Test Resource Management Cen-
ter, not to exceed two percent of the number of sci-
entists and engineers employed at the Major Range
and Test Facility Base or the Defense Test Resource
Management Center, as the case may be, as of the
close of the last fiscal year before the fiscal year in
which any appointments subject to that numerical
limitations are made.”; and

(2) in subsection (f)—

(A) by redesignating paragraphs (1) and
(2) as paragraphs (2) and (4), respectively;
(B) by inserting before paragraph (2), as
redesignated by subparagraph (A), the following
new paragraph (1):
“(1) The term ‘Defense Test Resource Management Center’ means the Department of Defense Test Resource Management Center established under section 196 of this title.”; and

(C) by inserting after paragraph (2), as so redesignated, the following new paragraph:

“(3) The term ‘Major Range and Test Facility Base’ means the test and evaluation facilities and resources that are designated by the Secretary of Defense as facilities and resources comprising the Major Range and Test Facility Base.”.

SEC. 1105. EXTENSION OF TEMPORARY DIRECT HIRE AUTHORITY FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND THE MAJOR RANGE AND TEST FACILITIES BASE.

Section 1125(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2457; 10 U.S.C. 1580 note prec.) is amended by striking “and 2018” and inserting “through 2019”.

SEC. 1106. DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS IN THE DEPARTMENT OF DEFENSE WORKFORCE.

Section 1110 of the National Defense Authorization Act for 2017 (Public Law 114–328; 130 Stat. 2450; 10 U.S.C. 1580 note prec.) is amended—
(1) in subsection (a), by striking “the Defense Agencies or the applicable military Department” and inserting “a Department of Defense component”; 
(2) in subsection (b)(1), by striking “the Defense Agencies” and inserting “each Department of Defense component listed in subsection (f) other than the Department of the Army, the Department of the Navy, and the Department of the Air Force”;
(3) in subsection (d)—
   (A) by striking “any Defense Agency or military department” and inserting “any Department of Defense component”; and
   (B) by striking “such Defense Agency or military department” and inserting “such Department of Defense component”; and
(4) by striking subsection (f) and inserting the following new subsection (f):
“(f) Department of Defense Component Defined.—In this section, the term ‘Department of Defense component’ means the following:
   “(1) A Defense Agency.
   “(2) The Office of the Chairman of the Joint Chiefs of Staff.
   “(3) The Joint Staff.
   “(4) A combatant command.

“(6) A Field Activity of the Department of Defense.

“(7) The Department of the Army.

“(8) The Department of the Navy.

“(9) The Department of the Air Force.”.

SEC. 1107. AUTHORITY FOR WAIVER OF REQUIREMENT FOR A BACCALAUREATE DEGREE FOR POSITIONS IN THE DEPARTMENT OF DEFENSE ON CYBERSECURITY AND COMPUTER PROGRAMMING.

(a) BRIEFING ON WAIVER REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide the Committees on Armed Services of the Senate and the House of Representatives a briefing on the feasibility and advisability of the enactment into law of the waiver authority described in subsection (b) and the authorities in subsections (c) through (e).

(b) WAIVER AUTHORITY.—The waiver authority described in this subsection is the authority of the Secretary of Defense to waive any requirement in law for the possession of a baccalaureate degree as a condition of appointment to a position or category of positions in the Department of Defense specified in subsection (c) if the Secretary
determined that the duties of the position or category of positions could be appropriately discharged by individuals demonstrating expertise other than a baccalaureate degree.

(c) POSITIONS.—The positions or categories of positions in the Department specified in this subsection are positions or categories of positions whose primary duties involve the following:

1. Cybersecurity, including computer network operations, computer network defense, computer network attack, and computer network exploitation.
2. Computer programming.

(d) APPOINTMENT.—An individual who does not possess a baccalaureate degree could be appointed to a position covered by a waiver pursuant to subsection (b) only if the Secretary determined that the expertise demonstrated by the individual was sufficient for the appropriate discharge of the duties of the position by the individual.

(e) GUIDANCE.—The Secretary would issue guidance for purposes of this section setting forth the following:

1. The positions or categories of positions in the Department subject to the waiver authorized by subsection (b).
2. For each position or category of positions, the expertise required for appointment to such position or category of positions.
Subtitle B—Government-wide Matters

SEC. 1111. ELIMINATION OF FOREIGN EXEMPTION PROVISION IN REGARD TO OVERTIME FOR FEDERAL CIVILIAN EMPLOYEES TEMPORARILY ASSIGNED TO A FOREIGN AREA.

(a) In General.—Section 5542 of title 5, United States Code, is amended by adding at the end the following:

“(h) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on the basis of the employee performing work at such a location.”.

(b) Federal Wage System Employees.—Section 5544 of title 5, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee whose overtime pay is determined in accordance with sub-
section (a) who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on the basis of the employee performing work at such a location.”.

(c) CONFORMING REPEAL.—Section 5542(a) of title 5, United States Code, is amended by striking paragraph (6).

SEC. 1112. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.


† HR 2810 PAP
SEC. 1113. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.


TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to $10,000,000 during each of fiscal years 2018 through 2021 to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating
ongoing irregular warfare operations by United States Special Operations Forces.

(b) Funds.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

(c) Procedures.—

(1) In general.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section.

(2) Elements.—The procedures that shall establish, at a minimum, the following:

(A) Policy guidance for the execution of activities under the authority in this section.

(B) The processes through which activities under the authority in this section are to be developed, validated, and coordinated, as appropriate, with relevant entities of the United States Government.

(3) Notice to Congress on Procedures and Material Modifications.—The Secretary shall notify the congressional defense committees of the procedures established pursuant to this section before any exercise of the authority in this section, and shall no-
(d) Notification.—

(1) In General.—Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an approved military operation or changing the scope or funding level of any support under this section for such an operation by $500,000 or an amount equal to 10 percent of such funding level (whichever is less), or not later than 48 hours after exercising such authority if the Secretary determines that extraordinary circumstances that impact the national security of the United States exist that otherwise prevent notice under this subsection before the exercise of such authority, the Secretary shall notify the congressional defense committees of the use of such authority with respect to such operation. Any such notification shall be in writing.

(2) Elements.—A notification required by this subsection shall include the following:

(A) The type of support provided or to be provided to United States Special Operations Forces.

(B) The type of support provided or to be provided to the recipient of the funds.
(C) The amount obligated under the authority to provide support.

(e) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

(f) CONSTRUCTION OF AUTHORITY.—Nothing in this section shall be construed to constitute a specific statutory authorization for any of the following:

(1) The conduct of a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

(2) The introduction of United States Armed Forces into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

(3) The conduct or support of activities, directly or indirectly, that are inconsistent with the laws of armed conflict.

(g) PROGRAMMATIC AND POLICY OVERSIGHT.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary programmatic and policy oversight within the Office of the Secretary of Defense of support to irregular warfare activities authorized by this section.

(h) BIENNIAL REPORTS.—
(1) **Report on preceding fiscal year.**—Not later than 120 days after the close of each fiscal year in which subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the preceding fiscal year.

(2) **Report on current calendar year.**—Not later than 180 days after the submittal of each report required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the first half of the fiscal year in which the report under this paragraph is submitted.

(3) **Elements.**—Each report required by this subsection shall include the following:

(A) A summary of the ongoing irregular warfare operations by United States Special Operations Forces that were supported or facilitated by foreign forces, irregular forces, groups, or individuals for which support was provided under this section during the period covered by such report.

(B) A description of the support or facilitation provided by such foreign forces, irregular
forces, groups, or individuals to United States Special Operations Forces during such period.

(C) The type of recipients that were provided support under this section during such period, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

(D) A detailed description of the support provided to the recipients under this section during such period.

(E) The total amount obligated for support under this section during such period, including budget details.

(F) The intended duration of support provided under this section during such period.

(G) An assessment of value of the support provided under this section during such period, including a summary of significant activities undertaken by foreign forces, irregular forces, groups, or individuals to support irregular warfare operations by United States Special Operations Forces.

(II) The total amount obligated for support under this section in prior fiscal years.

(i) IRREGULAR WARFARE DEFINED.—In this section, the term “irregular warfare” means activities in support
of predetermined United States policy and military objectives conducted by, with, and through regular forces, irregular forces, groups, and individuals participating in competition between state and non-state actors short of traditional armed conflict.

SEC. 1202. MODIFICATION OF AUTHORITY ON SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) OVERSIGHT OF SUPPORT.—Section 127e of title 10, United States Code, is amended—

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

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

“(g) OVERSIGHT BY ASD FOR SOLIC.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary responsibility within the Office of the Secretary of Defense for oversight of policies and programs for support authorized by this section.”.

(b) REPORTS.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section is further amended—

(1) in paragraph (1)—

(A) in the heading, by striking “CALENDAR YEAR” and inserting “FISCAL YEAR”;
(B) by striking “March 1 each year” and inserting “120 days after the end of the preceding fiscal year of each year”; and
(C) by striking “the preceding calendar year” and inserting “such preceding fiscal year”; and
(2) in paragraph (2)—
(A) in the heading, by striking “CALENDAR YEAR” and inserting “FISCAL YEAR”;
(B) by striking “September 1” and inserting “July 1”; and
(C) by striking “the calendar year” and inserting “the fiscal year”.

SEC. 1203. MODIFICATIONS OF CERTAIN AUTHORITY IN CONNECTION WITH REFORM OF DEFENSE SECURITY COOPERATION PROGRAMS AND ACTIVITIES.

(a) DEFENSE INSTITUTIONAL CAPACITY BUILDING OF FOREIGN COUNTRIES.—Section 332 of title 10, United States Code, is amended—
(1) in subsection (a), by inserting “members of the armed forces and” before “civilian employees” in the matter preceding paragraph (1);
(2) in subsection (b)(2)(B)—
(A) by striking “employees” both place it appears and inserting “advisors”; and
(B) by striking “employee’s” and inserting “advisor’s”; and
(3) in subsection (c)—
(A) by inserting “member of the armed forces or” before “civilian employee of the Department of Defense” in the matter preceding paragraph (1);
(B) in paragraph (1), by striking “employee as an”; and
(C) in paragraph (3), by striking “the employee” and inserting “the advisor”.

(b) DEFENSE INSTITUTIONAL CAPACITY BUILDING OF FOREIGN FORCES.—Section 333(c)(4) of such title is amended by striking “the Department” and inserting “the Department of Defense or another department or agency of the United States Government”.

SEC. 1204. GLOBAL SECURITY CONTINGENCY FUND MATTERS.

(a) TWO-YEAR EXTENSION OF AUTHORITY.—Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note) is amended—
(1) in subsection (i), by striking “September 30, 2017” and inserting “September 30, 2019”; and
(2) in subsection (p)—

(A) by striking “September 30, 2017” and inserting “September 30, 2019”; and

(B) by striking “through 2017” and inserting “through 2019”.

(b) PURPOSES OF FUND.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “; or other national security forces that conduct border and maritime security, internal defense, and counterterrorism operations” and inserting “or other national security forces”;

(B) in subparagraph (A), by striking “or” at the end;

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

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

“(C) provide support to civil or national security authorities in connection with humanitarian assistance (including demining), disaster response, and disaster risk reduction activities.”;

and
(2) in paragraph (2), by striking “rule of law programs,” and all that follows and inserting “rule of law programs and stabilization efforts in a country.”.

(c) NOTICE TO CONGRESS ON INITIATION OF ASSISTANCE.—Subsection (l) of such section is amended by striking “30 days” and inserting “15 days”.

SEC. 1205. DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES.

(a) IN GENERAL.—The Secretary of Defense may operate an institute to be known as the “Defense Institute of International Legal Studies” (in this section referred to as the “Institute”) in accordance with this section for purposes in furtherance of United States security and foreign policy objectives of—

(1) promoting an understanding of and appreciation for the rule of law; and

(2) encouraging the international development of internal capacities of foreign governments for civilian control of the military, military justice, the legal aspects of peacekeeping, good governance and anti-corruption in defense reform, and human rights.

(b) ACTIVITIES.—In carrying out the purposes specified in subsection (a), the Institute may conduct activities as follows:
(1) Research, communication, and exchange of ideas.

(2) Education and training involving military and civilian personnel, both within and outside the United States.

(3) Building the legal capacity of foreign military and other security forces, including equitable, transparent, and accountable defense institutions, civilian control of the military, human rights, and democratic governance.

(4) Institutional legal capacity building of foreign defense and security institutions.

(c) CONCURRENCE OF SECRETARY OF STATE.—The concurrence of the Secretary of State is required to conduct activities specified in subsection (b).

(d) DEPARTMENT OF DEFENSE REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive review of the mission, workforce, funding, and other support of the Institute.

(2) ELEMENTS.—The review shall include, but not be limited to, the following:

(A) An assessment of the scope of the mission of the Institute, taking into account the increasing security cooperation authorities and requirements of the Department of Defense, includ-
ing core rule of law training in the United States and abroad, defense legal institution building, and statutorily required human rights and legal capacity building of foreign security forces.

(B) An assessment of the workforce of the Institute, including whether it is appropriately sized to align with the full scope of the mission of the Institute.

(C) A review of the funding mechanisms for the activities of the Institute, including the current mechanisms for reimbursing the Institute by the Department of State and by the Department of Defense through the budget of the Defense Security Cooperation Agency.

(D) An evaluation of the feasibility and advisability of the provision of funds appropriated for the Department of Defense directly to the Institute, and the actions, if any, required to authorize the Institute to receive such funds directly.

(E) A description of the challenges, if any, of the Institute to increase its capacity to provide residence courses to meet demands for training and assistance.
(F) An assessment of the capacity of the Department of Defense to assess, monitor, and evaluate the effectiveness of the human rights training and other activities of the Institute.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report summarizing the findings of the review and any recommendations for enhancing the capability of the Institute to fulfill its mission that the Secretary considers appropriate.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM AND RELATED AUTHORITIES.

(a) CERP.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2477), is further amended—

(1) in subsection (a), by striking “December 31, 2018” and inserting “December 31, 2019”;

† HR 2810 PAP
(2) in subsection (b), by striking “fiscal year 2017 and fiscal year 2018” and inserting “each of fiscal years 2017, 2018, and 2019”; and

(3) in subsection (f), by striking “December 31, 2018” and inserting “December 31, 2019”.

(b) PAYMENTS FOR REDRESS OF CERTAIN INJURIES.—Section 1211(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (130 Stat. 2478) is amended by striking “December 31, 2018” and inserting “December 31, 2019”.

SEC. 1212. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.


(b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking “December 31, 2017” each place it appears and inserting “December 31, 2018”.

† HR 2810 PAP
SEC. 1213. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) Extension.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1218 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is further amended by striking “the period beginning on October 1, 2016, and ending on December 31, 2017,” and inserting “fiscal year 2018,”.

(b) Limitations on Amounts Available.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) in the first sentence, by striking “during the period beginning on October 1, 2016, and ending on December 31, 2017, may not exceed $1,100,000,000” and inserting “during fiscal year 2018 may not exceed $900,000,000”; and

(2) in the second sentence, by striking “the period beginning on October 1, 2016 and ending on December 31, 2017, may not exceed $900,000,000” and inserting “during fiscal year 2018 may not exceed $700,000,000”.

† HR 2810 PAP
(c) Extension of Reporting Requirement on Reimbursement of Pakistan for Security Enhancement Activities.—Subsection (e)(2) of such section, as added by section 1218 of the National Defense Authorization Act for Fiscal Year 2017, is amended by inserting “and annually thereafter,” after “December 31, 2017.”


(e) Extension of Limitation on Reimbursement of Pakistan Pending Certification on Pakistan.—Section 1227(d)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2001), as most recently amended by section 1218(f) of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking “for any period prior to December 31, 2017” and inserting “for fiscal year 2018 and any prior fiscal year”.

(f) Additional Limitation on Reimbursement of Pakistan Pending Certification on Pakistan.—Of the
total amount of reimbursements and support authorized for Pakistan during fiscal year 2018 pursuant to the second sentence of section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as amended by subsection (b)(2)), $350,000,000 shall not be eligible for the waiver under section 1227(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 2001) unless the Secretary of Defense certifies to the congressional defense committees that—

(1) Pakistan continues to conduct military operations that are contributing to significantly disrupting the safe havens, fundraising and recruiting efforts, and freedom of movement of the Haqqani Network and Lashkar-e-Tayyiba in Pakistan;

(2) Pakistan has taken steps to demonstrate its commitment to prevent the Haqqani Network and Lashkar-e-Tayyiba from using any Pakistan territory as a safe haven and for fundraising and recruiting efforts;

(3) the Government of Pakistan is making an attempt to actively coordinate with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network and Lashkar-e-Tayyiba, along the Afghanistan-Pakistan border; and
(4) Pakistan has shown progress in arresting and prosecuting senior leaders and mid-level operatives of the Haqqani Network and Lashkar-e-Tayyiba.

SEC. 1214. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2478), is further amended by striking “December 31, 2018” and inserting “December 31, 2019”.

SEC. 1215. EXTENSION OF SEMIANNUAL REPORT ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.


† HR 2810 PAP
SEC. 1216. SENSE OF CONGRESS REGARDING THE AFGHAN
SPECIAL IMMIGRANT VISA PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The Armed Forces, the Department of State, the United States Agency for International Development, and other agencies and departments of the United States rely on the services of Afghan nationals in a variety of sensitive and trusted capacities to support the operations of the United States Government in Afghanistan.

(2) Afghans who have supported the United States Government in Afghanistan face grave threats from the Taliban and other terrorist groups as a result of their service.

(3) Commander of the United States Central Command, General Joseph L. Votel, warned in a June 14, 2017, letter that “curtailing or abandoning” the special immigrant visa program for Afghans carried out under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) “would risk significantly undermining years of progress and goodwill and could serve to tip the balance in favor of malign actors”.

(4) Commander of Resolute Support and United States Forces-Afghanistan, General John W. Nicholson Jr., warned in a June 12, 2017, letter that if such
program “is not fully resourced it could significantly undermine our credibility and the 16 years of tremendous sacrifice by thousands of Afghans on behalf of Americans and Coalition partners”.

(5) All visas allocated for such program are projected to be exhausted and all visa issuances for principal applicants will cease in October 2017, if additional visas are not authorized.

(6) The cessation of the issuance of special immigrant visas for Afghans is likely to cause panic among the Afghans who are assisting the United States, often at great personal risk, and could significantly affect the operations of the United States Government in Afghanistan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that an additional 4,000 visas should be made available for principal aliens who are eligible for special immigrant status under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) to prevent harm to the operations of the United States Government in Afghanistan.

SEC. 1217. SPECIAL IMMIGRANT VISAS FOR AFGHAN ALLIES.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended in the matter preceding clause (i), by striking “11,000” and inserting “15,000”.

† HR 2810 PAP
Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1231. MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) CLARIFICATION OF CONSTRUCTION AUTHORITY.—

(1) CLARIFICATION.—Subsection (a) of section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2485), is further amended by striking “facility and infrastructure repair and renovation,” and inserting “infrastructure repair and renovation, small-scale construction of temporary facilities necessary to meet urgent operational or force protection requirements with a cost less than $4,000,000,”.

(2) ADDITIONAL LIMITATIONS AND REQUIREMENTS.—Such section 1236 is further amended by adding at the end the following new subsections:

“(m) LIMITATION ON AGGREGATE COST OF CONSTRUCTION, REPAIR, AND RENOVATION PROJECTS.—The aggregate amount of construction, repair, and renovation
projects carried out under this section in any fiscal year may not exceed $30,000,000.

“(n) APPROVAL AND NOTICE BEFORE CERTAIN CONSTRUCTION, REPAIR, AND RENOVATION PROJECTS.—

“(1) APPROVAL.—A construction, repair, or renovation project costing more than $1,000,000 may not be carried out under this section unless approved in advance by the Commander of the United States Central Command.

“(2) NOTICE.—When a decision is made to carry out a construction, repair, or renovation project to which paragraph (1) applies, the Commander of the United States Central Command shall notify in writing the appropriate committees of Congress of that decision, including the justification for the project and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.”.

(3) ELEMENT IN QUARTERLY REPORTS ON CONSTRUCTION, REPAIR, AND RENOVATION.—Paragraph
(8) of subsection (d) of such section 1236 is amended to read as follows:

“(8) A list of new projects for construction, repair, or renovation commenced during the period covered by such progress report, and a list of projects for construction, repair, or renovation continuing from the period covered by the preceding progress report.”.

(b) FUNDING.—Subsection (g) of such section 1236, as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2017, is further amended—


(2) by striking “$630,000,000” and inserting “$1,269,000,000”.

(c) NAME OF ISLAMIC STATE OR IRAQ AND SYRIA.—

(1) IN GENERAL.—Such section 1236 is further amended—

(A) in subsection (a)(1)—

(i) by striking “the Levant” and inserting “Syria”; and
(ii) by striking “ISIL” each place it appears and inserting “ISIS”; and

(B) in subsection (l)—

(i) in paragraph (1)(B)(i), by striking “the Levant (ISIL)” and inserting “Syria (ISIS)”;

(ii) in paragraph (2)(A), by striking “ISIL” and inserting “ISIS”.

(2) Heading Amendment.—The heading of such section 1236 is amended to read as follows:

“SEC. 1236. AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.”.

SEC. 1232. MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.

(a) Nature of Assistance.—Subsection (a) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), as amended by section 1221(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2485), is further amended in the matter preceding paragraph (1) by striking “construction of training and associated facilities” and inserting “construction and repair of
training and associated facilities or other facilities necessary to meet urgent military operational requirements of a temporary nature with a cost less than $4,000,000”.

(b) Scope of Element on Construction Projects in Quarterly Progress Reports.—Subsection (d)(9) of such section 1209 is amended by inserting before the semicolon the following: “, including new construction or repair commenced during the period covered by such progress report and construction and repair continuing from the period covered by the preceding progress report”.

(c) Notice on New Initiatives.—

(1) In General.—Subsection (f) of such section 1209, as most recently amended by section 1221(b) of the National Defense Authorization Act for Fiscal Year 2017, is further amended to read as follows:

“(f) Notice to Congress Before Initiation of New Initiatives.—Not later than 30 days before initiating a new initiative under subsection (a), the Secretary of Defense shall submit to the appropriate congressional committees a notice setting forth the following:

“(1) The initiative to be carried out, including a detailed description of the assistance provided.

“(2) The budget, implementation timeline and anticipated delivery schedule for the assistance to which the initiative relates, the military department
responsible for management and the associated pro-
gram executive office, and the completion date for the
initiative.

“(3) The amount, source, and planned expendi-
ture of funds to carry out the initiative.

“(4) Any financial or other support for the initi-
ation provided by foreign governments.

“(5) Any other information with respect to the
initiative that the Secretary considers appropriate.”.

(2) EFFECTIVE DATE.—The amendment made by
paragraph (1) shall take effect on the date of the en-
actment of this Act, and shall apply with respect to
new initiatives initiated under section 1209 of the
Carl Levin and Howard P. “Buck” McKeon National
Defense Authorization Act for Fiscal Year 2015 on or
after the date that is 30 days after the date of the en-
actment of this Act.

(d) LIMITATION ON AGGREGATE COST OF CONSTRUC-
TION AND REPAIR PROJECTS.—Such section 1209 is further
amended by adding at the end the following new subsection:

“(l) LIMITATION ON AGGREGATE COST OF CONSTRUC-
TION AND REPAIR PROJECTS.—The aggregate amount of
construction and repair projects carried out under this sec-
tion in any fiscal year may not exceed $10,000,000.”.
(e) Approval and Notice Before Certain Construction and Repair Projects.—Such section 1209 is further amended by adding at the end the following new subsection:

“(m) Approval and Notice Before Certain Construction and Repair Projects.—

“(1) Approval.—A construction or repair project costing more than $1,000,000 may not be carried out under this section unless approved in advance by the Commander of the United States Central Command.

“(2) Notice.—When a decision is made to carry out a construction or repair project to which paragraph (1) applies, the Commander of the United States Central Command shall notify in writing the appropriate committees of Congress of that decision, including the justification for the project and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.”.
SEC. 1233. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) EXTENSION OF AUTHORITY.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking “fiscal year 2017” and inserting “fiscal year 2018”.

(b) AMOUNT AVAILABLE.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (c), by striking “fiscal year 2017 may not exceed $70,000,000” and inserting “fiscal year 2018 may not exceed $42,000,000”; and

(B) in subsection (d), by striking “fiscal year 2017” and inserting “fiscal year 2018”.

(2) LIMITATION OF USE OF FY18 FUNDS PENDING PLAN.—Of the amount available for fiscal year 2018 for section 1215 of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, not more than 50 percent may be obligated or expended until 30 days after the date on which the plan required by the joint explanatory statement to accompany the conference report on S.2943 of the 114th Congress, the National Defense Authorization Act for
Fiscal Year 2017, and entitled “to transition the activities conducted by OSC-I but funded by the Department of Defense to another entity or transition the funding of such activities to another source” is provided to the appropriate committees of Congress.

(c) Clarification of OSC–I Mandate and Expansion of Eligible Recipients.—Subsection (f) of such section is further amended—

(1) in paragraph (1), by striking “training activities in support of Iraqi Ministry of Defense and Counter Terrorism Service personnel” and all that follows and inserting “activities to support the following:

“(A) Defense institution building to mitigate capability gaps and promote effective and sustainable defense institutions.

“(B) Professionalization, strategic planning and reform, financial management, manpower management, and logistics management of military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces or other local security forces with a national security mission, at a base or facility of the Government of Iraq.”; and

(2) in paragraph (2)—
(A) in the heading, by striking “OF TRAINING”; and
(B) by striking “training” and inserting “activities of the Office of Security Cooperation in Iraq”.

SEC. 1234. MODIFICATION AND ADDITIONAL ELEMENTS IN ANNUAL REPORT ON THE MILITARY POWER OF IRAN.

(a) IN GENERAL.—Section 1245(b) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 113 note) is amended—

(1) in paragraph (5)—

(A) by inserting “and from” after “transfers to”;
(B) by striking “from non-Iranian sources” and inserting “from or to non-Iranian sources or destinations”; and
(C) by inserting before the period at the end the following: “, including transfers that pertain to nuclear development, ballistic missiles, and chemical, biological, and advanced conventional weapons, weapon systems, and delivery vehicles”; and

(2) by adding at the end the following new paragraphs:
“(6) An assessment of the use of civilian transportation infrastructure and assets, including sea-ports, airports, and commercial vessels and aircraft, used to transport illicit military cargo to or from Iran, including military personnel, military goods, and related components.

“(7) An assessment of military-to-military cooperation between Iran and foreign counties, including Cuba, North Korea, Pakistan, Sudan, Syria, Venezuela, and any other country designated by the Secretary of Defense with additional reference to cooperation and collaboration on the development of nuclear, biological, chemical, and advanced conventional weapons, weapon systems, and delivery vehicles.”.

(b) 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 required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 after that date.
Subtitle D—Matters Relating to the Russian Federation

SEC. 1241. EXTENSION OF LIMITATION ON MILITARY CO-OPÉRATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) in subsection (a)—

(A) by inserting “or 2018” after “fiscal year 2017”; and

(B) by inserting “in the fiscal year concerned” after “may be used”; and

(2) in subsection (c), by inserting “with respect to funds for a fiscal year” after “the limitation in subsection (a)”.

SEC. 1242. EXTENSION OF LIMITATION ON AVAILABILITY OF FUNDS RELATING TO ACTIVITIES TO RECOGNIZE THE SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) in subsection (a), by inserting “or 2018” after “fiscal year 2017”; and
(2) in subsection (b), by inserting “for a fiscal year” after “expenditure of funds”.

SEC. 1243. EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.


(b) Funding for Fiscal Year 2018.—Subsection (f) of such section 1250, as added by subsection (a) of such section 1237, is further amended by adding at the end the following new paragraph:

“(3) For fiscal year 2018, $500,000,000.”.

(c) Availability of Funds.—Subsection (c) of such section 1250, as amended by subsection (c) of such section 1237, is further amended—

(1) in paragraph (1), by inserting after “pursuant to subsection (f)(2)” the following: “, or more than $250,000,000 of the funds available for fiscal year 2018 pursuant to subsection (f)(3),”;
(2) in paragraph (2), by inserting “with respect to the fiscal year concerned” after “is a certification”; and

(3) in paragraph (3)—

(A) by inserting “or 2018” after “in fiscal year 2017”; and

(B) by striking “in paragraph (2), such funds may be used in that fiscal year” and inserting “in paragraph (2) with respect to such fiscal year, such funds may be used in such fiscal year”.

SEC. 1244. EXTENSION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) EXTENSION.—Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2282 note) is amended—

(1) by striking “September 30, 2018” and inserting “December 31, 2020”; and

(2) by striking “fiscal years 2016 through 2018” and inserting “fiscal year 2016 through calendar year 2020”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—
(1) by striking “military” each place it appears and inserting “security”; 
(2) in subsection (e), by striking “that” and inserting “than”; and 
(3) in subsection (f), by striking “section 2282” and inserting “chapter 16”.

SEC. 1245. SECURITY ASSISTANCE FOR BALTIC NATIONS FOR JOINT PROGRAM FOR RESILIENCY AND DETERRENCE AGAINST AGGRESSION.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct or support a joint program of the Baltic nations to improve their resilience against and build their capacity to deter aggression by the Russian Federation.

(b) JOINT PROGRAM.—For purposes of subsection (a), a joint program of the Baltic nations may be either of the following:

(1) A program jointly agreed by the Baltic nations that builds interoperability among those countries.

(2) An agreement for the joint procurement by the Baltic nations of defense articles or services using assistance provided pursuant to subsection (a).

(c) PARTICIPATION OF OTHER COUNTRIES.—Any country other than a Baltic nation may participate in the
joint program described in subsection (a), but only using funds of such country.

(d) LIMITATION ON AMOUNT.—The total amount of assistance provided pursuant to subsection (a) in fiscal year 2018 may not exceed $100,000,000.

(e) FUNDING.—Amounts for assistance provided pursuant to subsection (a) shall be derived from amounts authorized to be appropriated by this Act and available for the European Deterrence Initiative (EDI).

(f) BALTIC NATIONS DEFINED.—In this section, the term “Baltic nations” means the following:

(1) Estonia.

(2) Latvia.

(3) Lithuania.

SEC. 1246. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1245(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as most recently amended by section 1235(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2490), is further amended—
(1) by redesignating paragraphs (14) through (20) as paragraphs (15) through (21), respectively; and

(2) by inserting after paragraph (13) the following new paragraph (14):

“(14) An assessment of Russia’s hybrid warfare strategy and capabilities, including—

“(A) Russia’s information warfare strategy and capabilities, including the use of misinformation, disinformation, and propaganda in social and traditional media;

“(B) Russia’s financing of political parties, think tanks, media organizations, and academic institutions;

“(C) Russia’s malicious cyber activities;

“(D) Russia’s use of coercive economic tools, including sanctions, market access, and differential pricing, especially in energy exports; and

“(E) Russia’s use of criminal networks and corruption to achieve political objectives.”.
SEC. 1247. ANNUAL REPORT ON ATTEMPTS OF THE RUSSIAN FEDERATION TO PROVIDE DISINFORMATION AND PROPAGANDA TO MEMBERS OF THE ARMED FORCES BY SOCIAL MEDIA.

(a) ANNUAL REPORT REQUIRED.—Not later than March 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on attempts by the Russian Federation, or any foreign person acting as an agent of or on behalf of the Russian Federation, during the preceding year to knowingly disseminate Russian Federation-supported disinformation or propaganda, through social media applications or related Internet-based means, to members of the Armed Forces with probable intent to cause injury to the United States or advantage the Government of the Russian Federation.

(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. SUPPORT OF EUROPEAN DETERRENCE INITIATIVE TO DETER RUSSIAN AGGRESSION.

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

(1) Military exercises, such as Exercise Nifty Nugget and Exercise Reforger during the Cold War, have historically made important contributions to testing operational concepts, technologies, and leader-
ship approaches; identifying limiting factors in the execution of operational plans and appropriate corrective action; and bolstering deterrence against adversaries by demonstrating United States military capabilities.

(2) Military exercises with North Atlantic Treaty Organization (NATO) allies enhance the interoperability and strategic credibility of the alliance.

(3) The increase in conventional, nuclear, and hybrid threats by the Russian Federation against the security interests of the United States and allies in Europe requires substantial and sustained investment to improve United States combat capability in Europe.

(4) The decline of a permanent United States military presence in Europe in recent years increases the likelihood the United States will rely on being able to flow forces from the continental United States to the European theater in the event of a major contingency.

(5) Senior military leaders, including the Commander of United States Transportation Command, have warned that a variety of increasingly advanced capabilities, especially the proliferation of anti-access, area denial (A2/AD) capabilities, have given adver-
saries of the United States the ability to challenge the
freedom of movement of the United States military in
all domains from force deployment to employment to
disrupt, delay, or deny operations.

(b) Sense of Congress.—It is the sense of Congress
that, to enhance the European Deterrence Initiative and
bolster deterrence against Russian aggression, the United
States, together with North Atlantic Treaty Organization
allies and other European partners, should demonstrate its
resolve and ability to meet its commitments under Article
V of the North Atlantic Treaty through appropriate mili-
tary exercises with an emphasis on participation of United
States forces based in the continental United States and
testing strategic and operational logistics and transpor-
tation capabilities.

(c) Report.—

(1) In general.—Not later than March 1, 2018,
the Secretary of Defense shall submit to the congres-
sional defense committees a report setting forth the
following:

(A) An analysis of the challenges to the
ability of the United States to flow significant
forces from the continental United States to the
European theater in the event of a major contin-
gency.
(B) The plans of the Department of Defense, including the conduct of military exercises, to address such challenges.

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

SEC. 1249. SENSE OF CONGRESS ON THE EUROPEAN DETERRENCE INITIATIVE.

It is the sense of Congress that—

(1) the European Deterrence Initiative will bolster efforts to deter further Russian aggression by providing resources to—

(A) train and equip the military forces of North Atlantic Treaty Organization (NATO) and non-North Atlantic Treaty Organization partners in order to improve responsiveness, expand expeditionary capability, and strengthen combat effectiveness across the spectrum of security environments;

(B) enhance the indications and warning, interoperability, and logistics capabilities of Allied and partner military forces to increase their ability to respond to external aggression, defend sovereignty and territorial integrity, and preserve regional stability;
(C) improve the agility and flexibility of military forces required to address threats across the full spectrum of domains and effectively operate in a wide array of coalition operations across diverse global environments from North Africa and the Middle East to Eastern Europe and the Arctic; and

(D) mitigate potential gaps forming in the areas of information warfare, Anti-Access Area Denial, and force projection;

(2) investments that support the security and stability of Europe, and that assist European nations in further developing their security capabilities, are in the long-term vital national security interests of the United States; and

(3) funds for such efforts should be authorized and appropriated in the base budget of the Department of Defense in order to ensure continued and planned funding to address long-term stability in Europe, reassure the European allies and partners of the United States, and deter further Russian aggression.

SEC. 1250. ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250(b) of National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 126 Stat. 1068),
as amended by section 1237(b) of the National Defense Au-
thorization Act for Fiscal Year 2017 (Public Law 114–328;
130 Stat. 2495), is further amended by adding at the end
the following new paragraph:

“(12) Treatment of wounded Ukraine soldiers in
the United States in medical treatment facilities
through the Secretarial Designee Program, and trans-
portation, lodging, meals, and other appropriate non-
medical support in connection with such treatment
(including incidental expenses in connection with
such support).”.

SEC. 1251. SENSE OF CONGRESS ON THE IMPORTANCE OF
THE NORTH ATLANTIC TREATY ORGANIZA-
TION INTELLIGENCE FUSION CENTER.

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

(1) The North Atlantic Treaty Organization
(NATO) Intelligence Fusion Center provides a crucial
contribution to the North Atlantic Treaty Organiza-
tion alliance and the national security of the United
States.

(2) The fast-paced evolution of the security situa-
tion throughout Europe and its periphery, as well as
a marked increase in conventional, nuclear, and hy-
brid threats from the Russian Federation, require op-
timized efforts to track and attribute critical threats
to the security and stability of Europe and United States national security interests.

(3) The ability of the North Atlantic Treaty Organization Intelligence Fusion Center to leverage strategic intelligence partnerships with the United States and other allies facilitates daily and direct collaboration that provides operational advantages and efficiencies needed to ensure the rapid and proper response by the North Atlantic Treaty Organization to Russian aggression in the conventional, nuclear, and hybrid domains.

(4) The collocation of the North Atlantic Treaty Organization Intelligence Fusion Center with the Joint Intelligence Analysis Complex of the United States European Command facilitates the sharing and fusion of intelligence, contributes to filling intelligence gaps within both the North Atlantic Treaty Organization and the United States European Command, and supports a common intelligence picture for the North Atlantic Council, which is essential to establishing political consensus on evaluating, analyzing, and attributing existing and emerging threats.

(5) The North Atlantic Treaty Organization Intelligence Fusion Center and its collocation with the Joint Intelligence Analysis Complex contribute sig-
significantly to providing the North Atlantic Treaty Organization alliance and the United States European Command timely and effective indications and warnings of threats emanating from within and around Europe.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the collocation of the North Atlantic Treaty Organization Intelligence Fusion Center with the Joint Intelligence Analysis Complex of the United States European Command provides the optimal solution to intelligence and operational requirements, while fostering critical diplomatic relationships, and is the most efficient configuration of the intelligence enterprise.

Subtitle E—Matters Relating to the Asia-Pacific Region

SEC. 1261. ASIA-PACIFIC STABILITY INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense may carry out a program of activities described in subsection (b) for the purpose of enhancing stability in the Asia-Pacific region. The program of activities shall be known as the “Asia-Pacific Stability Initiative”.

(b) ACTIVITIES.—The activities described in this subsection are the following:
(1) Activities to increase the presence and enhance the posture of the United States Armed Forces in the Asia-Pacific region.

(2) Bilateral and multilateral military training and exercises with allies and partner nations in the Asia-Pacific region.

(3) Activities to improve military and defense infrastructure in the Asia-Pacific region in order to enhance the responsiveness and capabilities of the United States Armed Forces in that region.

(4) Activities to enhance the storage and pre-positioning in the Asia-Pacific region of equipment of the United States Armed Forces.

(5) Activities to build the defense and security capacity of the United States Armed Forces in the Asia-Pacific region and, using the authorities specified in subsection (c), the defense and security capacity of allies and partner nations in that region.

(c) ACTIVITIES TO BUILD DEFENSE AND SECURITY CAPACITY OF ALLIES AND PARTNER NATIONS.—The activities to build the defense and security capacity of allies and partner nations in the Asia-Pacific region described in subsection (b)(5) may include activities under the authorities of the Department of Defense as follows:
(1) Section 2282 of title 10, United States Code, or section 333 of such title (its successor section), relating to authority to build the capacity of foreign security forces.

(2) Section 332 of title 10, United States Code, relating to defense institution capacity building for friendly foreign countries and international and regional organizations.


(5) Any other authority available to the Secretary of Defense for the purpose of building the defense and security capacity of allies and partner nations in the Asia-Pacific region.

(d) TRANSFER REQUIREMENTS.—

(1) USE OF FUNDS ONLY PURSUANT TO TRANSFER.—Funds available for the Asia-Pacific Stability
Initiative may be used for activities described in subsections (b) and (c) only pursuant to a transfer of such funds to or among either or both of the following accounts of the Department of Defense:

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(2) Effect on Authorization Amounts.—The transfer of an amount available for the Asia-Pacific Stability Initiative to an account under the authority provided by paragraph (1) in a fiscal year shall be deemed to increase the amount authorized for such account for such fiscal year by an amount equal to the amount transferred.

(3) Construction with Other Transfer Authority.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense by law.

(e) Notification Requirements.—Not later than 15 days before that date on which a transfer of funds under subsection (d) takes effect, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives in writing of the transfer. Each notice of a transfer of funds shall include the following:
(1) A detailed description of the project or activity to be supported by the transfer of funds, including any request of the Commander of the United States Pacific Command for support, urgent operational need, or emergent operational need to be satisfied by the project or activity.

(2) The amount to be transferred and expended on the project or activity.

(3) A timeline for expenditure of the transferred funds.

(f) FUNDING.—Amounts for the Asia-Pacific Stability Initiative shall be derived from amounts authorized to be appropriated for fiscal year 2018 for the Department of Defense for operation and maintenance by section 301 and available for the Asia-Pacific Stability Initiative as specified in the funding table in section 4301.

(g) DURATION OF TRANSFER AUTHORITY.—The authority in subsection (d) to transfer funds expires September 30, 2019.

(h) ASIA-PACIFIC REGION DEFINED.—In this section, the term “Asia-Pacific region” means the region that falls under the responsibility and jurisdiction of United States Pacific Command.
SEC. 1262. EXPANSION OF MILITARY-TO-MILITARY ENGAGEMENT WITH THE GOVERNMENT OF BURMA.

Section 1253(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3571; 22 U.S.C. 2151 note) is amended by adding at the end the following new paragraphs:

“(6) Courses or workshops to improve the Burmese military’s—

“(A) understanding of regional and global security issues; and

“(B) ability to adhere to international training standards.

“(7) Consultation, education, and training on maritime domain awareness.

“(8) Consultation, education, and training on peacekeeping operations.

“(9) Courses or workshops on combating illegal trafficking and migration.”.

SEC. 1263. AGREEMENT SUPPLEMENTAL TO COMPACT OF FREE ASSOCIATION WITH PALAU.

(a) Approval of Agreement Supplemental to Compact.—The Compact Review Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010, in connection with section 432 of the Compact of Free Association with Palau (Public Law
99–658; 48 U.S.C. 1931 note), with the funding schedule therein to be modified by the parties to the Agreement as necessary and appropriate, are approved (hereinafter the “Agreement”).

(b) Status of Prior Year Payments.—Amounts provided to the Government of Palau by the Government of the United States in fiscal years 2011 through 2017 shall also be considered as funding to implement the Agreement.


SEC. 1264. WORKFORCE ISSUES FOR RELOCATION OF MARINES TO GUAM.


(1) by inserting “and the Secretary of Veterans Affairs” after “the Secretary of Labor” each place it appears; and

(2) in the last sentence, by striking “determines” and inserting “determine”.
(b) Amendment to Joint Resolution Approving the Covenant Establishing Commonwealth of the Northern Mariana Islands.—Section 6(b) of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America’, and for other purposes”, approved March 24, 1976 (48 U.S.C. 1806(b)) is amended to read as follows:

“(b) Numerical Limitations for Nonimmigrant Workers.—

“(1) In general.—An alien, if otherwise qualified, may, before December 31, 2023, seek admission to Guam as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). The numerical limitation of such aliens may not exceed 4,000 for any fiscal year. An alien, if otherwise qualified, may, before December 31, 2023, be admitted under section 101(a)(15)(H)(ii)(b) of such Act for a period of up to 3 years to perform services or labor on Guam pursuant to any agreement entered into by a prime contractor or subcontractor calling for services or labor required for performance of the contract or sub-

† HR 2810 PAP
contract in direct support of all military-funded construc-
tion, repairs, renovation, and facilities services
necessary to enable the Marine Corps realignment in
the Pacific, notwithstanding the requirement of such
section that the service or labor be temporary. This
subsection does not apply to any employment to be
performed outside of Guam or the Commonwealth.

“(2) Applicability of certain require-
ments.—The requirements of section 2824(c) of the
Military Construction Act for Fiscal Year 2009 (divi-
sion B of Public Law 110–417; 10 U.S.C. note) shall
apply to this subsection.”.

(c) Effective Date.—The amendment made by sub-
section (b) shall take effect on the date that is 120 days
after the date of enactment of this Act.

SEC. 1265. UNITED STATES POLICY WITH RESPECT TO
FREEDOM OF NAVIGATION OPERATIONS AND
OVERFLIGHT BEYOND THE TERRITORIAL
SEAS.

(a) Findings.—Congress makes the following findings:

(1) Since the Declaration of Independence in
1776, which was inspired in part as a response to a
“tyrant” who “plundered our seas, ravaged our
Coasts” and who wrote laws “for cutting off our
Trade with all parts of the world”, freedom of seas
and promotion of international commerce have been core security interests of the United States.

(2) Article I, section 8 of the Constitution of the United States establishes enumerated powers for Congress, which include regulating commerce with foreign nations, punishing piracies and felonies committed on the high seas and offenses against the law of nations, and providing and maintaining a Navy.

(3) For centuries, the United States has maintained a commitment to ensuring the right to freedom of navigation for all law-abiding parties in every region of the world.

(4) In support of international law, the longstanding United States commitment to freedom of navigation and ensuring the free access to sea lanes to promote global commerce remains a core security interest of the United States.

(5) This is particularly true in areas of the world that are critical transportation corridors and key routes for global commerce, such as the South China Sea and the East China Sea, through which a significant portion of global commerce transits.

(6) The consistent exercise of freedom of navigation operations and overflights by United States naval and air forces throughout the world plays a
critical role in safeguarding the freedom of the seas for all lawful nations, supporting international law, and ensuring the continued safe passage and promotion of global commerce and trade.

(b) DECLARATION OF POLICY.—It is the policy of the United States to fly, sail, and operate throughout the oceans, seas, and airspace of the world wherever international law allows.

(c) IMPLEMENTATION OF POLICY.—In furtherance of the policy set forth in subsection (b), the Secretary of Defense shall—

(1) plan and execute a robust series of routine and regular naval presence missions and freedom of navigation operations (FONOPs) throughout the world, including for critical transportation corridors and key routes for global commerce;

(2) execute, in such critical transportation corridors, routine and regular naval presence missions and maritime freedom of navigation operations throughout the year;

(3) in addition to the operations executed pursuant to paragraph (2), execute routine and regular maritime freedom of navigation operations throughout the year, in accordance with international law,
including the use of expanded military options and maneuvers beyond innocent passage; and

(4) to the maximum extent practicable, execute freedom of navigation operations pursuant to this subsection with regional partner countries and allies of the United States.

SEC. 1266. SENSE OF CONGRESS ON THE IMPORTANCE OF THE RULE OF LAW IN THE SOUTH CHINA SEA.

It is the sense of Congress that—

(1) the South China Sea is a vitally important waterway for global commerce and for regional security, with almost 30 percent of the maritime trade of the world transiting the South China Sea annually;

(2) the People’s Republic of China is undermining regional security and prosperity and challenging international rules and norms by engaging in coercive activities and attempting to limit lawful foreign operations in the South China Sea;

(3) a tribunal determined “that China had violated the Philippines’ sovereign rights in its exclusive economic zone by (a) interfering with Philippine fishing and petroleum exploration, (b) constructing artificial islands and (c) failing to prevent Chinese fishermen from fishing in the zone,” and that “Chinese law enforcement vessels had unlawfully created a seri-
ous risk of collision when they physically obstructed Philippine vessels”;

(4) the arbitral tribunal award of July 2016 stated that there is “no legal basis for China to claim historic rights to resources within the sea areas falling within the nine-dash line”; and

(5) the United States should play a vital role in securing the South China Sea and ensuring freedom of navigation and overflight for all countries by undertaking freedom of navigation operations on a regular and consistent basis, as well as maintaining persistent presence operations in the region.

SEC. 1267. SENSE OF CONGRESS ON THE IMPORTANCE OF THE RELATIONSHIP BETWEEN THE UNITED STATES AND JAPAN.

It is the sense of Congress that—

(1) the United States and Japan are indispensable partners in tackling global challenges, and have pledged significant support for efforts to counter violent extremism (including the threat of the Islamic State), combat the proliferation of weapons of mass destruction, prevent piracy, and assist the victims of conflict and disaster worldwide;

(2) the security alliance between the United States and Japan has evolved considerably over many
decades and will continue to transform as a partnership, sharing greater responsibilities, dedicated to ensuring a secure and prosperous Asia-Pacific region and world;

(3) the alliance between the United States and Japan is essential for ensuring maritime security and freedom of navigation, commerce, and overflight in the waters of the East China Sea;

(4) Japan, a cornerstone of peace in the Asia-Pacific region, stands as a strong partner of the United States in efforts to uphold respect for the rule of law and to oppose the use of coercion, intimidation, or force to change the regional or global status quo, including in the East China Sea and the South China Sea, which are among the busiest waterways in the world;

(5) the United States and Japan are committed to working together towards a world in which the Democratic People’s Republic of Korea (DPRK) does not threaten global peace and security with its weapons of mass destruction and illicit activities, and in which it respects human rights and its people can live in freedom;

(6) the alliance between the United States and Japan should be strengthened to maintain peace and
stability in the Asia-Pacific region and beyond, to
confront emerging challenges, and to safeguard mar-
time security and ensure freedom of navigation, com-
merce, and overflight in the East China Sea and the
South China Sea;

(7) although the United States Government does
not take a position on sovereignty of the Senkaku Is-
lands, the United States acknowledges that the islands
are under the administration of Japan and opposes
any unilateral actions that would seek to undermine
their administration by Japan; and

(8) the unilateral actions of a third party will
not affect the United States acknowledgment of the
administration of Japan over the Senkaku Islands,
and the United States remains committed under the
Treaty of Mutual Cooperation and Security with
Japan to respond to any armed attack in the terri-
tories under the administration of Japan.

SEC. 1268. SENSE OF CONGRESS ON THE IMPORTANCE OF
THE UNITED STATES ALLIANCE WITH THE RE-
PUBLIC OF KOREA.

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

(1) The Government of North Korea has repeat-
edly violated its commitments to the complete,
verifiable, and irreversible dismantlement of its nuclear weapons programs.

(2) Based on its past actions, including the transfer of sensitive nuclear and missile technology to state sponsors of terrorism, North Korea poses a grave risk for the proliferation of nuclear weapons and other weapons of mass destruction.

(3) North Korea has—

(A) unilaterally withdrawn from the Korean War Armistice Agreement, done at Panmunjom, Korea, July 27, 1953; and

(B) committed provocations against South Korea—

(i) by sinking the warship Cheonan and killing 46 of her crew on March 26, 2010;

(ii) by shelling Yeonpyeong Island and killing 4 South Korea civilians on November 23, 2010; and

(iii) by its involvement in the “DarkSeoul” cyberattacks against the financial and communications interests of the Republic of Korea on March 20, 2013.
(4) North Korea maintains a system of brutal political prison camps that contain as many as 200,000 men, women, and children, who are—

(A) kept in atrocious living conditions with insufficient food, clothing, and medical care; and

(B) under constant fear of rape, torture, or arbitrary execution.

(5) The Government of North Korea has provided technical support and conducted destructive and coercive cyberattacks including against Sony Pictures Entertainment and other United States persons.

(6) The conduct of the Government of North Korea poses an imminent threat to—

(A) the security of the United States and its allies;

(B) the global economy;

(C) the safety of members of the United States Armed Forces;

(D) the integrity of the global financial system;

(E) the integrity of global nonproliferation programs; and

(F) the people of North Korea.
(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, in order to achieve the peaceful disarmament of North Korea, the United States should—

1. reaffirm the commitment of the United States to defending our allies in the region, including through the deployment of a Terminal High Altitude Area Defense (THAAD) battery to the Republic of Korea, and the commitment to provide extended deterrence, guaranteed by the full spectrum of United States defense capabilities, including conventional capabilities, missile defense, and the nuclear umbrella;

2. support ongoing efforts to strengthen the alliance between the United States and the Republic of Korea alliance, to protect the 28,500 members of the United States Armed Forces stationed on the Korean Peninsula, and to defend the alliance against any and all provocations committed by the North Korea regime; and

3. support efforts to deepen trilateral coordination and cooperation between the United States, the Republic of Korea, and Japan, to address the grave and growing threat of the ballistic missiles and nuclear weapons programs of North Korea.
SEC. 1269. SENSE OF CONGRESS ON EXTENDED DETERRENCE FOR THE KOREAN PENINSULA AND JAPAN.

It is the sense of Congress that—

(1) the nuclear and missile program of North Korea is one of the most dangerous national security threats facing the United States today; and

(2) given the threat posed by North Korea to our allies, the Republic of Korea and Japan, the Nuclear Posture Review that will occur this year should fully consider the perspectives of key allies and partners of the United States in East Asia, including the Republic of Korea and Japan.

SEC. 1270. DEFENSE PARTNERSHIP BETWEEN THE UNITED STATES AND TAIWAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that United States should strengthen and enhance its long-standing partnership and strategic cooperation with Taiwan, and reinforce its commitment to the Taiwan Relations Act and the “Six Assurances” as both countries work toward mutual security objectives, by—

(1) conducting regular transfers of defense articles and defense services necessary to enable Taiwan to secure common interests and objectives with the United States, based solely on the needs of Taiwan;
(2) assisting Taiwan in building an effective air defense capability consisting of a balance of fighters and mobile air defense systems; and

(3) inviting Taiwan to participate in multilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan.

(b) Report on Naval Port of Call Exchanges Between the United States and Taiwan.—

(1) Report required.—Not later than September 1, 2018, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the following:

(A) An assessment and planning regarding ports of call by the United States Navy at Kaohsiung, or any other suitable port or ports on the island of Taiwan.

(B) An assessment of the feasibility and advisability of permitting the United States Pacific Command (PACOM) to receive ports of call by the navy of Taiwan in Hawaii, Guam, and other appropriate locations.

(2) Form.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
(3) APPROPRIATE COMMITTEES OF CONGRESS

DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1270A. NAVAL PORT OF CALL EXCHANGES BETWEEN THE UNITED STATES AND TAIWAN.

The Secretary of Defense shall—

(1) reestablish regular ports of call by the United States Navy at Kaohsiung or any other suitable port or ports on the island of Taiwan; and

(2) permit the United States Pacific Command (PACOM) to receive ports of call by the navy of Taiwan in Hawaii, Guam, and other appropriate locations.

SEC. 1270B. PROGRAM TO ENHANCE THE UNDERSEA WARFARE CAPABILITIES OF TAIWAN.

The Secretary of Defense shall implement a program of technical assistance and consultation to support the efforts of Taiwan to develop indigenous undersea warfare ca-
pabilities, including vehicles and sea mines, for its military forces.

SEC. 1270C. INVITATION OF TAIWAN MILITARY FORCES TO PARTICIPATE IN JOINT MILITARY EXERCISES.

The Secretary of Defense shall invite the military forces of Taiwan to participate in one of the military exercises known as the “Red Flag” exercises, conducted at Eielson Air Force Base, Alaska, and Nellis Air Force Base, Nevada, that are conducted during the one-year period beginning on the date of the enactment of this Act.

SEC. 1270D. REPORT ON MILITARY EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.

Not later than April 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) A list of actions taken to implement the recommendations contained in section 1284 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2544).

(3) If no actions have been taken to implement the recommendations contained in section 1284 of the National Defense Authorization Act for Fiscal Year 2017 or there are no future plans to implement the recommendations, the reasons why.

**Subtitle F—Reports**

**SEC. 1271. SUBMITTAL OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS ON QUARTERLY BASIS.**

Subsection (c) of section 1212 of the National Defense Authorization Act for Fiscal Year 2006 (10 U.S.C. 113 note) is amended to read as follows:

“(c) QUARTERLY SUBMITTAL TO CONGRESS AND GAO OF CERTAIN REPORTS ON COSTS.—Not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States the Department of Defense Supplemental and Cost of War Execution report for such fiscal year quarter.”
SEC. 1272. CONSOLIDATION OF REPORTS ON UNITED STATES ARMED FORCES, CIVILIAN EMPLOYEES, AND CONTRACTORS DEPLOYED IN SUPPORT OF OPERATION INHERENT RESOLVE AND OPERATION FREEDOM’S SENTINEL.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on United States Armed Forces, Department of Defense civilian employees, and Department of Defense contractor employees deployed in support of Operation Inherent Resolve and Operation Freedom’s Sentinel.

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

(1) The total number of members of the United States Armed Forces, set forth by Armed Force and component (whether regular, National Guard, or Reserve), Department of Defense civilian employees, and Department of Defense contractor employees deployed in support of Operation Inherent Resolve and Operation Freedom’s Sentinel for the most recent month for which data is available.

(2) An estimate for the 3-month period following the date on which the report is submitted of the total number of members of the United States Armed
Forces, set forth by Armed Force and component (whether regular, National Guard, or Reserve), Department civilian employees, and Department contractor employees to be deployed in support of Operation Inherent Resolve and Operation Freedom’s Sentinel.

(3) A description of any limitations on the number of United States Armed Forces, Department civilian employees, and Department contractor employees deployed in support of Operation Inherent Resolve and Operation Freedom’s Sentinel.

(4) A description of military functions that are and are not subject to the limitations described in paragraph (3).

(5) The total number of members of the United States Armed Forces, set forth by Armed Force and component (whether regular, National Guard, or Reserve), Department civilian employees, and Department contractor employees deployed in support of Operation Inherent Resolve or Operation Freedom’s Sentinel that are not subject to the limitations described in paragraph (3) for the most recent month for which data is available.

(6) Any changes to the limitations described in paragraph (3), and the rationale for such changes.
(7) Any other matters the Secretary considers appropriate.

(c) FORM.—If any report under subsection (a) is submitted in classified form, such report shall be accompanied by an unclassified summary that includes, at a minimum, the information required by subsection (b)(1).

(d) SUNSET.—The requirement to submit reports under this section shall terminate on the earlier of—

(1) the date on which Operation Inherent Resolve and Operation Freedom’s Sentinel terminate, whichever is later; or

(2) the date that is five years after the date of the enactment of this Act.

(e) REPEAL OF SUPERSEDED PROVISION.—Section 1224 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1053) is repealed.

Subtitle G—Other Matters

SEC. 1281. MODIFICATION OF AVAILABILITY OF FUNDS IN SPECIAL DEFENSE ACQUISITION FUND FOR PRECISION GUIDED MUNITIONS.

(a) IN GENERAL.—Section 114(c)(3) of title 10, United States Code, is amended—

(1) by striking “amount available” and all that follows through “$500,000,000” and inserting “amount of obligation authority available from the
Special Defense Acquisition Fund in any fiscal year after fiscal year 2017, 20 percent”; and

(2) by inserting after “precision guided munitions” the following: “, and associated support equipment and services,”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2017.

SEC. 1282. USE OF FUNDS IN THE UNITED STATES FOR CERTAIN UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION ACTIVITIES.

(a) In General.—Section 1279(b) of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 8606(b)) is amended by adding at the end the following new paragraph:

“(5) Use of certain amount for RDT&E in US.—Of the amount provided by the United States in support under paragraph (1), not less than 50 percent of such amount shall be used for research, development, test, and evaluation activities in the United States in connection with such support.”.

(b) Repeal of Superseded Limitation.—Section 1295 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2562) is amended by striking subsection (c).
SEC. 1283. FOREIGN MILITARY SALES LETTERS OF REQUEST FOR PRICING AND AVAILABILITY.

Before delivering a formal pricing and availability response to a foreign customer with respect to a foreign military sale, the Department of Defense implementing agency shall consult with relevant United States commercial entities that would be involved in the foreign military sale case. If as a result of such consultation a commercial entity determines that the pricing and availability factors being developed by the implementing agency are not accurate, the implementing agency and the commercial entity shall each provide a justification with respect to the differences to the Defense Security Cooperation Agency within 30 days of the implementing agency being notified of such discrepancy.

SEC. 1284. SENSE OF CONGRESS ON REAFFIRMING STRATEGIC PARTNERSHIPS AND ALLIES.

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

(1) Since World War II, the United States has sought partnership and cooperation in establishing a rules-based international order which has resulted in one of the most prosperous periods of human history.

(2) The United States is signatory to seven mutual defense treaties with 56 different countries.

(3) One of the United States defense alliances is the 29-nation-strong North Atlantic Treaty Organiza-
tion (NATO) which is celebrating its 68th anniversary.

(4) The United States has not faced a more diverse and complex array of crises and threats, including the emergence of competitors like Russia and China, increasingly unstable threats from North Korea and Iran, and the continued threat from transnational violent extremist groups like the Islamic State and al-Qaeda.

(5) The strain of a decreased military budget has decreased capability at precisely the time when demand for United States military strength has increased.

(6) Fifteen years of continuous war has stymied military modernization, focused training on asymmetrical warfare over large-scale conflicts.

(7) Secretary of Defense James Mattis stated that “alliances provide avenues for peace, fostering the conditions for economic growth with countries that share the same vision, while tempering the plans of those who would attack other nations or try to impose their will over the less powerful”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the United States is an ally rich nation and our potential competitors—such as Russia, China, and North Korea—are ally poor;

(2) United States allies and partners are critical to defending peace and prosperity throughout the world;

(3) the rules-based international order supported by the United States and its allies has ensured—and will continue to promote—an international system that benefits all nations;

(4) throughout the world, the United States will continue to foster relationships with nations of like minds and beliefs;

(5) as the United States manages multiple strategic challenges, our enduring strength remains in alliances such as the North Atlantic Treaty Organization; and

(6) the United States will continue to deepen alliances and expand them, and will take no ally for granted.

SEC. 1285. SENSE OF CONGRESS ON CONSIDERATION OF IMPACT OF MARINE DEBRIS IN TRADE AGREEMENTS.

Recognizing that the Senate unanimously agreed to S. 756, an Act to reauthorize and amend the Marine Debris
Act to promote international action to reduce marine debris, and for other purposes (commonly referred to as the “Save Our Seas Act of 2017”) on August 3, 2017, Congress encourages the United States Trade Representative to consider the impact of marine debris, particularly plastic waste, in relevant trade agreements entered into or negotiated after the date of the enactment of this Act.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) Fiscal Year 2018 Cooperative Threat Reduction Funds Defined.—In this title, the term “fiscal year 2018 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) Availability of Funds.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Re-
duction Program shall be available for obligation for fiscal years 2018, 2019, and 2020.

SEC. 1302. FUNDING ALLOCATIONS.

Of the $324,600,000 authorized to be appropriated to the Department of Defense for fiscal year 2018 in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $12,100,000.

(2) For chemical weapons destruction, $5,000,000.

(3) For global nuclear security, $17,900,000.

(4) For cooperative biological engagement, $172,800,000.

(5) For proliferation prevention, $89,800,000.

(6) For activities designated as Other Assessments/Administrative Costs, $27,000,000.
TITLE XIV—OTHER
AUTHORIZATIONS
Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
(2) the destruction of chemical warfare materiel

of the United States that is not covered by section

1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-

TIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the

Department of Defense for fiscal year 2018 for expenses, not

otherwise provided for, for Drug Interdiction and Counter-

Drug Activities, Defense-wide, as specified in the funding

table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the

Department of Defense for fiscal year 2018 for expenses, not

otherwise provided for, for the Office of the Inspector Gen-

eral of the Department of Defense, as specified in the fund-

ing table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fis-

cal year 2018 for the Defense Health Program, as specified

in the funding table in section 4501, for use of the Armed

Forces and other activities and agencies of the Department

of Defense in providing for the health of eligible bene-

ficiaries.
Subtitle B—National Defense
Stockpile

SEC. 1411. AUTHORITY TO DISPOSE OF CERTAIN MATE-
RIALS FROM AND TO ACQUIRE ADDITIONAL
MATERIALS FOR THE NATIONAL DEFENSE
STOCKPILE.

(a) DISPOSAL AUTHORITY.—Pursuant to section 5(b)
of the Strategic and Critical Materials Stock Piling Act (50
U.S.C. 98d(b)), the National Defense Stockpile Manager
may dispose of not more than 25 short tons of materials
transferred from another department or agency of the
United States to the National Defense Stockpile under sec-
tion 4(b) of such Act (50 U.S.C. 98c(b)) that the National
Defense Stockpile Manager determines is no longer required
from the stockpile.

(b) ACQUISITION AUTHORITY.—

(1) AUTHORITY.—Using funds available in the
National Defense Stockpile Transaction Fund, the
National Defense Stockpile Manager may acquire the
following materials determined to be strategic and
critical materials required to meet the defense, indus-
trial, and essential civilian needs of the United
States:

(A) Electrolytic manganese metal.

(B) Antimony.
(2) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to $9,000,000 in the National Defense Stockpile Transaction Fund for acquisition of the materials specified in paragraph (1).

(3) FISCAL YEAR LIMITATION.—The authority under paragraph (1) is available for purchases during fiscal year 2018 through fiscal year 2027.

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. ACQUISITION REPORTING ON MAJOR CHEMICAL DEMILITARIZATION PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORTING ON MAJOR PROGRAMS.—Acquisition reporting on each major program within the chemical demilitarization programs of the Department of Defense, including construction in connection with such program, shall—

(1) comply with reporting guidelines for an Acquisition Category 1 (ACAT 1) system; and

(2) be reported separately from acquisition reporting on the other major program within the chemical demilitarization programs of the Department of Defense.
(b) MAJOR PROGRAM WITHIN THE CHEMICAL DEMILITARIZATION PROGRAMS OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term “major program within the chemical demilitarization programs of the Department of Defense” means each program as follows:

(1) Pueblo Chemical Agent Destruction Pilot Plant program, Colorado.

(2) Blue Grass Chemical Agent Destruction Pilot Plant program, Kentucky.

Subtitle D—Armed Forces Retirement Home

SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2018 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

SEC. 1432. ARMED FORCES RETIREMENT HOME MATTERS.

(a) TERMINATION OF OVERSIGHT RESPONSIBILITIES OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.—

(1) SENIOR MEDICAL ADVISOR.—Section 1513A of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a) is amended—
(A) in subsection (b), by striking “the Under Secretary of Defense for Personnel and Readiness,” in the matter preceding paragraph (1); and

(B) in subsection (c)(4), by striking “the Under Secretary of Defense for Personnel and Readiness” and inserting “the Secretary of Defense”.

(2) OMBUDSMEN.—Section 1517(e)(2) of such Act (24 U.S.C. 417(e)(2)) is amended by striking “the Under Secretary of Defense for Personnel and Readiness” and inserting “the Secretary of Defense”.

(3) INSPECTIONS.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (c)(1), by striking “the Under Secretary of Defense for Personnel and Readiness,”; and

(B) in subsection (e)(1), by striking “the Under Secretary of Defense for Personnel and Readiness” and inserting “the Secretary of Defense”.

(b) ADVISORY COUNCIL.—Section 1516 of such Act (24 U.S.C. 416) is amended—
(1) in subsection (c)(1), by striking “15 mem-
ers,” and all that follows and inserting “15 mem-
ers.”; and
(2) in subsection (f)(1), by striking “shall” and
inserting “may”.
(c) ADMINISTRATORS.—Section 1517(b) of such Act
(24 U.S.C. 417(b)) is amended—
(1) in paragraph (2), by striking “and” at the
end;
(2) in paragraph (3), by striking the period at
the end and inserting “; and”; and
(3) by adding at the end the following new para-
graph:
“(4) serve at the pleasure of the Secretary of De-
fense.”.

Subtitle E—Other Matters
SEC. 1441. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT
DEPARTMENT OF DEFENSE-DEPARTMENT OF
VETERANS AFFAIRS MEDICAL FACILITY DEM-
ONSTRATION FUND FOR CAPTAIN JAMES A.
LOVELL HEALTH CARE CENTER, ILLINOIS.
(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the
funds authorized to be appropriated by section 1405 and
available for the Defense Health Program for operation and
maintenance, $115,500,000 may be transferred by the Sec-
Secretary of Defense to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) Use of Transferred Funds.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1442. ENHANCEMENT OF DATABASE OF EMERGENCY RESPONSE CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) In General.—Section 1406 of the John Warner National Defense Authorization Act for Fiscal Year 2007
is amended—

(1) by striking “The Secretary of Defense shall maintain” and inserting the following:

“(a) In General.—The Secretary of Defense shall establish and maintain”; and

(2) in paragraph (2)—

(A) by inserting “(including cyber capabilities)” after “emergency response capabilities”; and

(B) by inserting “(including units of the National Guard and Reserves)” after “identification of the units”.

(b) Information Required To Keep Database Current.—Such section is further amended by adding at the end the following new subsection:

“(b) Information Required To Keep Database Current.—In implementing and maintaining the database required by subsection (a), the Secretary shall identify and revise the information required to be included in the database at least once every two years for purposes of keeping the database current.”.
TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2018 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2018 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.
SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2018 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 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2018 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 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.
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SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—
(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2018 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security
Forces Fund for fiscal year 2018 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) Equipment Disposition.—

(1) Acceptance of certain equipment.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts in the Afghanistan Security Forces Fund authorized under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) Conditions on acceptance of equipment.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.
(3) **Elements of Determination.**—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) **Treatment as Department of Defense Stocks.**—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) **Quarterly Reports on Equipment Disposition.**—

(A) **In General.**—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted during the period covered by such report under the following:

(i) This subsection.
(ii) Section 1521(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2575).

(iii) Section 1531(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088).


(B) ELEMENTS.—Each report under subparagraph (A) shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department of Defense and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) SECURITY OF AFGHAN WOMEN.—
(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2018, it is the goal that $25,000,000, but in no event less than $10,000,000, shall be used for—

(A) the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces; and

(B) the recruitment, training, and contracting of female security personnel for future elections.

(2) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(A) efforts to recruit women into the Afghan National Defense and Security Forces, including the special operations forces;

(B) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender and Child Rights;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Min-
istry of Defense and the Afghan Ministry of Interior;

(D) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National Defense and Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(F) support for Afghanistan National Police Family Response Units; and

(G) security provisions for high-profile female police and army officers.

(d) Inspector General Oversight of Fund.—

(1) Quality Standards for IG Products.—Except as provided in paragraph (3), each product published or issued by an Inspector General relating to the oversight of programs and activities funded under the Afghanistan Security Forces Fund shall be prepared—

(A) in accordance with the Generally Accepted Government Auditing Standards/Government Auditing Standards (GAGAS/GAS), as
issued and updated by the Government Accountability Office; or

(B) if not prepared in accordance with the standards referred to in subparagraph (A), in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency (commonly referred to as the “CIGIE Blue Book”).

(2) SPECIFICATION OF QUALITY STANDARDS FOLLOWED.—Each product published or issued by an Inspector General relating to the oversight of programs and activities funded under the Afghanistan Security Forces Fund shall cite within such product the quality standards followed in conducting and reporting the work concerned.

(3) WAIVER.—The Lead Inspector General for Operation Freedom’s Sentinel may waive the applicability of paragraph (1) to a specific product relating to the oversight by an Inspector General of activities and programs funded under the Afghanistan Security Forces Fund if the Lead Inspector General determines that the waiver would facilitate timely efforts to promote efficiency and effectiveness and prevent, detect, and deter fraud, waste, and abuse. Any product pub-
lished or issued pursuant to a waiver under this paragraph shall include a statement that work for such product was not conducted in accordance with the standards referred to in paragraph (1) and an explanation why such standards were not employed.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. AIR FORCE SPACE COMMAND.

(a) In General.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

“§2279c. Air Force Space Command

“(a) In General.—The head of the Air Force Space Command shall be the Commander of the Air Force Space Command, who shall be appointed in accordance with section 601 of this title.

“(b) Term.—The Commander shall be appointed to serve a term of six years, and the Secretary of Defense may—

“(1) terminate, or propose to extend for a period of four years, the term of the appointment of the Commander; or
“(2) propose to promote the individual serving as the Commander during that term of appointment.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2279b the following new item:

“2279c. Air Force Space Command.”.

SEC. 1602. AIR FORCE SPACE CONTRACTOR RESPONSIBILITY WATCH LIST.

(a) IN GENERAL.—The Commander of the Air Force Space and Missile Systems Center shall establish and maintain a watch list of contractors with a history of poor performance on space procurement or research, development, test, and evaluation program contracts.

(b) BASIS FOR INCLUSION ON LIST.—

(1) IN GENERAL.—The Commander of the Air Force Space and Missile Systems Center may place a contractor on the watch list established under subsection (a) upon determining that the ability of the contractor to perform Air Force space contracts has been called into question by any of the following issues:

(A) Poor performance or award fee scores below 50 percent.

(B) Financial concerns.

(C) Felony convictions or civil judgements.
(D) Security or foreign ownership and control issues.

(2) DISCRETION OF THE COMMANDER.—The Commander of the Air Force Space and Missile Systems Center shall be responsible for determining which contractors to place on the watch list, whether an entire company or a specific division should be included, and when to remove a contractor from the list.

(c) EFFECT OF LISTING.—

(1) PRIME CONTRACTS.—The Air Force Space and Missile Systems Center may not solicit an offer from, award a contract to, execute an engineering change proposal with, or exercise an option on any Air Force space program with a contractor included on the list established under subsection (a) without the prior approval of the Commander of the Air Force Space and Missile Systems Center.

(2) SUBCONTRACTS.—A prime contractor on an Air Force Space and Missile Systems Center contract may not enter into a subcontract valued in excess of $3,000,000 or 5 percent of the prime contract value with a contractor included on the watch list established under subsection (a) without the prior approval of the Commander of the Air Force Space and Missile Systems Center.
(d) Request for Removal From List.—A contractor may submit to the Commander a written request for removal from the watch list, including evidence that the contractor has resolved the issue that was the basis for inclusion on the list.

(e) Rule of Construction.—Nothing in this section shall be construed as preventing the suspension or debarment of a contractor, but inclusion on the watch list shall not be construed as a punitive measure or de facto suspension or debarment of a contractor.

SEC. 1603. PRESIDENTIAL NATIONAL VOICE CONFERENCING SYSTEM.

(a) Consolidation of Elements.—Not later than one year after the date of the enactment of this Act, all program elements and funding for the Presidential National Voice Conferencing System (PNVC) shall be transferred to the Program Executive Office with responsibility for the Presidential National Voice Conferencing System.

(b) Acquisition Reporting.—Commencing not later than one year after the date of the enactment of this Act, any reporting on the acquisition of the Presidential National Voice Conferencing System shall comply with reporting guidelines for an Acquisition Category 1 (ACAT 1) system.
SEC. 1604. LIMITATION ON USE OF FUNDS FOR DELTA IV LAUNCH VEHICLE.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 or any fiscal year thereafter for the Air Force may be obligated to maintain infrastructure, system engineering, critical skills, base and range support, depreciation, or sustainment commodities for the Delta IV launch vehicle until the date on which the Secretary of the Air Force submits to the congressional defense committees a certification that the Air Force plans to launch a satellite procured by the Air Force on a Delta IV launch vehicle during the 3-year period beginning on the date of the certification.

SEC. 1605. POLICY OF THE UNITED STATES WITH RESPECT TO CLASSIFICATION OF SPACE AS A COMBAT DOMAIN.

(a) In General.—It is the policy of the United States to develop, produce, field, and maintain an integrated system of assets in response to the increasingly contested nature of the space operating domain to—

(1) ensure the resiliency of capabilities at every level of orbit in space;

(2) deter or deny an attack on capabilities at every level of orbit in space; and
(3) defend the territory of the United States, its allies, and its deployed forces across all operating domains.

(b) IMPLEMENTATION.—The United States shall implement the policy set forth in subsection (a)—

(1) in accordance with the laws of the United States and the obligations of the United States under international agreements; and

(2) with appropriate consultation, cooperation, and coproduction of assets with allies and partners of the United States.

SEC. 1606. LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION.

(a) IN GENERAL.—In support of the policy outlined in section 2273 of title 10, United States Code, the Secretary of Defense shall carry out a program to modernize infrastructure and improve support activities for processing and launch of United States national security space vehicles launching from Federal ranges.

(b) ELEMENTS.—The program required by this section shall include—

(1) investments in infrastructure to improve operations at the Eastern and Western Ranges that may benefit all users, to enhance the overall capabilities of
ranges, to improve safety, and to reduce the long term
cost of operations and maintenance;

(2) measures to normalize processes, systems,
and products across the Eastern and Western ranges
to minimize the burden on launch providers; and

(3) improvements in transparency, flexibility,
and, responsiveness for launch scheduling.

(c) Consultation.—In carrying out this program,
the Secretary should consult with current and anticipated
users of the Eastern and Western ranges.

(d) Cooperation.—In carrying out this section, the
Secretary should consider partnerships authorized under
section 2276 of title 10, United States Code.

(e) Report.—

(1) Report required.—Not later than 120
days after the date of the enactment of this Act, the
Secretary shall submit to the congressional defense
committees a report on the plan for the implementation
of the launch support and infrastructure modernization program.

(2) Elements.—The report required under
paragraph (1) shall include—

(A) a description of plans and the resources
needed to improve launch support infrastructure,
utilities, support equipment, and range operations;

(B) a description of plans to streamline and normalize processes, systems, and products at the Eastern and Western ranges, to ensure consistency for range users; and

(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1611. EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

The second sentence of section 431(a) of title 10, United States Code, is amended by striking “December 31, 2017” and inserting “December 31, 2020”.
SEC. 1612. CONSIDERATION OF SERVICE BY RECIPIENTS OF
BOREN SCHOLARSHIPS AND FELLOWSHIPS IN
EXCEPTED SERVICE POSITIONS AS SERVICE
BY SUCH RECIPIENTS UNDER CAREER AP-
POINTMENTS FOR PURPOSES OF CAREER
TENURE.

Section 802(k) of the David L. Boren National Secu-
rity Education Act of 1991 (50 U.S.C. 1902(k)) is amend-
ed—

(1) by redesignating paragraph (3) as para-
graph (4);

(2) in paragraph (2), in the matter before sub-
paragraph (A), by striking “(3)(C)” and inserting
“(4)(C)”; and

(3) by inserting after paragraph (2) the fol-
lowing:

“(3) CAREER TENURE.—In the case of an indi-
vidual whose appointment to a position in the ex-
cepted service is converted to a career or career-
conditional appointment under paragraph (1)(B), the
period of service described in such paragraph shall be
treated, for purposes of the service requirements for
career tenure under title 5, United States Code, as if
it were service in a position under a career or career-
conditional appointment.”.
Subtitle C—Cyber Warfare, Cybersecurity, and Related Matters

SEC. 1621. POLICY OF THE UNITED STATES ON CYBERSPACE, CYBERSECURITY, AND CYBER WARFARE.

(a) In General.—It shall be the policy of the United States, with respect to matters pertaining to cyberspace, cybersecurity, and cyber warfare, that the United States should employ all instruments of national power, including the use of offensive cyber capabilities, to deter if possible, and respond when necessary, to any and all cyber attacks or other malicious cyber activities that target United States interests with the intent to—

(1) cause casualties among United States persons or persons of our allies;

(2) significantly disrupt the normal functioning of United States democratic society or government (including attacks against critical infrastructure that could damage systems used to provide key services to the public or government);

(3) threaten the command and control of the United States Armed Forces, the freedom of maneuver of the United States Armed Forces, or the industrial base or other infrastructure on which the United
States Armed Forces rely to defend United States interests and commitments; or

(4) achieve an effect, whether individually or in aggregate, comparable to an armed attack or imperil a vital interest of the United States.

(b) RESPONSE OPTIONS.—In carrying out the policy set forth in subsection (a), the United States shall plan, develop, and demonstrate response options to address the full range of potential cyber attacks on United States interests that could be conducted by potential adversaries of the United States.

(c) DENIAL OPTIONS.—In carrying out the policy set forth in subsection (a) through response options developed pursuant to subsection (b), the United States shall, to the greatest extent practicable, prioritize the defensibility and resiliency against cyber attacks and malicious cyber activities described in subsection (a) of infrastructure critical to the political integrity, economic security, and national security of the United States.

(d) COST-IMPOSITION OPTIONS.—In carrying out the policy set forth in subsection (a) through response options developed pursuant to subsection (b), the United States shall develop and demonstrate, or otherwise make known to adversaries of the existence of, cyber capabilities to impose costs on any foreign power targeting the United States or
United States persons with a cyber attack or malicious cyber activity described in subsection (a).

(e) MULTI-PRONG RESPONSE.—In carrying out the policy set forth in subsection (a) through response options developed pursuant to subsection (b), the United States shall—

(1) devote immediate and sustained attention to boosting the cyber resilience of critical United States strike systems (including cyber, nuclear, and non-nuclear systems) in order to ensure the United States can credibly threaten to impose unacceptable costs in response to even the most sophisticated large-scale cyber attack;

(2) develop offensive cyber capabilities and specific plans and strategies to put at risk targets most valued by adversaries of the United States and their key decision makers;

(3) enhance attribution capabilities to reduce the time required to positively attribute an attack with high confidence; and

(4) develop intelligence and offensive cyber capabilities to detect, disrupt, and potentially expose malicious cyber activities.

(f) POLICIES RELATING TO OFFENSIVE CYBER CAPABILITIES AND SOVEREIGNTY.—It is the policy of the United
States that, when a cyber attack or malicious cyber activity transits or otherwise relies upon the networks or infrastructure of a third country—

(1) the United States shall, to the greatest extent practicable, notify and encourage the government of that country to take action to eliminate the threat; and

(2) if the government is unable or unwilling to take action, the United States reserves the right to act unilaterally (with the consent of that government if possible, but without such consent if necessary).

(g) AUTHORITY OF SECRETARY OF DEFENSE.—

(1) IN GENERAL.—The Secretary of Defense has the authority to develop, prepare, coordinate, and, when appropriately authorized to do so, conduct military cyber operations in response to cyber attacks and malicious cyber activities described in subsection (a) that are carried out against the United States or United States persons by a foreign power.

(2) DELEGATION OF ADDITIONAL AUTHORITIES.—The Secretary may delegate to the Commander of the United States Cyber Command such authorities of the Secretaries of the military departments, including authorities relating to manning, training, and equipping, that the Secretary considers appropriate.
(3) **Use of Delegated Authorities.**—The use by the Commander of the United States Cyber Command of any authority delegated to the Commander pursuant to this subsection shall be subject to the authority, direction, and control of the Secretary.

(4) **Rule of Construction.**—Nothing in this subsection shall be construed to limit the authority of the President or Congress to authorize the use of military force.

(h) **Foreign Power Defined.**—In this section, the term “foreign power” has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

**SEC. 1622. CYBER POSTURE REVIEW.**

(a) **Requirement for Comprehensive Review.**—In order to clarify United States cyber deterrence policy and strategy for the near term, the Secretary of Defense shall conduct a comprehensive review of the cyber posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Director of National Intelligence, the Attorney General, the Secretary of the Department of Homeland Security, and the Secretary of State.

(b) **Elements of Review.**—The cyber posture review shall include the following elements:
(1) The role of cyber forces in United States military strategy, planning, and programming.

(2) A declaratory policy relating to United States responses to cyber attack and use of offensive cyber capabilities, guidance for the employment of offensive cyber capabilities, a public affairs plan, and an engagement plan for adversaries and allies.

(3) Proposed norms for the conduct of offensive cyber operations in crisis and conflict.

(4) Guidance for the development of cyber deterrence campaign plans focused on key leadership of Russia, China, Iran, North Korea, and any other country the Secretary determines appropriate.

(5) Examination through analysis and gaming of escalation dynamics in various scenarios, as well as the spiral escalatory effects of countries developing increasingly potent offensive cyber capabilities, and what steps should be undertaken to bolster stability in cyberspace and more broadly stability between major powers.

(6) A certification of whether sufficient personnel are trained and equipped to meet validated cyber requirements.

(7) Such other matters as the Secretary considers appropriate.
(c) REPORT TO CONGRESS.—Not later than March 1, 2018, the Secretary of Defense shall submit to Congress, in unclassified and classified forms as necessary, a report on the results of the cyber posture review conducted under this section.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the United States should respond to all cyber attacks and to all significant cyber intrusions by imposing costs on those responsible that exceed any benefit that the attacker or intruder may have hoped to gain.

SEC. 1623. MODIFICATION AND CLARIFICATION OF REQUIREMENTS AND AUTHORITIES RELATING TO ESTABLISHMENT OF UNIFIED COMBATANT COMMAND FOR CYBER OPERATIONS.

(a) DEADLINE FOR ESTABLISHMENT.—Before the Cyber Mission Force reaches full operational capability, the President shall establish the unified combatant command for cyber operations forces pursuant to section 167b(a) of title 10, United States Code.

(b) CLARIFICATION OF FUNCTIONS.—Subsection (a) of section 167b of title 10, United States Code, is amended—

(1) by striking the second sentence;

(2) by inserting “(1)” before “With the”; and

(3) by adding at the end the following new paragraph:
“(2) The principal functions of the cyber command are as follows:

“(A) To execute cyber operations.

“(B) To prepare cyber operations forces to carry out assigned missions.”.

(c) MODIFICATION OF ASSIGNMENT OF FORCES.—Subsection (b) of such section is amended by striking “stationed in the United States”.

(d) MODIFICATION OF COMMAND OF ACTIVITY OR MISSION.—Subsection (d) of such section is amended to read as follows:

“(d) COMMAND OF ACTIVITY OR MISSION.—The commander of the cyber command shall execute and exercise command of cyberspace operations and coordinate with the affected commanders of the unified combatant commands, unless otherwise directed by the President or the Secretary of Defense.”.

(e) MODIFICATION OF AUTHORITY OF COMBATANT COMMANDER.—Subsection (e)(2)(A) of such section is amended—

(1) in clause (iii)—

(A) in subclause (I), by striking “and” at the end;

(B) in subclause (II), by striking “assigned to unified combatant commands”;
(C) by redesignating subclause (II) as sub-
clause (III); and

(D) by inserting after subclause (I) the fol-
lowing new subclause (II):

“(II) for development and acquisition of
joint cyber capabilities; and”;

(2) in clause (iv), by striking “joint” and insert-
ing “cyber operations”; and

(3) in clause (v), by striking “commissioned and
noncommissioned officers” and inserting “cyber oper-
ations forces”.

SEC. 1624. ANNUAL ASSESSMENT OF CYBER RESILIENCY OF
NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) In General.—Chapter 24 of title 10, United
States Code, is amended by adding at the end the following
new section:

“§499. Annual assessment of cyber resiliency of nu-
clear command and control system

“(a) In General.—Not less frequently than annually,
the Commander of the United States Strategic Command
and the Commander of the United States Cyber Command
(in this section referred to collectively as the ‘Commanders’) shall jointly conduct an assessment of the cyber resiliency
of the nuclear command and control system.
“(b) ELEMENTS.—In conducting the assessment required by subsection (a), the Commanders shall—

“(1) conduct an assessment of the sufficiency and resiliency of the nuclear command and control system to operate through a cyber attack from the Russian Federation, the People’s Republic of China, or any other country or entity the Commanders identify as a potential threat; and

“(2) develop recommendations for mitigating any concerns of the Commanders resulting from the assessment.

“(c) REPORT REQUIRED.—(1) The Commanders shall jointly submit to the Chairman of the Joint Chiefs of Staff, for submission to the Council on Oversight of the National Leadership Command, Control, and Communications System established under section 171a of this title (in this section referred to as the ‘Council’), a report on the assessment required by subsection (a) that includes the following:

“(A) The recommendations developed under subsection (b)(2).

“(B) A statement of the degree of confidence of each of the Commanders in the mission assurance of the nuclear deterrent against a top tier cyber threat.

“(C) A detailed description of the approach used to conduct the assessment required by subsection (a)
and the technical basis of conclusions reached in conducting that assessment.

“(D) Any other comments of the Commanders.

“(2) The Council shall submit to the Secretary of Defense the report required by paragraph (1) and any comments of the Council on the report.

“(3) The Secretary of Defense shall submit to the congressional defense committees the report required by paragraph (1), any comments of the Council on the report under paragraph (2), and any comments of the Secretary on the report.

“(d) Termination.—This section shall terminate on the date that is 10 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.”.

(b) Clerical Amendment.—The table of sections for chapter 24 of such title is amended by inserting after the item relating to section 498 the following new item:

“499. Annual assessment of cyber resiliency of nuclear command and control system.”.

SEC. 1625. STRATEGIC CYBERSECURITY PROGRAM.

(a) In General.—The Secretary of Defense shall establish a program to be known as the “Strategic Cybersecurity Program” or “SCP” (in this section referred to as the “Program”).
(b) ELEMENTS.—The Program shall be comprised of personnel assigned to the Program by the Secretary from among personnel, including regular and reserve members of the Armed Forces, civilian employees of the Department, and personnel of the research laboratories of the Department of Defense and the Department of Energy, who have particular expertise in the responsibility to be discharged by the Program. Any personnel assigned to the Program from among personnel of the Department of Energy shall be so assigned with the concurrence of the Secretary of Energy.

(c) RESPONSIBILITY.—

(1) IN GENERAL.—The responsibility of the Program shall be to carry out activities (commonly referred to as “red-teaming”) to continuously assess the information assurance and improve the overall effectiveness of the following of the United States Government:

(A) Offensive cyber systems.

(B) Long-range strike systems.

(C) Nuclear deterrent systems.

(D) National security systems.

(E) Critical infrastructure of the Department of Defense (as that term is defined in section 1650(f)(1) of the National Defense Author-
ization Act for Fiscal Year 2017 (Public Law 114–329)).

(2) Scope of responsibility.—In carrying out its activities, the Program shall carry out appropriate reviews of current systems and infrastructure and acquisition plans for proposed systems and infrastructure. The review of an acquisition plan for any proposed system or infrastructure shall be carried out before Milestone B approval for such system or infrastructure.

(3) Results of reviews.—The results of each review carried out by the Program pursuant to paragraph (2), including any remedial action recommended by the Program pursuant to such review, shall be made available to any agencies or organizations of the Department involved in the development, procurement, operation, or maintenance of the system or infrastructure concerned.

(d) Reports.—The Director of the National Security Agency shall submit to the Secretary of Defense and the congressional defense committees on a quarterly basis a report on the activities of the Program during the preceding calendar quarter. Each report shall include the following:

(1) A description of the activities of the Program during the calendar quarter covered by such report.
(2) A description of particular challenges encountered in the course of the activities of the Program during such calendar quarter, and of actions taken to address such challenges.

(3) A description of the current plans of the Program for additional activities.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2018 for operation and maintenance, Defense-wide, by section 301 and available for the Information Systems Security Program as specified in the funding table in section 4301, up to $100,000,000 may be available for the Strategic Cybersecurity Program and its activities in fiscal year 2018.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the activities conducted under the Program should address the most critical systems of the Department of Defense and should supplement, not supplant, the Cyber Protection Teams of the Department of Defense.

SEC. 1626. EVALUATION OF AGILE ACQUISITION OF CYBER TOOLS AND APPLICATIONS.

(a) EVALUATION REQUIRED.—The Commander of the United States Cyber Command shall conduct an evaluation of alternative methods for developing, acquiring, and maintaining software-based cyber tools and applications for the United States Cyber Command, the Army Cyber Command,
the Fleet Cyber Command, the Air Forces Cyber Command, and the Marine Corps Cyberspace Command.

(b) GOAL.—The goal of the evaluation required by subsection (a) is to identify a set of practices that will—

(1) increase the speed of development of cyber capabilities of the Armed Forces;

(2) provide more effective tools and capabilities for developing, acquiring, and maintaining cyber tools and applications; and

(3) create a repeatable, disciplined process for developing, acquiring, and maintaining cyber tools and applications whereby progress and success or failure can be continuously measured.

(c) CONSIDERATION OF AGILE SOFTWARE DEVELOPMENT, AGILE ACQUISITION, AND OTHER BEST PRACTICES.—

(1) IN GENERAL.—The evaluation required by subsection (a) shall include consideration of agile software development, agile acquisition, and such other similar best practices of commercial industry.

(2) CONSIDERATIONS.—In carrying out the evaluation required by subsection (a), the Commander shall assess requirements for implementing the practices described in paragraph (1), consider changes
that would be necessary to established acquisition practices, including the following:

(A) The requirements process.

(B) Contracting.

(C) Testing.

(D) User involvement in the development process.

(E) Program management.

(F) Milestone reviews and approvals.

(G) The definitions of “research and development”, “procurement”, and “sustainment”.

(H) The constraints of current appropriations account definitions.

(d) Assessment of Training and Education Requirements.—In carrying out the evaluation required by subsection (a), the Commander shall assess training and education requirements for personnel in all areas and at all levels of management relevant to the successful adoption of new acquisition models and methods for developing, acquiring, and maintaining cyber tools and applications as described in such subsection.

(e) Services and Expertise.—In conducting the evaluation required by subsection (a), the Commander shall—

(1) obtain services and expertise from—
(A) the Defense Digital Service; and

(B) federally funded research and development centers, such as the Software Engineering Institute and the MITRE Corporation; and

(2) consult with such commercial software companies as the Commander considers appropriate to learn about commercial best practices.

(f) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Commander shall submit to the Secretary of Defense recommendations for experimenting with or adopting new acquisition methods, including all aspects of implementation necessary for the success of the recommended methods.

(2) CONGRESSIONAL BRIEFING.—Not later than 14 days after submitting recommendations to the Secretary under paragraph (1), the Commander shall brief the congressional defense committees on the recommendations the Commander submitted under paragraph (1).

(g) PRESERVATION OF EXISTING AUTHORITY.—The evaluation required under subsection (a) is intended to inform future acquisition approaches. Nothing in this section shall be construed to limit or impede the exercising of the acquisition authority of the Commander of United States

(h) DEFINITIONS.—In this section:

(1) The term “agile acquisition” means acquisition pursuant to a methodology for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback. The incremental development and fielding of capabilities, commonly called “spirals”, “spins”, or “sprints”, can be measured in a few weeks or months, and involve continuous participation and collaboration by users, testers, and requirements authorities.

(2) The term “agile development” means development pursuant to a set of software development methodologies based on iterative development, in which requirements and solutions evolve through collaboration between self-organizing cross-functional teams.

SEC. 1627. REPORT ON COST IMPLICATIONS OF TERMINATING DUAL-HAT ARRANGEMENT FOR COMMANDER OF UNITED STATES CYBER COMMAND.

Not later than 90 days after the date of the enactment of this Act, the Commander of the United States Cyber Command shall submit to the congressional defense commit-
tees a report that identifies the costs that would be implied by meeting the conditions set forth in section 1642(b)(2)(C) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

SEC. 1628. MODIFICATION OF INFORMATION ASSURANCE SCHOLARSHIP PROGRAM.

(a) DESIGNATION OF PROGRAM.—Section 2200a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) DESIGNATION OF PROGRAM.—A program under which the Secretary provides financial assistance under subsection (a) shall be known as the ‘Department of Defense Cybersecurity Scholarship Program’.”.

(b) ALLOCATION OF FUNDING.—Subsection (f) of such section is amended—

(1) by inserting “(1)” before “Not less”; and

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

“(2) Not less than five percent of the amount available for financial assistance under this section for a fiscal year shall be available for providing financial assistance for the pursuit of an associate degree.”.

(c) REINVIGORATION PLAN REQUIRED.—Not later than September 30, 2018, the Secretary of Defense shall submit to the congressional defense committees a plan for rein-
vigorating the Department of Defense Cyber Scholarship Program authorized under section 2200a of such title, as amended by subsections (a) and (b).

SEC. 1629. MEASURING COMPLIANCE OF COMPONENTS OF DEPARTMENT OF DEFENSE WITH CYBERSECURITY REQUIREMENTS FOR SECURING INDUSTRIAL CONTROL SYSTEMS.

(a) In general.—The Secretary of Defense shall make such changes to the scorecard as are necessary to ensure that the Secretary measures each component of the Department of Defense in its progress towards securing the industrial control systems of the Department against cyber threats, including supervisory control and data acquisition systems (SCADA), distributed control systems (DCS), programmable logic controllers (PLC), and platform information technology (PIT).

(b) Scorecard defined.—In this section, the term “scorecard” means the Department of Defense Cyber Scorecard for the measuring of the performance of components of the Department against basic cybersecurity requirements as outlined in the Department of Defense Cybersecurity Discipline Implementation Plan.
SEC. 1630. EXERCISE ON ASSESSING CYBERSECURITY SUPPORT TO ELECTION SYSTEMS OF STATES.

(a) Inclusion of Cyber Vulnerabilities in Election Systems in Cyber Guard Exercises.—The Secretary of Defense shall incorporate the cybersecurity of elections systems of the States as a component of the Cyber Guard Exercise.

(b) Report on Best Practices.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the capabilities, readiness, and best practices of the National Guard to assist the Governors, if called upon, to defend elections systems from cyberattacks.

SEC. 1630A. REPORT ON VARIOUS APPROACHES TO CYBER DETERRENCE.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on various approaches to cyber deterrence.

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

(1) Identification, definition, and explanation of the various theoretical approaches to cyber deterrence.

(2) An assessment of the relative strengths and weaknesses of each of such approaches relative to the threat and relative to one another.
(3) A recommendation for a cyber deterrence theory and doctrine for the Armed Forces.

(4) An alternative analysis or dissenting view of the recommendation included under paragraph (3) that explains the weaknesses of the recommended theory and doctrine and offers an alternative theory or doctrine.

(c) CONSULTATION.—In preparing the report required by subsection (a), the Secretary shall consult with experts from the Government, industry, and academia.

SEC. 1630B. PROHIBITION ON USE OF SOFTWARE PLATFORMS DEVELOPED BY KASPERSKY LAB.

(a) PROHIBITION.—No department, agency, organization, or other element of the Department of Defense may use, whether directly or through work with or on behalf of another organization or element of the Department or another department or agency of the United States Government, any software platform developed, in whole or in part, by Kaspersky Lab or any entity of which Kaspersky Lab has a majority ownership.

(b) SEVERANCE OF NETWORK CONNECTIONS.—The Secretary of Defense shall ensure that any network connection between a department, agency, organization, or other element of the Department of Defense and a department or agency of the United States Government that is using or
hosting on its networks a software platform described in subsection (a) is immediately severed.

(c) **Effective Date.**—This section shall take effect on October 1, 2018.

**SEC. 1630C. REPORT ON CYBER APPLICATIONS OF BLOCKCHAIN TECHNOLOGY.**

(a) **Report Required.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the heads of such other agencies and departments as the Secretary considers appropriate, shall submit to the appropriate committees of Congress a report on the potential offensive and defensive cyber applications of blockchain technology and other distributed database technologies and an assessment of efforts by foreign powers, extremist organizations, and criminal networks to utilize these technologies. Such report shall also include an assessment of the use or planned use of blockchain technologies by the United States Government or critical infrastructure networks and the vulnerabilities of such networks to cyber attacks.

(b) **Form of Report.**—The report required by (a) may be submitted—

(1) in classified form; or

(2) in unclassified form with a classified annex.
(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Homeland Security of the House of Representatives.

Subtitle D—Nuclear Forces

SEC. 1631. COLLECTION, STORAGE, AND SHARING OF DATA RELATING TO NUCLEAR SECURITY ENTERPRISE.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as amended by section 1624, is further amended by adding at the end the following new section:

“§ 499a. Collection, storage, and sharing of data relating to nuclear security enterprise

“(a) In General.—The Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation, and the Administrator for Nuclear Security, acting through the Director for Cost Estimating and Program Evaluation, shall jointly collect and store cost, pro-
grammatic, and technical data relating to programs and
projects of the nuclear security enterprise.

“(b) Sharing of Data.—If the Director of Cost As-
estment and Program Evaluation or the Director for Cost
Estimating and Program Evaluation requests data relating
to programs or projects from any element of the Department
of Defense or from any element of the nuclear security enter-
prise of the National Nuclear Security Administration, that
element shall provide that data in a timely manner.

“(c) Storage of Data.—

“(1) In general.—Data collected by the Direc-
tor of Cost Assessment and Program Evaluation and
the Director for Cost Estimating and Program Eval-
uation under this section shall be—

“(A) stored in the data storage system of the
Defense Cost and Resource Center or in a data
storage system of the National Nuclear Security
Administration that is equivalent to the data
storage system of the Defense Cost and Resource
Center; and

“(B) made accessible to other Federal agen-
cies as such Directors consider appropriate.

“(2) Availability of Resources.—The Sec-
retary and the Administrator shall ensure that the
Director of Cost Assessment and Program Evaluation
and the Director for Cost Estimating and Program Evaluation have sufficient information system support, as determined by such Directors, to facilitate the timely hosting, handling, and sharing of data relating to programs and projects of the nuclear security enterprise under this section at the appropriate level of classification.

“(3) COORDINATION WITH OFFICE OF NAVAL REACTORS.—The Deputy Administrator for Naval Reactors of the National Nuclear Security Administration shall coordinate with the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation to ensure that data relating to programs and projects of the Office of Naval Reactors are correctly represented in the data storage system of the Defense Cost and Resource Center and the data storage system of the National Nuclear Security Administration described in paragraph (1)(A).

“(d) CONTRACT REQUIREMENTS.—The Secretary and the Administrator shall ensure that any contract relating to a program or project of the nuclear security enterprise that is entered into on or after the date of the enactment of this section includes—
“(1) requirements and standards for data collection; and

“(2) requirements for reporting on cost, programmatic, and technical data using procedures, standards, and formats approved by the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation.

“(e) Nuclear Security Enterprise Defined.—In this section, the term ‘nuclear security enterprise’ has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).”.

(b) Clerical Amendment.—The table of sections for chapter 24 of such title is amended by inserting after the item relating to section 499, as added by section 1624, the following new item:

“499a. Collection, storage, and sharing of data relating to nuclear security enterprise.”.

SEC. 1632. ESTABLISHMENT OF PROCEDURES FOR IMPLEMENTATION OF NUCLEAR ENTERPRISE REVIEW.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue a final Department of Defense Instruction establishing procedures for the long-term implementation of the recommendations contained in the Independent Review of...
the Department of Defense Nuclear Enterprise, dated June 2, 2014.

(b) Submission to Congress.—The Secretary shall submit the final instruction required by subsection (a) to the congressional defense committees not later than 30 days after issuing the instruction.

c) Review by Government Accountability Office.—Not later than 90 days after the Secretary issues the final instruction required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report reviewing the instruction for its consistency with the recommendations contained in the report of the Government Accountability Office entitled, “Defense Nuclear Enterprise: DOD has Established Processes for Implementing and Tracking Recommendations to Improve Leadership Morale and Operations”, dated July 14, 2016 (GAO–16–957R).

SEC. 1633. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILES.

(a) Availability of Funds.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2018 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in section 4101, $6,334,000 shall be available for the procurement of covered parts pur-

(b) COVERED PARTS DEFINED.—In this section, the term “covered parts” means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1634. EXECUTION AND PROGRAMMATIC OVERSIGHT OF NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS PROGRAMS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense, as Executive Secretary of the Council on Oversight of the National Leadership Command, Control, and Communications System established under section 171a of title 10, United States Code (or a successor to the Chief Information Officer assigned responsibility for policy, oversight, guidance, and coordination for nuclear command and control systems), shall, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, develop a database relating to the execution of all nuclear command, control, and communications acquisition programs of the Department of Defense with an approved Materiel Development Decision. The
database shall be updated not less frequently than annually and upon completion of a major program element of such a program.

(b) DATABASE ELEMENTS.—The database required by subsection (a) shall include, at a minimum, the following elements for each program described in that subsection, consistent with Department of Defense Instruction 5000.02:

(1) Projected dates for Milestones A, B and C, including cost thresholds and objectives for major elements of life cycle cost.

(2) Projected dates for program design reviews and critical design reviews.

(3) Projected dates for developmental and operation tests.

(4) Projected dates for initial operational capability and final operational capability.

(5) An acquisition program baseline.

(6) Program acquisition unit cost and average procurement unit cost.

(7) Contract type.

(8) Key performance parameters.

(9) Key system attributes.

(10) A risk register.

(11) Technology readiness levels.

(12) Manufacturing readiness levels.
(13) Integration readiness levels.

(14) Any other critical elements that affect the stability of the program.

(c) BRIEFINGS.—The co-chairs of the Council on Oversight of the National Leadership Command, Control, and Communications System shall brief the congressional defense committees on the status of the database required by subsection (a)—

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

(2) upon completion of the database.

SEC. 1635. MEASURES IN RESPONSE TO NONCOMPLIANCE OF THE RUSSIAN FEDERATION WITH ITS OBLIGATIONS UNDER THE INF TREATY.

(a) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States that, for so long as the Russian Federation remains in noncompliance with the INF Treaty, the United States should take actions to bring the Russian Federation back into compliance, including—

(1) providing additional funds for the activities and systems identified in section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1062); and

(2) the establishment of a research and development program for a dual-capable road-mobile ground-
launched missile system with a maximum range of 5,500 kilometers.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the cost and schedule for, and feasibility of, modifying United States missile systems in existence as of such date of enactment for ground launch with a range of between 500 and 5,500 kilometers, including the Tomahawk Cruise Missile, the Standard Missile-3, the Standard Missile-6, the Long-Range Stand-Off Cruise Missile, and the Army Tactical Missile System, as compared with the cost and schedule for, and feasibility of, developing a new ground-launched missile using new technology with the same range.

(c) AUTHORIZATION OF APPROPRIATIONS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for a research and development program for a dual-capable road-mobile ground-launched missile system with a maximum range of 5,500 kilometers may be obligated or expended until the report required by subsection (b) is received by the congressional defense committees.

(d) INF TREATY DEFINED.—In this section, the term “INF Treaty” means the Treaty between the United States
of America and the Union of Soviet Socialist Republics on
the Elimination of their Intermediate-Range and Shorter-
Range Missiles, signed at Washington December 8, 1987,
and entered into force June 1, 1988.

SEC. 1636. CERTIFICATION THAT THE NUCLEAR POSTURE
REVIEW ADDRESSES DETERRENT EFFECT
AND OPERATION OF UNITED STATES NU-
CLEAR FORCES IN CURRENT AND FUTURE SE-
CURITY ENVIRONMENTS.

(a) FINDINGS.—Congress finds that, between the publi-
cation of the Nuclear Posture Review in 2010 and the date
of the enactment of this Act—

(1) North Korea has—

(A) conducted at least three nuclear tests;

(B) tested missiles that may be capable of
reaching United States territory in the Pacific
Ocean; and

(C) continued to develop a missile that
could strike targets in the United States home-
land;

(2) the Russian Federation has—

(A) not complied with either the spirit or
the letter of bilateral treaties with the United
States related to nuclear weapons;
(B) continued to expand and diversify its arsenal of non-strategic nuclear weapons; 
(C) threatened to add allies of the United States hosting missile defense shields to its list of nuclear targets; and 
(D) demonstrated willful disregard for the sovereign territory of a neighboring country; 
(3) Iran has—
(A) according to the International Atomic Energy Agency, exceeded limits on sensitive materials under the Joint Comprehensive Plan of Action, agreed to at Vienna on July 14, 2015, by Iran and by the People’s Republic of China, France, Germany, the Russian Federation, the United Kingdom, and the United States; and 
(B) continued to advance a ballistic missile program that has been condemned by the United Nations; 
(4) the People’s Republic of China has—
(A) built up military outposts on artificial islands in the South China Sea; 
(B) mass-produced missiles capable of striking United States aircraft carriers and military installations in the Pacific;
(C) expanded its delivery systems to include ballistic missile submarines, which can hold the United States homeland at risk and potentially can destabilize the strategic stability of Southeast Asia; and

(D) continued to test anti-satellite weapons, according to the Department of State; and

(5) advances in technology and capabilities related to the cyber domain, applications of artificial intelligence, and space have further complicated the delicate balance of deterrence that has been in place since the Cold War.

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

(1) given the developments in the international security environment described in subsection (a), it is critical to the national security of the United States to maintain a nuclear force that is effective for both deterrence of adversaries and assurance of allies of the United States;

(2) an effective force for deterrence and assurance should be flexible, in order to respond to different contingencies, as well as resilient, to operate as planned under stress; and
(3) in order to do so, the United States should continue to pursue the timely modernization of all three legs of the nuclear triad, the Long-Range Stand-Off weapon, tactical nuclear capabilities, and nuclear command and control systems, as well as weapons and infrastructure maintained by the National Nuclear Security Administration.

(c) CERTIFICATION REQUIRED.—Not later than 30 days after completing the first Nuclear Posture Review after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a certification that the Nuclear Posture Review accounts for—

(1) with respect to the nuclear capabilities of the United States as of such date of enactment—

(A) the ability of such capabilities to deter adversaries of the United States that possess nuclear weapons or may possess such weapons in the future;

(B) the ability of the United States to operate in a major regional conflict that involves nuclear weapons;

(C) the ability and preparedness of forward-deployed members of the Armed Forces to operate in a nuclear environment; and
(D) weapons, equipment, and training or conduct that would improve the abilities described in subparagraphs (A), (B), and (C);

(2) with respect to the nuclear capabilities of the United States projected over the 10-year period beginning on such date of enactment—

(A) the projected ability of such capabilities to deter adversaries of the United States that possess nuclear weapons or may possess such weapons in the future;

(B) the projected ability of the United States to operate in a major regional conflict that involves nuclear weapons;

(C) the projected ability and preparedness of forward-deployed members of the Armed Forces to operate in a nuclear environment; and

(D) weapons, equipment, and training or conduct that would improve the abilities described in subparagraphs (A), (B), and (C); and

(3) any actions that could be taken by the Secretary of Defense or the Administrator for Nuclear Security in the near and medium terms to decrease the risk posed by possible additional changes to the security environment related to nuclear weapons in the future.
(d) **Form of Certification.**—The certification required by subsection (c) may be submitted to the congressional defense committees in classified form.

**SEC. 1637. PLAN TO MANAGE INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT SYSTEM AND MULTI-DOMAIN SENSORS.**

(a) **Plan Required.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall develop a plan to manage the Air Force missile warning elements of the Integrated Tactical Warning and Attack Assessment System as a weapon system consistent with Air Force Policy Directive 10–9, entitled “Lead Command Designation and Responsibilities for Weapon Systems” and dated March 8, 2007.

(b) **Multi-Domain Sensor Management and Exploitation.**—

(1) **In General.**—The plan required by subsection (a) shall include a long-term plan to manage all available sensors for multi-domain exploitation against modern and emergent threats in order to provide comprehensive support for integrated tactical warning and attack assessment, missile defense, and space situational awareness.
(2) COORDINATION WITH OTHER AGENCIES.—In developing the plan required by paragraph (1), the Secretary shall—

(A) coordinate with the Secretary of the Army, the Secretary of the Navy, the Director of the Missile Defense Agency, and the Director of the National Reconnaissance Office; and

(B) solicit comments on the plan, if any, from the Commander of the United States Strategic Command and the Commander of the United States Northern Command.

(c) SUBMISSION TO CONGRESS.—Not later than 14 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees—

(1) the plan required by subsection (a); and

(2) the comments from the Commander of the United States Strategic Command and the Commander of the United States Northern Command, if any, on the plan required by subsection (b)(1).

SEC. 1638. CERTIFICATION REQUIREMENT WITH RESPECT TO STRATEGIC RADIATION HARDENED TRUSTED FOUNDRY.

Not later than December 31, 2020, the Secretary of Defense shall submit to the congressional defense committees...
a certification that a strategic radiation hardened trusted
foundry, consistent with Department of Defense Instruction
5200.44, is operational and capable of supplying necessary
microelectronic components for necessary radiation envi-
ronments involved with the acquisition of delivery systems
for nuclear weapons.

SEC. 1639. REQUIREMENTS FOR NUCLEAR POSTURE RE-
VIEW.

(a) INCORPORATION OF STAKEHOLDER VIEWS.—In
preparing the Nuclear Posture Review, the Secretary of De-
fense shall fully incorporate input and views from all rel-
evant stakeholders in the United States Government, includ-
ing the Secretary of Energy, the Secretary of State, the Ad-
ministrator for Nuclear Security, and the heads of compo-
nents of the Department of State, the Department of En-
ergy, and the National Nuclear Security Administration
with responsibility for negotiating and verifying compli-
ance with international arms control initiatives.

(b) AVAILABILITY.—The Secretary of Defense shall en-
sure that—

(1) the Nuclear Posture Review is submitted, in
its entirety, to the President and the congressional de-
fense committees; and

(2) an unclassified version of the Nuclear Pos-
ture Review is made available to the public.
SEC. 1640. SENSE OF CONGRESS ON NUCLEAR POSTURE REVIEW.

It is the sense of Congress that the Nuclear Posture Review should—

(1) take into account the obligations of the United States under treaties ratified by and with the advice and consent of the Senate; and

(2) examine the tools required to sustain the stockpile stewardship program under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) in the future to ensure the safety, security, and effectiveness of the nuclear arsenal of the United States.

Subtitle E—Missile Defense Programs

SEC. 1651. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) Iron Dome Short-Range Rocket Defense System.—

(1) Availability of funds.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $92,000,000 may be provided to the Government of Israel to procure Tamir inter-
ceptors for the Iron Dome short-range rocket defense system through co-production of such interceptors in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors. In negotiations by the Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for co-production of the Tamir interceptors described in paragraph (1) in the United States by industry of the United States.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary
of Defense for Acquisition and Sustainment shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement; and

(ii) an assessment detailing any risks relating to the implementation of such agreement.

(b) Israeli Cooperative Missile Defense Program, David’s Sling Weapon System Co-production.—

(1) In general.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2018 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $120,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) Certification.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—
(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David’s Sling Weapon System;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(C) the level of co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David’s Sling Weapon System is not less than 50 percent.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), of the funds authorized to be appropriated for fiscal year 2018 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $120,000,000 may be provided to the Govern-
ment of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) LIMITATION ON FUNDING.—None of the funds authorized to be appropriated in paragraph (1) may be obligated or expended until 30 days after the successful completion of two flight tests at a test range in the United States to validate Arrow Weapon System capabilities and interoperability with ballistic missile system components of the United States.

(3) CERTIFICATION.—

(A) CRITERIA.—Except as provided by paragraph (4), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(i) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreements for the Arrow 3 Upper Tier Development Program;
(ii) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(iii) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(I) in accordance with clause (iv), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(II) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;
(III) technical milestones for co-production of parts and components and procurement;

(IV) a joint affordability working group to consider cost reduction initiatives; and

(V) joint approval processes for third-party sales; and

(iv) the level of co-production described in clause (iii)(I) for the Arrow 3 Upper Tier Intercept Program is not less than 50 percent.

(4) WAIVER.—The Under Secretary may waive the certification required by paragraph (3) if the Under Secretary certifies to the appropriate congressional committees that the Under Secretary has received sufficient data from the Government of Israel to demonstrate—

(A) the funds specified in paragraph (1) are provided to Israel solely for funding the procurement of long-lead components and critical hardware in accordance with a production plan, including a funding profile detailing Israeli contributions for production, including long-lead
production, of the Arrow 3 Upper Tier Interceptor Program;

(B) such long-lead components have successfully completed knowledge points, technical milestones, and production readiness reviews; and

(C) the long-lead procurement will be conducted in a manner that maximizes co-production in the United States without incurring non-recurring engineering activity or cost other than such activity or cost required for suppliers of the United States to start or restart production in the United States.

(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (3) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David’s Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certifications under paragraph (2) of subsection (b) and paragraph (3) of subsection (c) by not later than 60 days before the funds specified in paragraph (1) of subsections (b) and (c) for the re-
spective system covered by the certification are provided to the Government of Israel.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1652. DEVELOPMENT OF PERSISTENT SPACE-BASED SENSOR ARCHITECTURE.

(a) IN GENERAL.—Unless otherwise directed or recommended by the Ballistic Missile Defense Review (BMDR), the Director of the Missile Defense Agency shall develop, using sound acquisition practices, a highly reliable and cost-effective persistent space-based sensor architecture capable of supporting the ballistic missile defense system.

(b) TESTING AND DEPLOYMENT.—The Director shall ensure that the sensor architecture developed under subsection (a) is rigorously tested before final production decisions or operational deployment.

(c) FUNCTIONS.—The sensor architecture developed under subsection (a) shall include one or more of the following functions:

(1) Control of increased raid sizes.
(2) Precision tracking of threat missiles.

(3) Fire-control-quality tracks of evolving threat missiles.

(4) Enabling of launch-on-remote and engage-on-remote capabilities.

(5) Discrimination of warheads.

(6) Effective kill assessment.

(7) Enhanced shot doctrine.

(8) Integration with the command, control, battle management, and communication program of the ballistic missile defense system.

(9) Integration with all other elements of the current ballistic missile defense system, including the Terminal High Altitude Area Defense, Aegis Ballistic Missile Defense, Aegis Ashore, and Patriot Air and Missile Defense Systems.

(10) Such additional functions as determined by the Ballistic Missile Defense Review.

(d) COST ESTIMATES.—Whenever the Director develops a cost estimate for the sensor architecture required by subsection (a), the Director shall use—

(1) the cost-estimating and assessment guide of the Government Accountability Office entitled “GAO Cost Estimating and Assessment Guide” (GAO–09–3SP), or a successor guide; or
(2) the most current operating and support cost-estimating guide of the Office of Cost Assessment and Program Evaluation (CAPE).

SEC. 1653. GROUND-BASED INTERCEPTOR CAPABILITY, CAPACITY, AND RELIABILITY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that it is the policy of the United States to maintain and improve, with the allies of the United States, an effective, robust layered missile defense system capable of defending the citizens of the United States residing in territories and States of the United States, allies of the United States, and deployed Armed Forces of the United States.

(b) INCREASE IN CAPACITY AND CONTINUED ADVANCEMENT.—The Secretary of Defense shall—

(1) subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense, increase the number of United States ground-based interceptors, unless otherwise directed by the Ballistic Missile Defense Review, by up to 28;

(2) develop a plan to further increase such number to the currently available missile field capacity of 104 and to plan for any future capacity at any site that may be identified by the Ballistic Missile Defense Review; and
(3) continue to rapidly advance missile defense technologies to improve the capability and reliability of the ground-based midcourse defense element of the ballistic missile defense system.

(c) DEPLOYMENT.—Not later than December 31, 2021, the Secretary of Defense shall—

(1) execute any requisite construction to ensure that Missile Field 1 or Missile Field 2 at Fort Greely or alternative missile fields at Fort Greely which may be identified pursuant to subsection (b), are capable of supporting and sustaining additional ground-based interceptors;

(2) deploy up to 14 additional ground-based interceptors to Missile Field 1 or up to 20 additional ground-based interceptors to an alternative missile field at Fort Greely as soon as technically feasible; and

(3) identify a ground-based interceptor stockpile storage site for the remaining ground-based interceptors required by subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Unless otherwise directed or recommended by the Ballistic Missile Defense Review (BMDR), the Director of the Missile Defense Agency shall submit to the congressional defense committees,
not later than 90 days after the completion of the Ballistic Missile Defense Review, a report on options to increase the capability, capacity, and reliability of the ground-based midcourse defense element of the ballistic missile defense system and the infrastructure requirements for increasing the number of ground-based interceptors in currently feasible locations across the United States.

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

(A) An identification of potential sites in the United States, whether existing or new on the East Coast or in the Midwest, for the deployment of 104 ground-based interceptors.

(B) A cost-benefit analysis of each such site, including tactical, operational, and cost-to-construct considerations.

(C) A description of any completed and outstanding environmental assessments or impact statements for each such site.

(D) A description of the existing capacity of the missile fields at Fort Greely and the infrastructure requirements needed to increase the number of ground-based interceptors to 20 ground-based interceptors each.
(E) A description of the additional infrastructure and components needed to further outfit missile fields at Fort Greely before emplacing additional ground-based interceptors configured with the redesigned kill vehicle, including with respect to ground excavation, silos, utilities, and support equipment.

(F) A cost estimate of such infrastructure and components.

(G) An estimated schedule for completing such construction as may be required for such infrastructure and components.

(H) An identification of any environmental assessments or impact studies that would need to be conducted to expand such missile fields at Fort Greely beyond current capacity.

(I) An operational evaluation and cost analysis of the deployment of transportable ground-based interceptors, including an identification of potential sites, including in the eastern United States and at Vandenberg Air Force Base, and an examination of any environmental, legal, or tactical challenges associated with such deployments, including to any sites identified in subparagraph (A).
(J) A determination of the appropriate fleet mix of ground-based interceptor kill vehicles and boosters to maximize overall system effectiveness and increase its capacity and capability, including the costs and benefits of continued inclusion of capability enhancement II (CE–II) Block 1 interceptors after the fielding of the redesigned kill vehicle.

(K) A description of the planned improvements to homeland ballistic missile defense sensor and discrimination capabilities and an assessment of the expected operational benefits of such improvements to homeland ballistic missile defense.

(L) The benefit of supplementing ground-based midcourse defense elements with other, more distributed, elements, including both Aegis ships and Aegis Ashore installations with Standard Missile-3 Block IIA and other interceptors in Hawaii and at other locations for homeland missile defense.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
Sec. 1654. Sense of the Senate on the State of United States Missile Defense.

It is the sense of the Senate that—

(1) the Secretary of Defense should use the Ballistic Missile Defense Review (BMDR) to consider accelerating the development of technologies that will increase the capacity, capability, and reliability of the ground-based midcourse defense element of the ballistic missile defense system;

(2) upon completion of the Ballistic Missile Defense Review, the Director of the Missile Defense Agency should, to the extent practicable and with sound acquisition practices, accelerate the development, testing, and fielding of such capabilities as they are prioritized in the Ballistic Missile Defense Review, including the redesigned kill vehicle, the multi-object kill vehicle, the C3 booster, a space-based sensor layer, boost phase sensor and kill technologies, and additional ground-based interceptors; and

(3) in order to achieve these objectives, and to avoid post-production and post-deployment problems, it is essential for the Department of Defense and the Missile Defense Agency to follow a “fly before you buy” approach to adequately test and assess the elements of the ballistic missile defense system before final production decisions or operational deployment.
(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) at a minimum, the Missile Defense Agency should continue to flight test the ground-based midcourse defense element at least once each fiscal year;

(2) the Department of Defense should allocate increased funding to homeland missile defense testing to ensure that our defenses continue to evolve faster than the threats against which they are postured to defend;

(3) in order to rapidly innovate, develop, and field new technologies, the Director of the Missile Defense Agency should continue to focus testing campaigns on delivering increased capabilities to the Armed Forces as quickly as possible; and

(4) the Director of the Missile Defense Agency should seek to establish a more prudent balance between risk mitigation and the more rapid testing pace needed to quickly develop and deliver new capabilities to the Armed Forces.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the con-
gressional defense committees a revised missile defense testing campaign plan that accelerates the development and deployment of new missile defense technologies.

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

(A) A detailed analysis of the acceleration of each of following programs:

(i) Redesigned kill vehicle.

(ii) Multi-object kill vehicle.

(iii) Configuration-3 Booster.

(iv) Lasers mounted on small unmanned aerial vehicles.

(v) Space-based missile defense sensor architecture.

(vi) Such additional technologies as the Director considers appropriate.

(B) A new deployment timeline for each of the programs in listed in subparagraph (A) or a detailed description of why the current timeline for deployment technologies under those programs is most suitable.

(C) An identification of any funding or policy restrictions that would slow down the deploy-
ment of the technologies under the programs listed in subparagraph (A).

(D) A risk assessment of the potential cost overruns and deployment delays that may be encountered in the expedited development process of the capabilities under paragraph (1).

(c) REPORT ON FUNDING PROFILE.—The Director shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2019 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the funding profile necessary for the new testing campaign plan required by subsection (b)(1).

Subtitle F—Cyber Scholarship Opportunities

SEC. 1661. SHORT TITLE.

This subtitle may be cited as the “Cyber Scholarship Opportunities Act of 2017”.

SEC. 1662. COMMUNITY COLLEGE CYBER PILOT PROGRAM AND ASSESSMENT.

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this subtitle, as part of the Federal Cyber Scholarship-for-Service program established under section 302 of the Cybersecurity Enhancement Act of 2014
(15 U.S.C. 7442), the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall develop and implement a pilot program at not more than 10, but at least 5, community colleges to provide scholarships to eligible students who—

(1) are pursuing associate degrees or specialized program certifications in the field of cybersecurity; and

(2)(A) have bachelor’s degrees; or

(B) are veterans of the armed forces.

(b) ASSESSMENT.—Not later than 1 year after the date of enactment of this subtitle, as part of the Federal Cyber Scholarship-for-Service program established under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall assess the potential benefits and feasibility of providing scholarships through community colleges to eligible students who are pursuing associate degrees, but do not have bachelor’s degrees.

SEC. 1663. FEDERAL CYBER SCHOLARSHIP-FOR SERVICE PROGRAM UPDATES.

(a) IN GENERAL.—Section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442) is amended—
(1) by striking subsection (b)(3) and inserting the following:

“(3) prioritize the employment placement of at least 80 percent of scholarship recipients in an executive agency (as defined in section 105 of title 5, United States Code); and

“(4) provide awards to improve cybersecurity education at the kindergarten through grade 12 level—

“(A) to increase interest in cybersecurity careers;

“(B) to help students practice correct and safe online behavior and understand the foundational principles of cybersecurity;

“(C) to improve teaching methods for delivering cybersecurity content for kindergarten through grade 12 computer science curricula; and

“(D) to promote teacher recruitment in the field of cybersecurity.”;

(2) by amending subsection (d) to read as follows:

“(d) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the program, shall enter into an agreement
under which the recipient agrees to work for a period equal to the length of the scholarship, following receipt of the student’s degree, in the cybersecurity mission of—

“(1) an executive agency (as defined in section 105 of title 5, United States Code);

“(2) Congress, including any agency, entity, office, or commission established in the legislative branch;

“(3) an interstate agency;

“(4) a State, local, or tribal government; or

“(5) a State, local, or tribal government-affiliated non-profit that is considered to be critical infrastructure (as defined in section 1016(e) of the USA Patriot Act (42 U.S.C. 5195c(e)).”;

(3) in subsection (f)—

(A) by amending paragraph (3) to read as follows:

“(3) have demonstrated a high level of competency in relevant knowledge, skills, and abilities, as defined by the national cybersecurity awareness and education program under section 401;”; and

(B) by amending paragraph (4) to read as follows:

“(4) be a full-time student in an eligible degree program at a qualified institution of higher edu-
cation, as determined by the Director of the National Science Foundation, except that in the case of a student who is enrolled in a community college, be a student pursuing a degree on a less than full-time basis, but not less than half-time basis; and''; and

(4) by amending subsection (m) to read as follows:

“(m) PUBLIC INFORMATION.—

“(1) EVALUATION.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall periodically evaluate and make public, in a manner that protects the personally identifiable information of scholarship recipients, information on the success of recruiting individuals for scholarships under this section and on hiring and retaining those individuals in the public sector cyber workforce, including on—

“(A) placement rates;

“(B) where students are placed, including job titles and descriptions;

“(C) student salary ranges for students not released from obligations under this section;

“(D) how long after graduation they are placed;
“(E) how long they stay in the positions they enter upon graduation;

“(F) how many students are released from obligations; and

“(G) what, if any, remedial training is required.

“(2) REPORTS.—The Director of the National Science Foundation, in coordination with the Office of Personnel Management, shall submit, at least once every 3 years, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report, including the results of the evaluation under paragraph (1) and any recent statistics regarding the size, composition, and educational requirements of the Federal cyber workforce.

“(3) RESOURCES.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall provide consolidated and user-friendly online resources for prospective scholarship recipients, including, to the extent practicable—

“(A) searchable, up-to-date, and accurate information about participating institutions of
higher education and job opportunities related to
the field of cybersecurity; and
“(B) a modernized description of cybersecu-

ry careers.”.

(b) SAVINGS PROVISION.—Nothing in this section, or
an amendment made by this section, shall affect any agree-
ment, scholarship, loan, or repayment, under section 302
7442), in effect on the day before the date of enactment of
this subtitle.

SEC. 1664. CYBERSECURITY TEACHING.

Section 10(i) of the National Science Foundation Au-
thorization Act of 2002 (42 U.S.C. 1862n–1(i)) is amend-
ed—

(1) by amending paragraph (5) to read as fol-
lows:
“(5) the term ‘mathematics and science teacher’
means a science, technology, engineering, mathe-
matics, or computer science, including cybersecurity,
teacher at the elementary school or secondary school
level;”; and

(2) by amending paragraph (7) to read as fol-
lows:
“(7) the term ‘science, technology, engineering, or
mathematics professional’ means an individual who
holds a baccalaureate, master’s, or doctoral degree in science, technology, engineering, mathematics, or computer science, including cybersecurity, and is working in or had a career in such field or a related area;

and”.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2018”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Five Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2022; or
(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2023.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2022; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2023 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

(c) Extension of Authorizations of Fiscal Year 2016 and Fiscal Year 2017 Projects.—


(A) in subsection (a)—
(i) in paragraph (1), by striking “2018” and inserting “2020”; and

(ii) in paragraph (2), by striking “2019” and inserting “2021”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “2018” and inserting “2020”; and

(ii) in paragraph (2), by striking “2019” and inserting “2021”.


(A) in subsection (a)—

(i) in paragraph (1), by striking “2019” and inserting “2021”; and

(ii) in paragraph (2), by striking “2020” and inserting “2022”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “2019” and inserting “2021”; and

(ii) in paragraph (2), by striking “2020” and inserting “2022”.

† HR 2810 PAP
SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2017; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort Rucker</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$22,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Huachuca</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$29,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Carson</td>
<td>$29,300,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Eglin Air Force Base</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Fort Benning</td>
<td>$38,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Gordon</td>
<td>$51,500,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Pohakuloa Training Area</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Crane Army Ammunition Plant</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>United States Military Academy</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$60,000,000</td>
</tr>
<tr>
<td></td>
<td>Shaw Air Force Base</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Camp Bullis</td>
<td>$13,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood</td>
<td>$70,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Base Langley-Eustis</td>
<td>$34,000,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Myer-Henderson</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Yakima</td>
<td>$19,500,000</td>
</tr>
</tbody>
</table>
(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction project for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Stuttgart</td>
<td>$40,000,000</td>
</tr>
<tr>
<td></td>
<td>Weisbaden</td>
<td>$43,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Kunsan Air Base</td>
<td>$53,000,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Various Locations</td>
<td>$6,400,000</td>
</tr>
</tbody>
</table>

(c) Certification Requirement for Certain Projects.—The Secretary of the Army may not exercise the authority provided under subsection (a) with respect to the Fort Rucker, Alabama, or the Fort Benning, Georgia, projects set forth in the table under such subsection unless the Secretary of Defense, without delegation, certifies to the congressional defense committees that such project is essential for Army training.

SEC. 2102. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table...
in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**Army: Family Housing**

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Fort Gordon</td>
<td>Family Housing New Construction</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Germany</td>
<td>South Camp Vilseck</td>
<td>Family Housing New Construction</td>
<td>$22,445,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>Family Housing New Construction</td>
<td>$34,402,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Natick</td>
<td>Family Housing Replacement Construction</td>
<td>$21,000,000</td>
</tr>
</tbody>
</table>

(b) **Planning and Design.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $33,559,000.

**Sec. 2103. Authorization of Appropriations, Army.**

(a) **Authorization of Appropriations.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and military family housing functions of...
the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 986) for Joint Base Lewis-McChord, Washington, for construction of an airfield operations complex, the Secretary of the Army may construct standby generator capacity of 1,000 kilowatts.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3670) for Fort Shafter, Hawaii, for con-
struction of a command and control facility, the Secretary of the Army may construct 15 megawatts of redundant power generation for a total project amount of $370,000,000.

SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2014 PROJECT.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (127 Stat. 986), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>Army: Extension of 2014 Project Authorizations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Country</strong></td>
</tr>
<tr>
<td>Japan .......</td>
</tr>
</tbody>
</table>

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

as provided in section 2101 of that Act (128 Stat. 3670), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

Army: Extension of 2015 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Military Ocean Terminal Concord.</td>
<td>Access Control Point ................</td>
<td>$9,900,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Shafter ...</td>
<td>Command and Control Facility (SCIF)</td>
<td>$370,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>Missile Magazine ..................</td>
<td>$10,600,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood ......</td>
<td>Simulation Center .................</td>
<td>$46,000,000</td>
</tr>
</tbody>
</table>

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:
Navy: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$36,358,000</td>
</tr>
<tr>
<td>California</td>
<td>Barstow</td>
<td>$36,559,000</td>
</tr>
<tr>
<td></td>
<td>Camp Pendleton</td>
<td>$61,139,000</td>
</tr>
<tr>
<td></td>
<td>Coronado</td>
<td>$36,000,000</td>
</tr>
<tr>
<td></td>
<td>Lemoore</td>
<td>$60,828,000</td>
</tr>
<tr>
<td></td>
<td>Miramar</td>
<td>$87,174,000</td>
</tr>
<tr>
<td></td>
<td>San Diego</td>
<td>$108,000,000</td>
</tr>
<tr>
<td></td>
<td>Twentynine Palms</td>
<td>$55,059,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Mayport</td>
<td>$194,818,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Albany</td>
<td>$43,308,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kaneohe Bay</td>
<td>$45,512,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$73,200,000</td>
</tr>
<tr>
<td></td>
<td>Wahiawa</td>
<td>$65,864,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Kittery</td>
<td>$61,692,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$168,059,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Cherry Point Marine Corps Air Station</td>
<td>$15,671,000</td>
</tr>
<tr>
<td></td>
<td>Dean Neck</td>
<td>$29,262,000</td>
</tr>
<tr>
<td></td>
<td>Joint Expeditionary Base Little Creek-Story</td>
<td>$2,596,000</td>
</tr>
<tr>
<td></td>
<td>Portsmouth</td>
<td>$72,990,000</td>
</tr>
<tr>
<td></td>
<td>Quantico</td>
<td>$23,738,000</td>
</tr>
<tr>
<td></td>
<td>Yorktown</td>
<td>$36,358,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Indian Island</td>
<td>$44,140,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>$13,390,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$22,045,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$284,679,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>$21,866,000</td>
</tr>
</tbody>
</table>

† HR 2810 PAP
SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amount set forth in the following table:

**Navy: Family Housing**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain Island</td>
<td>Southwest Asia</td>
<td>Construction On-Base General and Flag Officers Quarters</td>
<td>$2,138,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,418,000.
SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $36,251,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.
SEC. 2205. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (127 Stat. 989) and extended by section 2207 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2694), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>Great Lakes</td>
<td>Unaccompanied Housing</td>
<td>$35,851,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Fallon</td>
<td>Wastewater Treatment Plant</td>
<td>$11,334,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Quantico</td>
<td>Fuller Road Improvements</td>
<td>$9,013,000</td>
</tr>
</tbody>
</table>

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

as provided in section 2201 of that Act (128 Stat. 3675),
shall remain in effect until October 1, 2018, or the date
of the enactment of an Act authorizing funds for military
construction for fiscal year 2019, whichever is later.

(b) Table.—The table referred to in subsection (a) is
as follows:

Navy: Extension of 2015 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District of Columbia</td>
<td>NSA Washington ....</td>
<td>Electronics Science and Technology Lab ........</td>
<td>$37,882,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Indian Head .............</td>
<td>Advanced Energetics Research Lab Complex Phase 2</td>
<td>$15,346,000</td>
</tr>
</tbody>
</table>

TITLE XXIII—AIR FORCE
MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND
LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts ap-
propriated pursuant to the authorization of appropriations
in section 2304(a) and available for military construction
projects inside the United States as specified in the funding
table in section 4601, the Secretary of the Air Force may
acquire real property and carry out military construction
projects for the installations or locations inside the United
States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base ..........</td>
<td>$168,900,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base ....</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base ..........</td>
<td>$38,000,000</td>
</tr>
</tbody>
</table>
Air Force: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Fort Carson</td>
<td>$13,000,000</td>
</tr>
<tr>
<td></td>
<td>U.S. Air Force Academy</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Eglin Air Force Base</td>
<td>$90,700,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>MacDill Air Force Base</td>
<td>$8,100,000</td>
</tr>
<tr>
<td></td>
<td>Tyndall Air Force Base</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Joint Base Andrews</td>
<td>$271,500,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>$61,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$42,000,000</td>
</tr>
<tr>
<td></td>
<td>Kirtland Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$6,800,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$20,900,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$156,630,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>P.E. Warren Air Force Base</td>
<td>$62,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Darwin</td>
<td>$76,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$27,325,000</td>
</tr>
<tr>
<td>Qatar</td>
<td>Al Udeid</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>$25,997,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>RAF Fairford</td>
<td>$45,650,000</td>
</tr>
<tr>
<td></td>
<td>RAF Lakenheath</td>
<td>$136,992,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified Worldwide Locations</td>
<td>$325,390,000</td>
</tr>
</tbody>
</table>

† HR 2810 PAP
SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,445,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $80,617,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.
(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECTS.

(a) HANSCOM AIR FORCE BASE.—In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2696) for Hanscom Air Force Base, Massachusetts, for construction of a gate complex at the installation, the Secretary of the Air Force may construct a visitor control center of 187 square meters, a traffic check house of 294 square meters, and an emergency power generator system and transfer switch consistent with the Air Force’s construction guidelines.

(b) MARIANA ISLANDS.—In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2697) for
acquiring 142 hectares of land at an unspecified location in the Mariana Islands, the Secretary of the Air Force may purchase 142 hectares of land on Tinian in the Northern Mariana Islands for a cost of $21,900,000.

(c) CHABELLEY AIRFIELD.—In the case of the authorization contained in the table in section 2902 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2743) for Chabelley Airfield, Djibouti, for construction of a parking apron and taxiway at that location, the Secretary of the Air Force may construct 20,490 square meters of taxiway and apron, 8,230 square meters of paved shoulders, 10,650 square meters of hangar pads, and 3,900 square meters of cargo apron.

(d) SCOTT AIR FORCE BASE.—The table in section 4601 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2877) is amended in the item relating to Scott Air Force Base, Illinois, by striking “Consolidated Corrosion Facility add/alter” in the project title column and inserting “Consolidated Communication Facility add/alter”.

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year
2015 (division B of Public Law 113–291; 128 Stat. 3669),
the authorizations set forth in the table in subsection (b),
as provided in section 2301 of that Act (128 Stat. 3679),
shall remain in effect until October 1, 2018, or the date
of the enactment of an Act authorizing funds for military
construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is
as follows:

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska ..........</td>
<td>Clear Air Force Station</td>
<td>Emergency Power Plant Fuel Storage</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Oklahoma ........</td>
<td>Tinker Air Force Base</td>
<td>KC–46 Two-Bay Maintenance Hangar</td>
<td>$63,000,000</td>
</tr>
</tbody>
</table>

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:
### Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$43,642,000</td>
</tr>
<tr>
<td></td>
<td>Coronado</td>
<td>$258,735,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Schriever Air Force Base</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$9,100,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field</td>
<td>$46,400,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Gordon</td>
<td>$10,350,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kauai</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$261,941,000</td>
</tr>
<tr>
<td></td>
<td>St. Louis</td>
<td>$381,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$8,228,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$90,039,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$57,778,000</td>
</tr>
<tr>
<td></td>
<td>Seymour Johnson Air Force Base</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw Air Force Base</td>
<td>$22,900,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>$8,300,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Expeditionary Base Little Creek - Story</td>
<td>$23,000,000</td>
</tr>
<tr>
<td></td>
<td>Norfolk</td>
<td>$18,500,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon</td>
<td>$50,100,000</td>
</tr>
<tr>
<td></td>
<td>Portsmouth</td>
<td>$22,500,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified Worldwide Locations</td>
<td>$64,364,000</td>
</tr>
</tbody>
</table>

1. **(b) OUTSIDE THE UNITED STATES.—** Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 3002, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

### Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Spangdahlem Air Base</td>
<td>$79,114,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart</td>
<td>$46,609,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$18,100,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$23,900,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Sigonella</td>
<td>$22,400,000</td>
</tr>
<tr>
<td></td>
<td>Vicenza</td>
<td>$62,406,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>$30,800,000</td>
</tr>
<tr>
<td></td>
<td>Kadena Air Base</td>
<td>$27,573,000</td>
</tr>
<tr>
<td></td>
<td>Okinawa</td>
<td>$11,900,000</td>
</tr>
<tr>
<td></td>
<td>Sasebo</td>
<td>$45,600,000</td>
</tr>
</tbody>
</table>

† HR 2810 PAP
Defense Agencies: Outside the United States—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Puerto Rico .....</td>
<td>Torii Commo Station ..........</td>
<td>$25,323,000</td>
</tr>
<tr>
<td>United Kingdom ..</td>
<td>Menwith Hill Station ..........</td>
<td>$11,000,000</td>
</tr>
</tbody>
</table>

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTIONS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount set forth in the table.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appro-
priated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

In the case of the authorization in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2700) for Kaiserslautern, Germany, for construction of the Sembach Elementary/Middle School Replacement, the Secretary of Defense may construct an elementary school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127 Stat. 995) and extended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2702), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:
Defense Agencies: Extension of 2014 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>RAF Lakenheath ..........</td>
<td>Lakenheath Middle/High School Replacement ..........</td>
<td>$69,638,000</td>
</tr>
<tr>
<td>Virginia ..........</td>
<td>Marine Corps Base Quantico ..................</td>
<td>Quantico Middle/High School Replacement ..........</td>
<td>$40,586,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon ..................</td>
<td>PFPA Support Operations Center ..........</td>
<td>$14,800,000</td>
</tr>
</tbody>
</table>

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (128 Stat. 3681), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2015 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia ........</td>
<td>Geraldton ..................</td>
<td>Combined Communications Gateway Geraldton ..........</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>Belgium ..........</td>
<td>Brussels .....................</td>
<td>Brussels Elementary/High School Replacement ..........</td>
<td>$41,626,000</td>
</tr>
<tr>
<td>Japan ............</td>
<td>Okinawa .....................</td>
<td>Kubasaki High School Replacement/Renovation ..........</td>
<td>$99,420,000</td>
</tr>
<tr>
<td>Japan ............</td>
<td>Sasebo .....................</td>
<td>E.J. King High School Replacement/Renovation ..........</td>
<td>$37,681,000</td>
</tr>
<tr>
<td>Mississippi ......</td>
<td>Stennis .....................</td>
<td>SOF Land Acquisition Western Maneuver Area ..........</td>
<td>$17,224,000</td>
</tr>
</tbody>
</table>
Defense Agencies: Extension of 2015 Project Authorizations—Continued

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>SOF Squadron Operations Facility (STS)</td>
<td>$23,333,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Defense Distribution</td>
<td>Replace Access Control Point</td>
<td>$5,700,000</td>
</tr>
<tr>
<td></td>
<td>Depot Richmond</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Joint Base Langley-Eustis</td>
<td>Hospital Addition/ Central Utility Plant Replacement</td>
<td>$41,200,000</td>
</tr>
<tr>
<td></td>
<td>Pentagom</td>
<td>Redundant Chilled Water Loop</td>
<td>$15,100,000</td>
</tr>
</tbody>
</table>

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for contribu-
tions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

<table>
<thead>
<tr>
<th>Country</th>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Unaccompanied Enlisted Personnel Housing, Phase 1</td>
<td>$76,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Camp Humphreys</td>
<td>Type I Aircraft Parking Apron</td>
<td>$10,000,000</td>
</tr>
<tr>
<td></td>
<td>Air Force</td>
<td>Kunsan Air Base</td>
<td>Construct Airfield Damage Repair Warehouse</td>
<td>$6,500,000</td>
</tr>
<tr>
<td></td>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Main Gate Entry Control Facilities</td>
<td>$13,000,000</td>
</tr>
</tbody>
</table>
SEC. 2512. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECTS.

(a) CAMP HUMPHREYS.—In the case of the authorization contained in the table in section 2511 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2704) for Camp Humphreys, Republic of Korea, for construction of the 8th Army Correctional Facility, the Secretary of Defense may construct a level 1 correctional facility of 26,000 square feet and a utility and tool storage building of 400 square feet.

(b) K–16 AIR BASE.—In the case of the authorization contained in the table in section 2511 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2704) for the K–16 Air Base, Republic of Korea, for renovation of the Special Operations Forces (SOF) Operations Facility, B–606, the Secretary of Defense may renovate an operations administration area of 5,500 square meters.
TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>New Castle</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mission Training Center Gowen</td>
<td>$9,000,000</td>
</tr>
<tr>
<td></td>
<td>Orchard Training Area</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Camp Dodge</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Leavenworth</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Presque Isle</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Sykesville</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Arden Hills</td>
<td>$39,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Springfield</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Las Cruces</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>$15,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Pickett</td>
<td>$4,550,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Tumwater</td>
<td>$31,000,000</td>
</tr>
</tbody>
</table>
SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fallbrook</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Newark</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$9,100,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Aguadilla</td>
<td>$12,400,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$13,000,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:
Navy Reserve and Marine Corps Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Lemoore</td>
<td>$17,330,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Gordon</td>
<td>$17,797,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakehurst</td>
<td>$11,573,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Worth</td>
<td>$12,637,000</td>
</tr>
</tbody>
</table>

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>March Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Peterson Air Force Base</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bradley IAP</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Hulman Regional Airport</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Louisville IAP</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Jackson International Airport</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Rosecrans Memorial Airport</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Hancock Field</td>
<td>$6,800,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Toledo Express Airport</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tulsa International Airport</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Klamath Falls IAP</td>
<td>$18,500,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Joe Foss Field</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>McGhee-Tyson Airport</td>
<td>$25,000,000</td>
</tr>
</tbody>
</table>

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) LOCATIONS INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of ap-
propriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Air Force Reserve: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Patrick Air Force Base</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Robins Air Force Base</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Westover Air Reserve Base</td>
<td>$61,100,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Minneapolis-St. Paul International Airport</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>$6,400,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Naval Air Station Joint Reserve Base Fort Worth</td>
<td>$3,100,000</td>
</tr>
</tbody>
</table>

(\(b\) **Locations Outside the United States**.—)

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve location outside the United States, and in the amount, set forth in the following table:

**Air Force Reserve: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$5,200,000</td>
</tr>
</tbody>
</table>
SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3688) for Starkville, Mississippi, for construction of an Army Reserve Center at that location, the Secretary of the Army may acquire approximately fifteen acres (653,400 square feet) of land.

SEC. 2612. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

as provided in section 2602, 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Homestead Air Reserve</td>
<td>Entry Control Complex</td>
<td>$9,800,000</td>
</tr>
<tr>
<td></td>
<td>Base</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>175th Network Warfare Squadron Facility</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York</td>
<td>Ballville</td>
<td>Army Reserve Center</td>
<td>$14,500,000</td>
</tr>
</tbody>
</table>

**SEC. 2613. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in sections 2602 and 2604 of that Act (128 Stat. 3688, 3689), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:
Army Reserve: Extension of 2015 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>Starkville</td>
<td>Army Reserve Center</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Pease International Trade Port</td>
<td>KC-46A ADAL Airfield Pavements and Hydrant Systems</td>
<td>$7,100,000</td>
</tr>
</tbody>
</table>

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.
SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL

BASE REALIGNMENT AND CLOSURE (BRAC)

ROUND.

Nothing in this Act shall be construed to authorize an
additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CON-
STRUCTION AND GENERAL

PROVISIONS

Subtitle A—Military Construction

Program and Military Family

Housing Changes

SEC. 2801. AUTHORITY TO USE EXPIRING FUNDS FOR CER-
TAIN MILITARY CONSTRUCTION PROJECTS.

(a) Army Authority to Purchase Property for

Expansion of Cemeteries.—Subchapter I of chapter 169

of title 10, United States Code, is amended by adding at

the end the following new section:

“§2815. Army authority to use expiring funds to pur-

chase property for expansion of cemeteries

“Of funds appropriated after the date of the enactment

of this Act for the Army that remain unobligated and are
due to expire at the end of the fiscal year, up to $10,000,000

may be available for the Secretary of the Army for the fol-

lowing fiscal year to purchase public or private property

for the sole purpose of long-term expansion of cemeteries

under the jurisdiction of the Secretary.”.
(b) Navy Authority To Purchase Property for Enhancing Installation Security.—Subchapter I of chapter 169 of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new section:

"§ 2816. Navy authority to use expiring funds to purchase property for enhancing installation security

"Of funds appropriated after the date of the enactment of this Act for the Navy that remain unobligated and are due to expire at the end of the fiscal year, up to $10,000,000 may be available for the Secretary of the Navy for the following fiscal year to purchase public or private property that is otherwise in an area surrounded by a military installation under the jurisdiction of the Secretary of the Navy for the purpose of enhancing the security of the installation."

(c) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2814 the following new items:

"2815. Army authority to use expiring funds to purchase property for expansion of cemeteries.

"2816. Navy authority to use expiring funds to purchase property for enhancing installation security."
SEC. 2802. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.


(1) in paragraph (1), by striking “December 31, 2017” and inserting “December 31, 2018”; and

(2) in paragraph (2), by striking “fiscal year 2018” and inserting “fiscal year 2019”.

(b) Limitation on Use of Authority.—Subsection (c)(1) of such section 2808 is amended—

(1) by striking “October 1, 2016” and inserting “October 1, 2017”; and

(2) by striking “December 31, 2017” and inserting “December 31, 2018”; and

(3) by striking “fiscal year 2018” and inserting “fiscal year 2019”.

SEC. 2803. AUTHORIZED COST INCREASES.

Section 2853 of title 10, United States Code, is amended—
(1) in subsection (a), by inserting “by not more than 10 percent” after “may be increased”; and

(2) in subsection (c)—

(A) by striking “limitation on cost variations” and inserting “limitation on cost decreases”; and

(B) in paragraph (1)—

(i) by striking “case of a cost increase or a reduction” and inserting “case of a reduction”; and

(ii) in subparagraph (A)—

(I) by striking “cost increase or reduction in scope, the reasons therefor,” and inserting “reduction in scope, the reasons therefor, and”; and

(II) by striking “, and a description of the funds proposed to be used to finance any increased costs”.

† HR 2810 PAP
Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY TO USE ENERGY COST SAVINGS FOR ENERGY RESILIENCE, MISSION ASSURANCE, AND WEATHER DAMAGE REPAIR AND PREVENTION MEASURES.

Section 2912(b)(1) of title 10, United States Code, is amended by striking “energy conservation and” and inserting “energy resilience, mission assurance, weather damage repair and prevention, energy conservation, and”.

SEC. 2812. MODIFICATION OF UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECT AUTHORITY TO COVER CORRECTION OF DEFICIENCIES THAT ARE THREATS TO INSTALLATION RESILIENCE.

Section 2805(a)(2) of title 10, United States Code, is amended by striking “or safety-threatening” and inserting “safety-threatening, or a threat to the military mission and installation’s resilience”.

† HR 2810 PAP
SEC. 2813. LAND EXCHANGE VALUATION OF PROPERTY WITH REDUCED DEVELOPMENT THAT LIMITS ENCROACHMENT ON MILITARY INSTALLATIONS.

(a) In general.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

§2698. Land exchange valuation of property with reduced development that limits encroachment on military installations

“For purposes of calculating the fair market value of a parcel of real property to be conveyed to the Department of Defense as part of a land exchange, any reduction in value of the real property due to voluntary actions taken by the public or private owner of such property to limit encroachment on a military installation or otherwise limit development shall not be taken into account.”.

(b) Clerical amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2697 the following new item:

“2698. Land exchange valuation of property with reduced development that limits encroachment on military installations.”.

SEC. 2814. ACCESS TO MILITARY INSTALLATIONS BY TRANSPORTATION NETWORK COMPANIES.

Section 346 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—
(1) in the section heading, by inserting “AND
TRANSPORTATION NETWORK COMPANIES” after
“TRANSPORTATION COMPANIES”;

(2) in subsections (b), (c), and (d), by inserting
“or transportation network company” after “trans-
portation company” each places it appears;

(3) in subsection (b)(7), by inserting “and trans-
portation network companies” after “transportation
companies”; and

(4) in subsection (d)—

(A) by redesignating paragraph (2) as
paragraph (3);

(B) by striking paragraph (1) and inserting
the following new paragraphs:

“(1) TRANSPORTATION COMPANY.—The term
‘transportation company’ means a corporation, part-
nership, sole proprietorship, or other entity outside of
the Department of Defense that provides a commercial
transportation service to a rider.

“(2) TRANSPORTATION NETWORK COMPANY.—
The term ‘transportation network company’—

“(A) means a corporation, partnership, sole
proprietorship, or other entity, that uses a dig-
ital network to connect riders to covered drivers
in order for the driver to transport the rider
using a vehicle owned, leased, or otherwise au-
thorized for use by the driver to a point chosen
by the rider; and

“(B) does not include a shared-expense car-
pool or vanpool arrangement that is not in-
tended to generate profit for the driver.”; and

(C) in subparagraph (A)(i) of paragraph
(3), as redesignated by subparagraph (A) of this
paragraph, by inserting “or transportation net-
work company” after “transportation company”.

Subtitle C—Land Conveyances

SEC. 2821. LAND CONVEYANCE, NATICK SOLDIER SYSTEMS
CENTER, MASSACHUSETTS.

(a) Conveyance Authorized.—The Secretary of the
Army may convey all right, title, and interest of the United
States in and to parcels of real property, including im-
provements thereon, consisting of approximately 98 acres
located in the vicinity of Hudson, Wayland, and Needham,
Massachusetts, that are the sites of military family housing
supporting military personnel assigned to the U.S. Army
Natick Soldier Systems Center.

(b) Competitive Sale Requirement.—The Sec-
retary shall use competitive procedures for the conveyance
authorized under subsection (a).

(c) Consideration.—
(1) **Consideration Required.**—The Secretary shall require as consideration for the conveyance under subsection (a), whether by in-kind consideration, or a combination of cash and in-kind consideration, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) **In-Kind Consideration.**—

(A) In General.—As determined by the Secretary, in-kind consideration under paragraph (1) shall include—

(i) demolition of existing military family housing on the U.S. Army Natick Soldier Systems Center (other than housing on property conveyed under subsection (a)) that the Secretary determines necessary to accommodate construction of military family housing or unaccompanied soldier housing to support military personnel assigned to the U.S. Army Natick Soldier Systems Center;

(ii) construction or renovation of military family housing or unaccompanied soldier housing, other than general officer housing, to support military personnel as-
signed to the U.S. Army Natick Soldier Systems Center; or

(iii) construction of ancillary supporting facilities (as that term is defined in section 2871(1) of title 10, United States Code) to support military personnel assigned to the U.S. Army Natick Soldier Systems Center.

(B) In-kind consideration exceeding $1,000,000.—If the value of in-kind consideration to be provided under this subsection exceeds $1,000,000, the Secretary may not accept such consideration until 21 days after the date the Secretary notifies the congressional defense committees of the decision of the Secretary to accept in-kind consideration in excess of that amount.

(3) Cash payments.—

(A) Cash payments deposited in a special account.—Cash payments provided as consideration under this subsection shall be deposited in a special account in the Treasury established for the Secretary.

(B) Use of funds in special account.—The Secretary is authorized to use funds depos-
ited in the special account established under sub-
paragraph (A) for—

(i) demolition of existing military fam-
ily housing; or

(ii) construction or renovation of mili-
tary family housing or unaccompanied sol-
dier housing to support military personnel.

(C) Cash consideration not used prior
to October 1, 2022.—Cash payments provided
as consideration under this subsection that are
received by the Secretary and not used by the
Secretary for purposes authorized by subpara-
graph (B) prior to October 1, 2022, shall be
transferred to an account in the Treasury estab-
lished pursuant to section 2883 of title 10,
United States Code.

(d) Payment of costs of conveyance.—

(1) Payment required.—The Secretary shall
require the party to whom property is conveyed under
subsection (a) (in this section referred to as the “pur-
chaser”) to cover all costs to be incurred by the Sec-
retary, or to reimburse the Secretary for costs in-
curred by the Secretary, to carry out the conveyance
under this section, including survey costs, costs for en-
vironmental documentation, and any other adminis-
trative costs related to the conveyance. If amounts are collected from the purchaser in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the purchaser.

(2) Treatment of amounts received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) Description of parcels.—The exact acreage and legal description of the parcels to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.
(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

(g) APPLICATION OF OTHER LAWS.—The conveyance of property under this section shall not be subject to—

(1) section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411); and

(2) subtitle I of title 40, and division C (except section 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, United States Code.

SEC. 2822. LAND CONVEYANCE, ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service, a nonappropriated fund instrumentality of the United States, to sell and convey all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 7.857 acres located at 8901 Autobahn Drive, Dallas, Texas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the purchaser shall pay the United States, in a single lump sum payment, an amount
equal to the fair market value of the real property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) **TREATMENT OF CONSIDERATION.**—Section 574(a) of title 40, United States Code, shall apply to the consideration received under subsection (b).

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) **INAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.**—The conveyance of property under this section shall not be subject to section 2696 of title 10, United States Code.

**SEC. 2823. LAND CONVEYANCES, CERTAIN FORMER PEACEKEEPER ICBM FACILITIES IN WYOMING.**

(a) **CONVEYANCES AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the Wyoming Department of State Parks and Cultural Resources (in this section referred to as the “Department”)

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all right, title and interest of the United States in and to parcels of real property, together with any improvements thereon, consisting of the missile alert facility and launch control center at the Quebec #1 Missile Alert Facility for the Peacekeeper ICBM facilities of the 190 Missile Group at F.E. Warren Air Force Base, Wyoming, for the purpose of establishing a historical site allowing for the preservation, protection, and interpretation of the facilities.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of State and the Secretary of Defense in order to ensure that the conveyances required in subsection (a) are carried out in accordance with applicable treaties.

(c) COMPLIANCE WITH TREATY AND PROGRAMMATIC AGREEMENT.—The land conveyance under subsection (a) will enable the United States Air Force to comply with the terms of the Programmatic Agreement Between Francis E. Warren Air Force Base, And The Wyoming State Historic Preservation Officer, Regarding The Implementation Of The Strategic Arms Reduction Treaty.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), includ-
ing survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Department in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if such fund or account has expired at the time of credit, to an appropriate appropriation, fund, or account currently available to the Secretary for the purposes for which the expenses were paid. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.
(f) ENVIRONMENTAL CONCERNS.—The United States Air Force shall retain liability for all environmental closure and reclamation obligations that exist as of the date of the conveyance under subsection (a).

(g) ADDITIONAL TERMS AND CONSIDERATIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. LAND EXCHANGE, NAVAL INDUSTRIAL ORDNANCE RESERVE PLANT, SUNNYVALE, CALIFORNIA.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Navy (“Secretary”) may convey to an entity (“Exchange Entity”) all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, comprising the Naval Industrial Reserve Ordnance Plant (NIROP) located in Sunnyvale, California in exchange for property interests that meet the readiness requirements of the Department of the Navy, as determined by the Secretary.

(b) LAND EXCHANGE AGREEMENT.—Exchange of the real property identified in subsection (a) shall be governed by a land exchange agreement that identifies the property interests to be exchanged pursuant to this section, the time
period in which the exchange will occur, and the roles and responsibilities of the Secretary and the Exchange Entity in effecting the land exchange.

(c) COVENANTS AND RESTRICTIONS.—The conveyance under subsection (a) shall be subject to the condition that the Exchange Entity accepts the NIROP real property with the covenants, restrictions, and other clauses required by section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(d) VALUATION.—The value of the property interests to be exchanged by the Secretary and the Exchange Entity pursuant to this section shall be determined—

(1) by an independent appraiser selected by the Secretary; and

(2) in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(e) CASH EQUALIZATION PAYMENT.—

(1) EQUALIZATION REQUIRED.—If the value of the NIROP property is greater than the value of the Exchange Entity property exchanged under subsection (a), the values shall be equalized through a cash
equalization payment from the Exchange Entity to the Department of the Navy.

(2) No Equalization Required.—If the value of the Exchange Entity property exchanged under subsection (a) is greater than the value of the NIROP property, the Secretary shall not make a cash equalization payment to equalize the values.

(f) Payment of Costs of Conveyance.—

(1) Payment Required.—The Secretary shall require the Exchange Entity to pay costs incurred by the Department of the Navy to carry out the exchange of property interests pursuant to this section, including survey costs, costs for environmental documentation, review of replacement facilities design, real estate due diligence, including appraisals, relocation of activities and facilities from Sunnyvale, California to the replacement facilities, and any other administrative costs related to the exchange of property interests.

If amounts are collected from the Exchange Entity in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange of property interests, the Secretary shall refund the excess amount to the Exchange Entity.
(2) **Treatment of Amounts Received.**—

Amounts received under paragraph (1) above shall be credited and made available to the Secretary in accordance with section 2695(c) of title 10, United States Code.

(g) **Description of Property.**—The exact acreage and legal description of the real property to be exchanged pursuant to this section shall be determined by surveys satisfactory to the Secretary.

(h) **Relation to Other Military Construction Requirements.**—The acquisition of a facility using the authority provided by this section shall not be treated as a military construction project for which an authorization is required by section 2802 of title 10, United States Code, or for reporting as required by section 2662 of such title.

(i) **Inapplicability of Section 2696 of Title 10.**—The real property to be exchanged pursuant to this section is exempt from the screening process required by subsection 2696(b) of title 10, United States Code.

(j) **Requirement for Assessment of Feasibility of Transferring Certain Functions.**—The Secretary may not make the conveyance authorized by this section until the Secretary submits to the congressional defense committees an assessment of the feasibility and advisability of transferring, in whole or in part, functions currently per-
formed at the Naval Industrial Reserve Ordnance Plant to
real property already in the Navy inventory and involved
in supporting the fleet ballistic missile program.

(k) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
retary may require such additional terms and conditions
in connection with the exchange authorized by this section
as the Secretary considers appropriate to protect the inter-
ests of the United States.

(l) SUNSET PROVISION.—The authority provided in
this section shall expire on October 1, 2021.

SEC. 2825. LAND EXCHANGE, NAVAL AIR STATION CORPUS
CHRISTI, TEXAS.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of
the Navy (in this section referred to as the “Secretary”) may convey to the City of Corpus Christi, Texas (in this
section referred to as the “City”), all right, title, and inter-
est of the United States in and to a parcel of real property,
including improvements thereon, consisting of approxi-
mately 44 acres known as the Peary Place Transmitter Site
in Nueces County associated with Naval Air Station Corpus
Christi, Texas.

(b) CONSIDERATION.—As consideration for the convey-
ance under subsection (a), the City shall convey to the Sec-
retary its real property interests either adjacent or prox-
imate, and causing an encroachment concern as determined
by the Secretary, to Naval Air Station Corpus Christi,
Naval Outlying Landing Field Waldron and Naval Out-
lying Landing Field Cabaniss.

(c) LAND EXCHANGE AGREEMENT.—The Secretary
and the City may enter into a land exchange agreement
to implement this section.

(d) VALUATION.—The value of each property interest
to be exchanged by the Secretary and the City described in
subsection (a) and (b) shall be determined—

(1) by an independent appraiser selected by the
Secretary; and

(2) in accordance with the Uniform Appraisal
Standards for Federal Land Acquisitions and the
Uniform Standards of Professional Appraisal Prac-
tice.

(e) CASH EQUALIZATION PAYMENTS.—

(1) TO THE SECRETARY.—If the value of the
property interests described in subsection (a) is great-
er than the value of the property interests described
in subsection (b), the values shall be equalized through
a cash equalization payment from the City to the De-
partment of the Navy.

(2) NO EQUALIZATION.—If the value of the prop-
erty interests described in subsection (b) is greater
than the value of the property interests described in
subsection (a), the Secretary shall not make a cash equalization payment to equalize the values.

(f) Payment of Costs of Conveyance.—

(1) Payment Required.—The Secretary shall require the City to pay costs to be incurred by the Secretary to carry out the exchange of property interests under this section, including those costs related to land survey, environmental documentation, real estate due diligence such as appraisals, and any other administrative costs related to the exchange of property interests to include costs incurred preparing and executing the land exchange agreement authorized under subsection (c). If amounts are collected from the City in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange of property interests, the Secretary shall refund the excess amount to the City.

(2) Treatment of Amounts Received.—Amounts received as reimbursement under paragraph (1) above shall be used in accordance with section 2695(c) of title 10, United States Code.

(g) Description of Property.—The exact acreage and legal description of the property interests to be ex-
changed under this section shall be determined by surveys satisfactory to the Secretary.

(h) **Conveyance Agreement.**—The exchange of real property interests under this section shall be accomplished using an appropriate legal instrument and upon terms and conditions mutually satisfactory to the Secretary and the City, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(i) **Exemption from Screening Requirements for Additional Federal Use.**—The authority under this section is exempt from the screening process required under section 2696(b) of title 10, United States Code.

(j) **Sunset Provision.**—The authority under this section shall expire on October 1, 2019, unless the Secretary and the City have signed a land exchange agreement described in subsection (c).

**Subtitle D—Project Management and Oversight Reforms**

**Sec. 2831. Notification Requirement for Certain Cost Overruns and Schedule Delays.**

Section 2853 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g);
(2) by inserting after subsection (e) the following new subsection:

“(f) The Secretary of Defense shall notify the congressional defense committees of any military construction project or military family housing project that has a cost overrun or schedule delay of 25 percent or more. The notification shall be cosigned by the Chief of Engineers or the Commander of the Naval Facilities Engineering Command, and shall describe the specific reasons for the cost increase or schedule delay, the specific organizations and individuals responsible, and the actions taken to hold the organizations and individuals accountable. The Comptroller General of the United States shall review the notification and validate or correct as necessary the information provided.”; and

(3) in subsection (g), as redesignated by paragraph (1), by striking “subsections (a) through (e)” and inserting “subsections (a) through (f)”.

SEC. 2832. LIMITED AUTHORITY FOR PRIVATE SECTOR SUPERVISION OF MILITARY CONSTRUCTION PROJECTS IN EVENT OF EXTENSIVE COST OVERRUNS OR PROJECT DELAYS.

Section 2851(a) of title 10, United States Code, is amended—
(1) by striking “Each contract” and inserting “(1) Except as provided under paragraph (2), each contract”; and
(2) by adding at the end the following new paragraph
“(2) The Secretary of Defense may arrange for private sector direction and supervision of contracts otherwise subject to the direction and supervision of the Chief of Engineers or the Commander of the Naval Facilities Engineering Command under paragraph (1) if, during the most recent fiscal year for which data is available, the Chief of Engineers or the Commander of the Naval Facilities Engineering Command had cost overruns or project delays of 5 percent or more on at least 10 percent of the contracts for which it was responsible for directing and supervising.”.

SEC. 2833. ANNUAL REPORT ON COST OVERRUNS AND SCHEDULE DELAYS.

Section 2851 of title 10, United States Code, is amended by adding at the end the following new subsection:
“(d) ANNUAL REPORT ON COST OVERRUNS AND SCHEDULE DELAYS.—The Secretary of Defense shall submit to the congressional defense committees an annual report on military construction projects and military family housing projects that had cost overruns or schedule delays of 5 percent or more.”.
SEC. 2834. REPORT ON DESIGN ERRORS AND OMISSIONS RELATED TO FORT BLISS HOSPITAL REPLACEMENT PROJECT.

(a) Report Required.—

(1) In general.—Not later than December 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on design errors and omissions related to the hospital replacement project at Fort Bliss, Texas.

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

(A) Identification of the “design errors” and “omissions” that have been used to explain the $245,000,000, 25 percent cost increase for the replacement project.

(B) Identification by name of any organization responsible for such design errors or omissions.

(C) Identification by name of any individual responsible for such design errors or omissions.

(D) A description of the actions the Secretary of Defense has taken to hold the organizations and individuals referred to in subparagraphs (B) and (C) accountable for such design errors and omissions.
(b) **LIMITATION.**—Of the funds appropriated or otherwise made available for the hospital replacement project at Fort Bliss, Texas, $50,000,000 may not be obligated or expended for the project until the Secretary of Defense submits to the congressional defense committees—

(1) the report required under subsection (a); and

(2) a written certification that sufficient steps have been taken by the Department of Defense to prevent massive cost overruns on such project in the future.

**SEC. 2835. REPORT ON COST INCREASE AND DELAY RELATED TO USSTRATCOM COMMAND AND CONTROL FACILITY PROJECT AT OFFUTT AIR FORCE BASE.**

(a) **IN GENERAL.**—Not later than December 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the 16-month schedule delay and 10 percent cost increase related to the United States Strategic Command command and control facility project at Offutt Air Force Base, Nebraska.

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

(1) Identification by name of any organization responsible for the delay and cost increase.
(2) Identification by name of any individual responsible for the delay and cost increase.

(3) A description of the actions the Secretary of Defense has taken to hold the organizations and individuals referred to in paragraphs (1) and (2) accountable for the delay and cost increase.

Subtitle E—Other Matters

SEC. 2841. ANNUAL DEPARTMENT OF DEFENSE ENERGY MANAGEMENT REPORTS.

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

(1) in the subsection heading, by striking “RESILIENCY” and inserting “ENERGY RESILIENCE”;

(2) in paragraph (1), by inserting before the period at the end the following: “, including progress on energy resilience at military installations according to metrics developed by the Secretary.”;

(3) by amending paragraph (3) to read as follows:

“(3) Details of all utility outages impacting energy resilience at military installations (excluding planned outages for maintenance reasons), whether caused by on- or off-installation disruptions, including the total number and location of outage, the duration of the outage, the financial impact of the outage,
whether or not the mission was impacted, the mission requirements associated with disruption tolerances based on risk to mission, the responsible authority managing the utility, and measure taken to mitigate the outage by the responsible authority.”;

(4) by redesignating paragraph (4) as paragraph (5); and

(5) by inserting after paragraph (3) the following new paragraph:

“(4) Details of a military installation’s total energy requirements and critical energy requirements, and the current energy resilience and emergency backup systems servicing critical energy requirements, including, at a minimum—

“(A) energy resilience and emergency backup system power requirements;

“(B) the critical missions, facility, or facilities serviced;

“(C) system service life;

“(D) capital, operations, maintenance, and testing costs; and

“(E) other information the Secretary determines necessary.”.
SEC. 2842. AGGREGATION OF ENERGY EFFICIENCY AND ENERGY RESILIENCE PROJECTS IN LIFE CYCLE COST ANALYSES.

The Secretary of Defense or the Secretary of a military department, when conducting life cycle cost analyses with respect to investments designed to lower costs and reduce energy and water consumption, shall aggregate energy efficiency projects and energy resilience improvements as appropriate.

SEC. 2843. AUTHORITY OF THE SECRETARY OF THE AIR FORCE TO ACCEPT LESSEE IMPROVEMENTS AT AIR FORCE PLANT 42.

(a) Acceptance of Lessee Improvements at Air Force Plant 42.—A lease of Air Force Plant 42, in whole or part, may permit the lessee, with the approval of the Secretary of the Air Force, to alter, expand, or otherwise improve the plant or facility as necessary for the development or production of military weapons systems, munitions, components, or supplies. Such lease may provide, notwithstanding section 2802 of title 10, United States Code, that such alteration, expansion or other improvement shall, upon completion, become the property of the Federal Government, regardless of whether such alteration, expansion, or other improvement constitutes all or part of the consideration for the lease pursuant to section 2667(b)(5) of such title or represents a reimbursable cost allocable to any con-
tract, cooperative agreement, grant, or other instrument
with respect to activity undertaken at Air Force Plant 42.

(b) CONGRESSIONAL NOTIFICATION.—When a decision
is made to approve a project to which subsection (a) applies
costing more than the threshold specified under section
2805(c) of such title, the Secretary of the Air Force shall
notify the congressional defense committees in writing of
that decision, the justification for the project, and the esti-
mated cost of the project. The Secretary may not carry out
the project until the end of the 21-day period beginning on
the date the congressional defense committees receive such
notification or, if earlier, the end of the 14-day period be-
ning on the date on which a copy of the notification
is provided in an electronic medium pursuant to section
480 of such title.

SEC. 2844. PROHIBITION ON USE OF FUNDS FOR KWAJALEIN PROJECT.

None of the funds authorized to be appropriated by this
Act or otherwise made available for the Department of De-
fense for fiscal year 2018 may be made available for a
project to construct 52 single family homes on Kwajalein
Atoll for $1,300,000 each to support 18 active duty military
personnel.
SEC. 2845. ENERGY RESILIENCE.

(a) In General.—Section 2911 of title 10, United States Code, is amended—

(1) in the section heading, by striking “performance goals and master plan for” and inserting “policy of”;

(2) by redesignating subsections (a), (b), (c), (d), and (e) as subsections (c), (d), (e), (f), and (g) respectively;

(3) by inserting before subsection (c), as redesignated by paragraph (2), the following new subsections:

“(a) General Energy Policy.—The Secretary of Defense shall ensure the readiness of the armed forces for their military missions by pursuing energy security and energy resilience.

“(b) Authorities.—In order to achieve the policy set forth in subsection (a), the Secretary of Defense may—

“(1) require the Secretary of a military department to establish and maintain an energy resilience master plan for an installation;

“(2) authorize the use of energy security and energy resilience as factors in the cost-benefit analysis for procurement of energy; and

“(3) in selecting facility energy projects that will use renewable energy sources, pursue energy security
and energy resilience by giving favorable consideration to projects that provide power directly to a military facility or into the installation electrical distribution network.”;

(4) in subsection (e), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting “, the future demand for energy, and the requirement for the use of energy” after “energy”;

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

“(2) Opportunities to enhance energy resilience to ensure the Department of Defense has the ability to prepare for and recover from energy disruptions that impact mission assurance on military installations.”; and

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

“(13) Opportunities to leverage third-party financing to address installation energy needs.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 173 is amended by striking the item relating to section 2911 and inserting the following new item:

“2911. Energy policy of the Department of Defense.”.
(c) CONFORMING AMENDMENTS.—Chapter 173 of title 10, United States Code, is amended—

(1) in section 2914, by striking “energy resiliency” each place it appears and inserting “energy resilience”;

(2) in section 2915—

(A) by striking “subsection (c)” each place it appears and inserting “subsection (e)”;

(B) in subsection (e)(2)(C), by striking “2911(b)(2)” and inserting “2911(d)(2)”;

(3) in section 2916(b)(2), by striking “2911(a)” and inserting “2911(c)”;

(4) in section 2922b(a), by striking “subsection (c)” and inserting “subsection (e)”;

(5) in section 2922f(a), by striking “subsection (c)” and inserting “subsection (e)”;

(6) in section 2924—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively; and

(7) in section 2925(a)—

(A) by striking “resiliency” and inserting “energy resilience”; and
(B) in paragraph (1), by striking “2911(e)” and inserting “2911(g)”.

(d) **Definitions for Energy Resilience and Energy Security.**—Section 101(e) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(6) **Energy Resilience.**—The term ‘energy resilience’ means the ability to avoid, prepare for, minimize, adapt to, and recover from anticipated and unanticipated energy disruptions in order to ensure energy availability and reliability sufficient to provide for mission assurance and readiness, including task critical assets and other mission essential operations related to readiness, and to execute or rapidly reestablish mission essential requirements.

“(7) **Energy Security.**—The term ‘energy security’ means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet mission essential requirements.”.


Section 2922a of title 10, United States Code, is amended by adding at the end the following new subsection:
“(d) The Secretary concerned shall prioritize energy security and resilience.”.

SEC. 2847. REQUIREMENT TO ADDRESS ENERGY RESILIENCE IN EXERCISING UTILITY SYSTEM CONVEYANCE AUTHORITY.

Section 2688(g) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(3) The Secretary concerned may require in any contract for the conveyance of a utility system (or part of a utility system) under subsection (a) that the conveyee manage and operate the utility system in a manner consistent with energy resilience requirements and metrics provided to the conveyee to ensure that the reliability of the utility system meets mission requirements.

“(4) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall include in the installation energy report submitted under section 2925(a) of this title a description of progress in meeting energy resilience metrics for all conveyance contracts entered into pursuant to this section.”.
SEC. 2848. IN-KIND LEASE PAYMENTS; PRIORITIZATION OF
UTILITY SERVICES THAT PROMOTE ENERGY
RESILIENCE.
Section 2667(c)(1)(D) of title 10, United States Code,
is amended by inserting “, which shall prioritize energy
resilience in the event of commercial grid outages” after
“Secretary concerned”.

SEC. 2849. DISCLOSURE OF BENEFICIAL OWNERSHIP BY
FOREIGN PERSONS OF HIGH SECURITY
SPACE LEASED BY THE DEPARTMENT OF DE-
FENSE.
(a) IDENTIFICATION OF BENEFICIAL OWNERSHIP.—
Before entering into a lease agreement with a covered entity
for accommodation of a military department or Defense
Agency in a building (or other improvement) that will be
used for high-security leased space, the Department of De-
fense shall require the covered entity to—
(1) identify each beneficial owner of the covered
entity by—
(A) name;
(B) current residential or business street ad-
dress; and
(C) in the case of a United States person,
a unique identifying number from a nonexpired
passport issued by the United States or a non-
expired drivers license issued by a State; and
(2) disclose to the Department of Defense any beneficial owner of the covered entity that is a foreign person.

(b) **REQUIRED DISCLOSURE.**—

(1) **INITIAL DISCLOSURE.**—The Secretary of Defense shall require a covered entity to provide the information required under subsection (a), when first submitting a proposal in response to a solicitation for offers issued by the Department.

(2) **UPDATES.**—The Secretary of Defense shall require a covered entity to update a submission of information required under subsection (a) not later than 60 days after the date of any change in—

(A) the list of beneficial owners of the covered entity; or

(B) the information required to be provided relating to each such beneficial owner.

(c) **PRECAUTIONS.**—If a covered entity discloses a foreign person as a beneficial owner of a building (or other improvement) from which the Department of Defense is leasing high-security leased space, the Department of Defense shall notify the tenant of the space to take appropriate security precautions.

(d) **DEFINITIONS.**—

(1) **BENEFICIAL OWNER.**—
(A) IN GENERAL.—The term beneficial owner—

(i) means, with respect to a covered entity, each natural person who, directly or indirectly—

(I) exercises control over the covered entity through ownership interests, voting rights, agreements, or otherwise; or

(II) has an interest in or receives substantial economic benefits from the assets of the covered entity; and

(ii) does not include, with respect to a covered entity—

(I) a minor child;

(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

(III) a person acting solely as an employee of the covered entity and whose control over or economic benefits from the covered entity derives solely from the employment status of the person;
(IV) a person whose only interest in the covered entity is through a right of inheritance, unless the person otherwise meets the definition of “beneficial owner” under this paragraph; and

(V) a creditor of the covered entity, unless the creditor otherwise meets the requirements of “beneficial owner” described above.

(B) ANTI-ABUSE RULE.—The exceptions under subparagraph (A)(ii) shall not apply if used for the purpose of evading, circumventing, or abusing the requirements of this section.

(2) COVERED ENTITY.—The term “covered entity” means a person, copartnership, corporation, or other public or private entity.

(3) FOREIGN PERSON.—The term “foreign person” means an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States.

(4) HIGH-SECURITYLEASEDSPACE.—The term “high-security leased space” means a space leased by the Department of Defense that has a security level of III, IV, or V, as determined by the Interagency Security Committee.
(5) **United States person.**—The term “United States person” means a natural person who is a citizen of the United States or who owes permanent allegiance to the United States.

**SEC. 2850. ESTABLISHMENT OF A VISITOR SERVICES FACILITY ON THE ARLINGTON RIDGE TRACT.**

(a) **Arlington Ridge Tract Defined.**—In this section, the term “Arlington Ridge tract” means the parcel of Federal land located in Arlington County, Virginia, known as the “Nevius Tract” and transferred to the Department of the Interior in 1953, that is bounded generally by—

(1) Arlington Boulevard (United States Route 50) to the north;

(2) Jefferson Davis Highway (Virginia Route 110) to the east;

(3) Marshall Drive to the south; and

(4) North Meade Street to the west.

(b) **Establishment of Visitor Services Facility.**—Notwithstanding section 2863(g) of the Military Construction Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1332), the Secretary of the Interior may construct a structure for visitor services, including a public restroom facility, on the Arlington Ridge tract in the area of the United States Marine Corps War Memorial.
SEC. 2851. JOINT USE OF DOBBINS AIR RESERVE BASE, MARIETTA, GEORGIA, WITH CIVIL AVIATION.

(a) In General.—The Secretary of the Air Force may enter into an agreement that would provide or permit the joint use of Dobbins Air Reserve Base, Marietta, Georgia, by the Air Force and civil aircraft.

(b) Conforming Repeal.—Section 312 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1950) is hereby repealed.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Army may acquire real property and carry out the military construction projects for the installation outside the United States, and in the amount, set forth in the following table:

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<th>Army: Outside the United States</th>
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<td>Country</td>
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<td>---------</td>
</tr>
<tr>
<td>Cuba</td>
</tr>
</tbody>
</table>

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for
the installations outside the United States, and in the amounts, set forth in the following table:

### Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estonia</td>
<td>Amari Air Base</td>
<td>$13,900,000</td>
</tr>
<tr>
<td>Hungary</td>
<td>Kecskemet Air Base</td>
<td>$55,400,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Keflavik</td>
<td>$14,400,000</td>
</tr>
<tr>
<td>Jordan</td>
<td>Azraq</td>
<td>$143,000,000</td>
</tr>
<tr>
<td>Latvia</td>
<td>Lievards Air Base</td>
<td>$3,150,000</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Sanem</td>
<td>$67,400,000</td>
</tr>
<tr>
<td>Norway</td>
<td>Rygge</td>
<td>$10,300,000</td>
</tr>
<tr>
<td>Romania</td>
<td>Campia Turzii</td>
<td>$2,950,000</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Malacky</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>$22,700,000</td>
</tr>
<tr>
<td></td>
<td>Sliac Airport</td>
<td>$22,000,000</td>
</tr>
</tbody>
</table>

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602 and 4603.

SEC. 2904. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 4602 of that Act (128 Stat. 3981), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.
(b) **TABLE.**—The table referred to in subsection (a) is as follows:

*Extension of 2015 Air Force OCO Project Authorizations*

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Camp Darby</td>
<td>ERI: Improve Weapons Storage Facility.</td>
<td>$44,500,000</td>
</tr>
<tr>
<td>Poland</td>
<td>Lask Air Base</td>
<td>ERI: Improve Support Infrastructure.</td>
<td>$22,400,000</td>
</tr>
</tbody>
</table>

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs and Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy
may carry out new plant projects for the National Nuclear Security Administration as follows:


Project 18–D–650, Tritium Production Capability, Savannah River Site, Aiken, South Carolina, $9,100,000.

Project 18–D–620, Exascale Computing Facility Modernization Project, Lawrence Livermore National Laboratory, Livermore, California, $3,000,000.

Project 18–D–670, Exascale Class Computer Cooling Equipment, Los Alamos National Laboratory, Los Alamos, New Mexico, $22,000,000.

Project 18–D–922, BL Component Test Complex, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $3,100,000.


Project 18–D–920, KL Fuel Development Laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, $1,100,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of
Energy for fiscal year 2018 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of new plant projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 18–D–401, Saltstone Disposal Units numbers 8 and 9, Savannah River Site, Aiken, South Carolina, $500,000.

Project 18–D–402, Emergency Operations Center Replacement, Savannah River Site, Aiken, South Carolina, $500,000.

Project 18–D–404, Modification of Waste Encapsulation and Storage Facility, Hanford Nuclear Reservation, Richland, Washington, $6,500,000.

Sec. 3103. Other defense activities.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for other defense activities in carrying out programs as specified in the funding table in section 4701.
SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. ASSESSMENT AND DEVELOPMENT OF PROTOTYPE NUCLEAR WEAPONS OF FOREIGN COUNTRIES.

(a) Stockpile Stewardship, Management, and Responsiveness Plan.—Section 4203(d)(1) of the Atomic Energy Defense Act (50 U.S.C. 2523(d)(1)) is amended—

(1) in subparagraph (M), by striking “; and” and inserting a semicolon;

(2) in subparagraph (N), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(O) as required, when assessing and developing prototype nuclear weapons of foreign countries, a report from the directors of the national security laboratories on the need and plan for such assessment and development that includes separate comments on the plan from the Secretary of Energy and the Director of National Intelligence.”.

† HR 2810 PAP
(b) Stockpile Responsiveness Program.—Section 4220(c) of the Atomic Energy Defense Act (50 U.S.C. 2538b(c)) is amended by adding at the end the following:

“(6) The retention of the ability, in consultation with the Director of National Intelligence, to assess and develop prototype nuclear weapons of foreign countries and, if necessary, to conduct no-yield testing of those prototypes.”.

(c) Conforming Repeal.—

(1) In General.—Section 4509 of the Atomic Energy Defense Act (50 U.S.C. 2660) is repealed.

(2) Clerical Amendment.—The table of contents for the Atomic Energy Defense Act is amended by striking the items relating to sections 4508 and 4509.

SEC. 3112. USE OF FUNDS FOR CONSTRUCTION AND PROJECT SUPPORT ACTIVITIES RELATING TO MOX FACILITY.

(a) In General.—Except as provided by subsection (b), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the National Nuclear Security Administration for the MOX facility for construction and project support activities.
(b) WAIVER.—

(1) IN GENERAL.—The Secretary may waive the requirement under subsection (a) to carry out construction and project support activities relating to the MOX facility if the Secretary submits to the congressional defense committees—

(A) the commitment of the Secretary to remove plutonium intended to be disposed of in the MOX facility from South Carolina and ensure a sustainable future for the Savannah River Site;

(B) a certification that—

(i) an alternative option for carrying out the plutonium disposition program for the same amount of plutonium as the amount of plutonium intended to be disposed of in the MOX facility exists, meeting the requirements of the Business Operating Procedure of the National Nuclear Security Administration entitled “Analysis of Alternatives” and dated March 14, 2016 (BOP–03.07); and

(ii) the remaining lifecycle cost, determined in a manner consistent with the cost estimating and assessment best practices of the Government Accountability Office, as
found in the document of the Government Accountability Office entitled “GAO Cost Estimating and Assessment Guide” (GAO–09–3SP), for the alternative option would be less than half of the estimated remaining lifecycle cost of the mixed-oxide fuel program; and 

(C) the details of any statutory or regulatory changes necessary to complete the alternative option.

(2) ESTIMATES.—The Secretary shall ensure that the estimates used by the Secretary for purposes of the certification under paragraph (1)(B) are of comparable accuracy.

(c) DEFINITIONS.—In this section:

(1) MOX FACILITY.—The term “MOX facility” means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) PROJECT SUPPORT ACTIVITIES.—The term “project support activities” means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.
SEC. 3113. REPEAL, CONSOLIDATION, AND MODIFICATION OF REPORTING REQUIREMENTS.

(a) Repeal of Annual Report on Status of Nuclear Materials Protection, Control, and Accounting Program.—

(1) In general.—Section 4303 of the Atomic Energy Defense Act (50 U.S.C. 2563) is repealed.

(2) Clerical Amendment.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4303.

(b) Modification of Report on Status of Security of Atomic Energy Defense Facilities.—Section 4506 of the Atomic Energy Defense Act (50 U.S.C. 2657) is amended by striking “each year” each place it appears and inserting “each odd-numbered year”.

(c) Plan for Addressing Security Risks Posed to Nuclear Weapons Complex.—

(1) Consolidation into Stockpile Stewardship and Management Plan.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended—

(A) in subsection (c)—

(i) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and
(ii) by inserting after paragraph (5) the following new paragraph:

“(6) A summary of the plan for the research and development, deployment, and lifecycle sustainment of technologies employed within the nuclear security enterprise.”; and

(B) in subsection (d)—

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

(ii) by inserting after paragraph (6) the following new paragraph:

“(7) A plan, developed in consultation with the Associate Under Secretary for Environment, Health, Safety, and Security of the Department of Energy, for the research and development, deployment, and lifecycle sustainment of the technologies employed within the nuclear security enterprise to address physical and cyber security threats during the five fiscal years following the date of the report, together with—

“(A) for each site in the nuclear security enterprise, a description of the technologies deployed to address the physical and cyber security threats posed to that site; and
“(B) for each site and for the nuclear security enterprise, the methods used by the Administration to establish priorities among investments in physical and cyber security technologies.”.

(2) **CONFORMING REPEAL.**—Section 3253(b) of the National Nuclear Security Administration Act (50 U.S.C. 2453(b)) is amended by striking paragraph (5).

(d) **MODIFICATION OF SUBMISSION OF SELECTED ACQUISITION REPORTS.**—Section 4217(a) of the Atomic Energy Defense Act (50 U.S.C. 2537(a)) is amended—

(1) in paragraph (1)—

(A) by striking “each fiscal-year quarter” and inserting “the first quarter of each fiscal year”; and

(B) by striking “or a major” and inserting “and each major”; and

(C) by inserting “during the preceding fiscal year” after “4713(a)(2)”; and

(2) in paragraph (2)—

(A) by striking “a fiscal-year quarter” and inserting “a fiscal year”; and

(B) by striking “such fiscal-year quarter” and inserting “each fiscal-year quarter in that fiscal year”. 

† HR 2810 PAP
(e) Modification of Submission of Plan for Meeting National Security Requirements for Unencumbered Uranium.—Section 4221(a) of the Atomic Energy Defense Act (50 U.S.C. 2538c(a)) is amended by striking “Concurrent with” and all that follows through “2026” and inserting “Not later than December 31 of each even-numbered year through 2026”.

(f) Modifications to Defense Nuclear Non-proliferation Management Plan.—

(1) Modification of Submission.—Section 4309 of the Atomic Energy Defense Act (50 U.S.C. 2575) is amended—

(A) by striking subsection (c);

(B) by redesignating subsection (b) as subsection (c); and

(C) by striking subsection (a) and inserting the following new subsections:

“(a) Plan Required.—The Administrator shall develop and annually update a five-year management plan for activities associated with the defense nuclear non-proliferation programs of the Administration to prevent and counter the proliferation of materials, technology, equipment, and expertise related to nuclear and radiological weapons in order to minimize and address the risk of nuclear terrorism and the proliferation of such weapons.
“(b) Submission to Congress.—(1) Not later than March 15 of each even-numbered year, the Administrator shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

“(2) Not later than March 15 of each odd-numbered year, the Administrator shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

“(3) Each summary submitted under paragraph (1) and each report submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex if necessary.”

(2) Elimination of Identification of Future International Contributions.—Subsection (c) of such section, as redesignated by paragraph (1)(B), is further amended—

(A) by striking paragraph (14); and

(B) by redesignating paragraphs (15) and (16) as paragraphs (14) and (15), respectively.

(3) Conforming Amendments.—Subsection (c) of such section, as redesignated by paragraph (1)(B) and amended by paragraph (2), is further amended—

(A) in paragraph (2), by striking “the plan required by subsection (a)” and inserting “the summary required by paragraph (1) of sub-
section (b) or the report required by paragraph (2) of that subsection, as the case may be’’;

(B) in paragraph (6), by striking “the plan required by subsection (a)” and inserting “the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be’’;

(C) in paragraph (7), by striking “the plan required by subsection (a)” and inserting “the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be,”;

(D) in paragraph (9), by striking “the plan required by subsection (a)” and inserting “the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be,”; and

(E) in paragraph (10), by striking “the plan required by subsection (a)” and inserting “the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be,”.

(g) MODIFICATION OF SUBMISSION OF COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.—Section 3121 of the National Defense
Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2175), as most recently amended by section 3135 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1207), is further amended in subsection (a) by striking “30 days” and inserting “180 days”.

SEC. 3114. NATIONAL NUCLEAR SECURITY ADMINISTRATION PERSONNEL SYSTEM.

(a) In general.—Subtitle C of the National Nuclear Security Administration Act (50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

“SEC. 3248. ALTERNATIVE PERSONNEL SYSTEM.

“(a) In general.—The Administrator may adapt the pay banding and performance-based pay adjustment demonstration project carried out by the Administration under the authority provided by section 4703 of title 5, United States Code, into a permanent alternative personnel system for the Administration (to be known as the ‘National Nuclear Security Administration Personnel System’) and implement that system with respect to employees of the Administration.

“(b) Modifications.—In adapting the demonstration project described in subsection (a) into a permanent alternative personnel system, the Administrator—
“(1) may, subject to paragraph (2), revise the requirements and limitations of the demonstration project to the extent necessary; and

“(2) shall ensure that the permanent alternative personnel system is carried out in a manner consistent with the final plan for the demonstration project (72 Fed. Reg. 72776).

“(c) Application to Naval Nuclear Propulsion Program.—The Administrator may apply the alternative personnel system under subsection (a) to all employees of the Naval Nuclear Propulsion Program in the competitive service (as defined in section 2102 of title 5, United States Code).”.

(b) Clerical Amendment.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3247 the following new item:

“Sec. 3248. Alternative personnel system.”.

SEC. 3115. ANNUAL REPORTS ON UNFUNDED PRIORITIES OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) In General.—Subtitle A of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:
SEC. 4715. UNFUNDED PRIORITIES OF THE NATIONAL CLEAR SECURITY ADMINISTRATION.

“(a) Annual Report.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator shall submit to the Secretary of Energy and the congressional defense committees a report on the unfunded priorities of the Administration.

“(b) Elements.—

“(1) In general.—Each report required by subsection (a) shall specify, for each unfunded priority covered by the report, the following:

“(A) A summary description of that priority, including the objectives to be achieved if that priority is funded (whether in whole or in part).

“(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

“(C) Account information with respect to that priority.

“(2) Prioritization of priorities.—Each report required by subsection (a) shall present the unfunded priorities covered by the report in order of urgency of priority.
“(c) **UNFUNDED PRIORITY DEFINED.**—In this section, the term ‘unfunded priority’, in the case of a fiscal year, means a program, activity, or mission requirement that—

“(1) is not funded in the budget of the President for that fiscal year as submitted to Congress pursuant to section 1105(a) of title 31, United States Code;

“(2) is necessary to fulfill a requirement associated with an operational or contingency plan or other validated requirement of the Administration; and

“(3) would have been recommended for funding through the budget referred to in paragraph (1) by the Secretary of Energy—

“(A) if additional resources were available for the budget to fund the program, activity, or mission requirement; or

“(B) in the case of a program, activity, or mission requirement that emerged after the budget was formulated, if the program, activity, or mission requirement had emerged before the budget was formulated.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4714 the following new item:

“Sec. 4715. Unfunded priorities of the National Nuclear Security Administration.”.
SEC. 3116. EXTENSION OF AUTHORIZATION OF ADVISORY 
BOARD ON TOXIC SUBSTANCES AND WORKER 
HEALTH.

Section 3687(i) of the Energy Employees Occupational 
Illness Compensation Program Act of 2000 (42 U.S.C. 
7385s–16(i)) is amended by striking “5 years” and insert-
ing “10 years”.

TITLE XXXII—DEFENSE NU-
CLEAR FACILITIES SAFETY 
BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 
2018, $30,600,000 for the operation of the Defense Nuclear 
Facilities Safety Board under chapter 21 of the Atomic En-

TITLE XXXV—MARITIME 
ADMINISTRATION

SEC. 3501. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended 
to read as follows:

“§ 109. Maritime Administration

“(a) ORGANIZATION AND MISSION.—The Maritime 
Administration is an administration in the Department of 
Transportation. The mission of the Maritime Administra-
tion is to foster, promote, and develop the merchant mari-
time industry of the United States.
“(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

“(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

“(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

“(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and pro-
grams of the Maritime Administration through the regional offices.

“(f) Interagency and Industry Relations.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

“(g) Detailing Officers From Armed Forces.—

To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the Armed Forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer’s pay and allowances as an officer in the Armed Forces, makes the officer’s total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

“(h) Contracts, Cooperative Agreements, and Audits.—
“(1) Contracts and Cooperative Agreements.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

“(A) carry out the Secretary’s duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

“(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

“(2) Audits.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

“(i) Grant Administrative Expenses.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.
“(j) Authorization of Appropriations.—

“(1) In general.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

“(2) Limitations.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

“(A) acquisition, construction, or reconstruction of vessels;

“(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

“(C) costs of national defense features;

“(D) payments of obligations incurred for operating-differential subsidies;

“(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

“(F) the Vessel Operations Revolving Fund;

“(G) National Defense Reserve Fleet expenses;
“(H) expenses necessary to carry out part B of subtitle V of title 46; and

“(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.”.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) In General.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) Merit-Based Decisions.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.
(c) Relationship to Transfer and Programming Authority.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) Applicability to Classified Annex.—This section applies to any classified annex that accompanies this Act.

(e) Oral Written Communications.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

Title XLI—Procurement

Sec. 4101. Procurement.

<table>
<thead>
<tr>
<th>SEC. 4101. PROCUREMENT (In Thousands of Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Line Item</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td><strong>AIRCRAFT PROCUREMENT, ARMY</strong></td>
</tr>
<tr>
<td>FIXED WING</td>
</tr>
<tr>
<td>2 Utility Fw Aircraft</td>
</tr>
<tr>
<td>4 MQ-1 UAV</td>
</tr>
<tr>
<td>UFR: Re Improved Grey Eagle, Air Vehicles</td>
</tr>
<tr>
<td><strong>ROTOR</strong></td>
</tr>
<tr>
<td>5 Helicopter, Light Utility (Luh)</td>
</tr>
<tr>
<td>6 AH-64 Apache Block Hia Reman</td>
</tr>
</tbody>
</table>
| UFR: Procures Unmanned AH-64Es | | [
| 7 AH-64 Apache Block Hia Reman (Ap) | 170,910 | 170,910 |
| 8 AH-64 Apache Block Pri New Build | 374,180 | 374,180 |
| UFR: Procures AH-64E | | [272,700] |
| 9 UH-60 Blackhawk M Model (MYP) | 71,900 | 71,900 |

† HR 2810 PAP
<table>
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<th>Line</th>
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<th>FY 2018 Request</th>
<th>Senate Authorized</th>
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<td>UH-60 BLACKHAWK 3 MODEL (MIP) (AP)</td>
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<td>86,295</td>
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<tr>
<td>12</td>
<td>UH-60 BLACK HAWK A AND L MODELS</td>
<td>76,516</td>
<td>76,516</td>
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<td>13</td>
<td>CH-47 HELICOPTER UFE: New Build 47H aircraft</td>
<td>202,576</td>
<td>419,140</td>
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<td>14</td>
<td>CH-47 HELICOPTER (AP)</td>
<td>17,820</td>
<td>17,820</td>
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<td>15</td>
<td>MODIFICATION OF AIRCRAFT MQ-1 PAYLOAD (MIP)</td>
<td>5,910</td>
<td>21,910</td>
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<tr>
<td>16</td>
<td>UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)</td>
<td>15,000</td>
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<tr>
<td>17</td>
<td>GRAY EAGLE MODS</td>
<td>74,291</td>
<td>74,291</td>
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<tr>
<td>18</td>
<td>MULTI SENSOR ABN RECON (MIP)</td>
<td>68,842</td>
<td>59,282</td>
</tr>
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**MISSILE PROCUREMENT, ARMY**

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<td>UFE: Procures Maximum Hellfire missile</td>
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<td>HIMARS MODIFICATIONS</td>
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**AIR-TO-SURFACE MISSILE SYSTEM**
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<td>HIMARS</td>
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<td>SPARES AND REPAIR PARTS</td>
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<td>SUPPORT EQUIPMENT &amp; FACILITIES</td>
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<td><strong>4,033,624</strong></td>
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**PROCUREMENT OF W&T/CV, ARMY**

**TRACKED COMBAT VEHICLES**

1. **BRADLEY PROGRAM**
   - UFR: Procures 1 Infantry Battalion Set of M2A1
   - FY 2018 Request: 0
   - Senate Authorized: $111,000

2. **ARMORED MULTI-PURPOSE VEHICLE (AMPV)**
   - FY 2018 Request: 13,715
   - Senate Authorized: 13,715

**MODIFICATION OF TRACKED COMBAT VEHICLES**

4. **STYVKEER (M70)**
   - FY 2018 Request: 97,552
   - Senate Authorized: 98,102

5. **BRADLEY PROGRAM (M803)**
   - FY 2018 Request: 444,531
   - Senate Authorized: 444,531

6. **M82A1 120mm Mortars**
   - FY 2018 Request: 21,452
   - Senate Authorized: 21,452

7. **M3E1 light weight Carl Gustaf weapon systems**
   - FY 2018 Request: 6,520
   - Senate Authorized: 6,520

8. **CARABINER**
   - FY 2018 Request: 4,524
   - Senate Authorized: 4,524

9. **M1A1 Light Weight Carl Gustaf Launchers**
   - FY 2018 Request: 248,826
   - Senate Authorized: 248,826

10. **M1A2 SEPv3**
    - FY 2018 Request: 469,826
    - Senate Authorized: 469,826

**WEAPONS & OTHER COMBAT VEHICLES**

11. **M1A1 MODIFICATION OF TRACKED COMBAT VEHICLES**
    - FY 2018 Request: 992
    - Senate Authorized: 992

12. **M249 SAW MACHINE GUN MODS**
    - FY 2018 Request: 3,339
    - Senate Authorized: 3,339

13. **M2 50 CAL MACHINE GUN MODS**
    - FY 2018 Request: 47,414
    - SenateAuthorized: 52,670

14. **IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)**
    - FY 2018 Request: 72,402
    - Senate Authorized: 194,042

15. **MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)**
    - FY 2018 Request: 2,219
    - Senate Authorized: 2,219

16. **MODIFICATIONS OF TRACKED COMBAT VEHICLES**
    - FY 2018 Request: 1,488
    - Senate Authorized: 1,488

17. **MOD OF WEAPONS AND OTHER COMBAT VEH**
    - FY 2018 Request: 1,488
    - Senate Authorized: 1,488

18. **M192 Tripods, M240B 7.62mm, M240L 7.62mm, Gun Optics**
    - FY 2018 Request: 6,582
    - Senate Authorized: 6,582

19. **SUBPROMER-RFIL MODIFICATIONS**
    - FY 2018 Request: 3,998
    - Senate Authorized: 3,998

20. **MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)**
    - FY 2018 Request: 2,350
    - Senate Authorized: 2,350

21. **SUPPORT EQUIPMENT & FACILITIES**
    - FY 2018 Request: 5,728
    - Senate Authorized: 5,728

22. **ITEMS LESS THAN $5.0M (WOCV-WTCV)**
    - FY 2018 Request: 5,057
    - Senate Authorized: 5,057

23. **PRODUCTION BASE SUPPORT (WOCV-WTCV)**
    - FY 2018 Request: 992
    - Senate Authorized: 992

24. **SOLDIER KNIFE PHONE (SOLDIER KNIFE PHONE)**
    - FY 2018 Request: 1,373
    - Senate Authorized: 1,373

**TOTAL PROCUREMENT OF W&T/CV, ARMY**

- FY 2018 Request: **2,423,608**
- Senate Authorized: **4,355,010**

**PROCUREMENT OF AMMUNITION, ARMY**

**SMALL/MEDIUM CAL AMMUNITION**

1. **.50cal, ALL TYPES**
   - FY 2018 Request: 39,767
   - Senate Authorized: 39,767

2. **.762MM, ALL TYPES**
   - FY 2018 Request: 46,864
   - Senate Authorized: 46,864

3. **HANDGUN, ALL TYPES**
   - FY 2018 Request: 10,413
   - Senate Authorized: 10,413

† HR 2810 PAP
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**Other Procurement, Army**

**Tactical Vehicles**

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<td>NON-TACTICAL VEHICLES</td>
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<td>6,964 (8,964)</td>
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<td>HEAVY ARMORED SEDAN</td>
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<td>PASSENGER CARRYING VEHICLES</td>
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<td>NON-TACTICAL VEHICLES, OTHER</td>
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<td>WIN-T—GROUND FORCES TACTICAL NETWORK</td>
<td>420,492 (0)</td>
<td>420,492 (0)</td>
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<td>SIGNAL MODERNIZATION PROGRAM</td>
<td>92,718 (92,718)</td>
<td>92,718 (92,718)</td>
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<td></td>
<td>COMM—SATELLITE COMMUNICATIONS</td>
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<td>DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS</td>
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<td>TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS</td>
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<td>SHF TERM</td>
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<td>150,497 (150,497)</td>
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<td>27</td>
<td>SMART-T (SPACE)</td>
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<td>UFR: Provides Global Broadcast Systems</td>
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<td>15,964 (15,964)</td>
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<td>ENROUTE MISSIONS COMMAND (EMC)</td>
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<td>191,667 (191,667)</td>
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<td>31</td>
<td>MOD IN SERVICE PROPLIER</td>
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<td>COMM—COMBAT COMM</td>
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<td>COMM—COMBAT COMMUNICATIONS</td>
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<td>HANDHELD MANPACK SMALL FORM FIT (HMS)</td>
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<td>RADIO TERMINAL SET, MIDS LVT(2)</td>
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<td>TRACTOR RIDE</td>
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<td>UFR: Provides Offensive Cyber Operations</td>
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<td>COMM—INTELLIGENCE COMM</td>
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<td>COMM—INTELLIGENCE COMM</td>
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<td>DEFENSE CYBER OPERATIONS</td>
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<td>INSTALLATION INFRASTRUCTURE MOD PROGRAM</td>
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<td>ELECTRICAL EQUIPMENT—ELECTRIC RELAY (ERTA)</td>
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<td>64</td>
<td>ELECTRICAL EQUIPMENT—ELECTRIC RELAY (ERTA)</td>
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<td>Item</td>
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<td>84</td>
<td>NIGHT VISION DEVICES</td>
<td>166,493</td>
<td>231,198</td>
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<td>85</td>
<td>New night vision binocular devices</td>
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<td>[2,506]</td>
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<td>86</td>
<td>UFE: Averlite's fielding of the LTLIV</td>
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<td>[15,749]</td>
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<td>87</td>
<td>UFE: AN/PVS-14 Night Vision Goggles</td>
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<td>[5,414]</td>
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<td>88</td>
<td>UFE: Enhanced Night Vision Goggles</td>
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<td>[4,608]</td>
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<td>89</td>
<td>UFE: Night Vision Filters</td>
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<td>[56,741]</td>
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<td>SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF</td>
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<td>UFE: Procures Small Tactical Optical RfI Mounted laser range finders</td>
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<td>[2,150]</td>
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<td>INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS</td>
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<td>93</td>
<td>UFE: FNPN/Average Battalions and Warm Sites</td>
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<td>[357,285]</td>
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<td>FAMILY OF WEAPONS SHOTS (FWS)</td>
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<td>ARTILLERY ACCURACY EQUIP</td>
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<td>JOINT RATTLE COMMAND—PLATFORM (JRCAP)</td>
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<td>UFE: Replaces Joint Rattle Command—Platform</td>
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<td>[120,422]</td>
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<td>JOINT EFFECTS TARGETING SYSTEM (JETS)</td>
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<td>MOD OF IN-SVC EQUIP (LDRI)</td>
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<td>COMPUTER BALLISTICS--LHIMDU XM32</td>
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<td>MORTAR FIRE CONTROL SYSTEM</td>
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<td>UFE: Procures Mortar Fire Control Systems (M9, M8)</td>
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<td>[29,759]</td>
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<td>103</td>
<td>COUNTERFEIT RADARS</td>
<td>329,657</td>
<td>392,257</td>
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<td>UFE: Procures AN/TPQ-53 Counterfeit Target Acquisition Radar System</td>
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<td>[64,250]</td>
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<td>ELECT EQUIP—TACTICAL C2 SYSTEMS</td>
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<td>FIRE SUPPORT C2 FAMILY</td>
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<td>UFE: Additional Advanced Field Artillery Tactical Data System (APADTS)</td>
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<td>AIR &amp; MSL DEFENSE PLANNING &amp; CONTROL SYS</td>
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<td>UFE: Supports fielding (AAR) missions crosscutting units in a Army Corps HQ</td>
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<td>[96,979]</td>
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<td>LIFE CYCLE SOFTWARE SUPPORT (LESS)</td>
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<td>NETWORK MANAGEMENT INITIALIZATION AND SERVICE</td>
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<td>112</td>
<td>MANEUVER CONTROL SYSTEM (MCS)</td>
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<td>UFE: Tactile Mission Command Equipment</td>
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<td>GLOBAL COMBAT SUPPORT SYSTEM—ARMS (GCCS-A)</td>
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<td>INTEGRATED PERSONNEL AND PAY SYSTEM—ARMY (IPP)</td>
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<td>ECONOMASSE AND SURVEYING INSTRUMENT SET</td>
<td>6,091</td>
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<td>UFE: Procures Engine Instrument Set Field Repairman and Survey Eds</td>
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<td>MOD OF IN-SVC EQUIPMENT (EXPRI)</td>
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<td>UFE: Support Security Force Assistance Bde</td>
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<td>ELECT EQUIP—AUTOMATION</td>
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<td>ARMY TRAINING MODERNIZATION</td>
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<td>122</td>
<td>UFE: Averlite's fielding of IT solutions</td>
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<td>[4,900]</td>
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<td>GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM</td>
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<td>HIGH PEP COMPUTING MOD (HPDP)</td>
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<td>CONTRACT WRITING SYSTEM</td>
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<td>RESERVE COMPONENT AUTOMATION SY (RCAS)</td>
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<td>ELECT EQUIP—AUDIO VISUAL SYS (AV)</td>
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<td>TACTICAL DIGITAL MEDIA</td>
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<td>ITEMS LESS THAN $5M (SUPPORTING EQUIPMENT)</td>
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<td>UFE: Averlite's fielding of Robot Positioning System—Survey</td>
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<td>[3,900]</td>
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<td>131</td>
<td>UFE: Procures Automated Integrated Survey Instrument (AIS) systems</td>
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<td>ELECT EQUIP—SUPPORT</td>
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<td>VBIEN DEFENSE</td>
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<td>BRIDGING EQUIPMENT</td>
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<td>TACTICAL BRIDGING</td>
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<td>TACTICAL BRIDGE, FLOAT-RIBBON</td>
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<td>144</td>
<td>UFE: Procures Bridge Evanston Raths</td>
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<td>COMMON BRIDGE TRANSPORTER (CBT) RECAP</td>
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<td>UFE: Procures Common Bridge Transports</td>
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<td>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</td>
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<td>HANDHELD STANDOFF MINFIELD DETECTION SYS (HSDD)</td>
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<td>UFE: Procures hand held mine detectors</td>
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<td>HANDHELD STANDOFF MINING SYSTEM (HSMDS)</td>
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<td>UFE: Expanded for 15th and 16th ABCT</td>
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<td>AREA MINING DETECTION SYSTEM (AMDS)</td>
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<td>HUSKY MOUNTED DETECTION SYSTEM (HMDS)</td>
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<td>154</td>
<td>UFE: Procures Husky Mounted Detection System</td>
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<td>UFR: Procures Force Providers Battle-loss and component for RSET</td>
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**TOTAL OTHER PROCUREMENT, ARMY**

6,469,331 7,960,663

**JOINT IMPROVISED-THREAT DEFEAT FUND**

**NETWORK ATTACK**

1 E-FMAV ACQUISITION AND THREAT RESPONSE 14,442 14,442

**AIRCRAFT PROCUREMENT, NAVY**

**COMBAT AIRCRAFT**

2 F/A-18F (FIGHTER) HORNET 1,290,146 1,929,146

F/A-18F (FIGHTER) HORNET (AP) 8,680 [219,000]

3 F/A-18E (FIGHTER) HORNET (AP) 52,971 52,971

4 JOINT STRIKE FIGHTER CY 585,524 1,982,524 UFR: Additional F-35

5 JOINT STRIKE FIGHTER CV (AP) 261,112 261,112

6 JSF STOVL 2,998,139 2,927,139 UFR: Additional P-8B

7 JSF STOVL (AP) 413,410 413,410

8 CH-53K (HEAVY LIFT) 567,605 847,805 UFR: Additional CH-53K

9 CH-53K (HEAVY LIFT) (AP) 147,046 147,046

10 V-22 (MEDIUM LIFT) 675,404 1,239,864 UFR: Multi-year savings

V-22 (MEDIUM LIFT) (AP) 27,422 27,422

11 H-1 UPIREADERS (UH-1Y/AH-1Z) 678,429 898,289 UFR: Additional AH-1Z

12 H-1 UPIREADERS (UH-1Y/AH-1Z) (AP) 42,092 42,092

13 P-8A POSEIDON 1,245,251 2,526,254 UFR: Additional P-8A Poseidon

14 P-8A POSEIDON (AP) 140,333 140,333

15 E-2D ADV HAWKEYE 781,510 781,510

16 E-2D ADV HAWKEYE (AP) 102,026 102,026

**OTHER AIRCRAFT**

17 KC-130J 129,377 473,277 UFR: Additional KC-130J

18 KC-130J (AP) 25,497 25,497

19 MQ-4 TRITON 522,126 522,128

20 MQ-4 TRITON (AP) 51,206 51,206

21 MQ-8 UAV 49,472 49,472

22 OTHER SUPPORT AIRCRAFT 0 59,200 UFR: Additional MQ-8B

23 STARS/L6 UAV 880 880

24 UFR: Procure additional aircraft 0 [59,200]

25 C-2A AIRCRAFT PROCUREMENT 0 215,000 UFR: Procure additional aircraft

26 MODIFICATION OF AIRCRAFT

27 AEA SYSTEMS 52,960 52,960

28 AV-8 SERIES 44,555 44,555

29 ADVERSARY 2,565 2,565

30 F-18 SERIES 1,043,683 1,124,764 UFR: AD-111 USMC Retrofit

31 F-18/S-111 U.S. Marine Retrofit KITs and Partial KITs

32 H-53 SERIES 38,712 38,712

33 SH-60 SERIES 95,351 95,351

34 H-6 SERIES 101,886 101,886

35 EP-3 SERIES 1,231 1,231

36 P-3 SERIES 700 700

37 E-3 SERIES 97,363 97,363

38 T-40 SERIES 8,194 8,194

39 V-22 18,673 18,673

40 CH-53K SERIES 85,541 85,541

41 F-35 SERIES 630 630

42 CARGoTRANSPORT AV SERIES 10-075 10-075

43 E-6 SERIES 222,308 222,308

44 EXECUTIVE HELICOPTERS SERIES 38,787 38,787

45 SPECIAL PROJECT AIRCRAFT 8,904 8,904

46 T-55 SERIES 146,071 146,071

47 POWER PLANT CHANGES 19,927 19,927

48 JPATS SERIES 27,007 27,007

49 COMMON ECM EQUIPMENT 146,442 146,442

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**AIRCRAFT SPARES AND REPAIR PARTS**

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<td>UFR: C-40A Spares</td>
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<td>UFR: CH-53K Spares</td>
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<td>UFR: P-38K Spares</td>
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**AIRCRAFT SUPPORT EQUIP & FACILITIES**

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**TOTAL AIRCRAFT PROCUREMENT, NAVY**

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**MODIFICATION OF MISSILES**

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**SUPPORT EQUIPMENT & FACILITIES**

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**STRATEGIC MISSILES**

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**TACTICAL MISSILES**

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**MODIFICATION OF MISSILES**

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**SUPPORT EQUIPMENT & FACILITIES**

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**ORDNANCE SUPPORT EQUIPMENT**

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**TORPEDOES AND RELATED EQUIP**

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**MOD OF TORPEDOES AND RELATED EQUIP**

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**DESTINATION TRANSPORTATION**

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**GUNS AND GUN MOUNTS**

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**MODIFICATION OF GUNS AND GUN MOUNTS**

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† HR 2810 PAP
### PROCUREMENT OF AMMO, NAVY & MC

#### NAVY AMMUNITION

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#### MARINE CORPS AMMUNITION

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#### TOTAL PROCUREMENT OF AMMO, NAVY & MC

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### SHIPBUILDING AND CONVERSION, NAVY

#### FLEET BALLISTIC MISSILE SHIPS

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#### OTHER WARSHIPS

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#### AMPHIBIOUS SHIPS

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### AUXILIARIES, CRAFT AND PRIOR YEAR PROGAM COST

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† HR 2810 PAP
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**OTHER PROCUREMENT, NAVY**

**SHIP PROPULSION EQUIPMENT**

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**OTHER SHIPBOARD EQUIPMENT**

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**REACTOR PLANT EQUIPMENT**

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**SMALL BOATS**

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**OCEAN ENGINEERING**

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**PRODUCTION FACILITIES EQUIPMENT**

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**OTHER SHIP SUPPORT**

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**LOGISTIC SUPPORT**

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**ELECTRONIC WARFARE EQUIPMENT**

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**RECONNAISSANCE EQUIPMENT**

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† HR 2810 PAP
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**PROCUREMENT, MARINE CORPS**

**TRACKED COMBAT VEHICLES**

1. **LAV III**
   - FY 2018: $107,665
   - Senate Authorized: $107,665

2. **TOWED CANNON**
   - FY 2018: $161,511
   - Senate Authorized: $161,511

**ARTILLERY AND OTHER WEAPONS**

4. **EXPERIMENTAL FIRE SUPPORT SYSTEM**
   - FY 2018: $626
   - Senate Authorized: $626

5. **55MM LIGHTWEIGHT TOWED HOWITZER**
   - FY 2018: $20,259
   - Senate Authorized: $20,259

6. **HIGH MOBILITY ARTILLERY ROCKET SYSTEM**
   - FY 2018: $59,941
   - Senate Authorized: $59,941

**REPAIR AND TEST EQUIPMENT**

7. **WEAPONS AND VEHICLES UNDER $5 MILLION**
   - FY 2018: $19,616
   - Senate Authorized: $19,616

**OTHER SUPPORT**

12. **MODIFICATION KITS**
   - FY 2018: $17,778
   - Senate Authorized: $17,778

**GUIDED MISSILES**

10. **HIND BASED AIR DEFENSE**
    - FY 2018: $9,132
    - Senate Authorized: $9,132

**COMMON AVIATION COMMAND AND CONTROL SYSTEM (NON-TEL)**

16. **COMMON NAVIGATION SYSTEM (CNAV)**
    - FY 2018: $44,928
    - Senate Authorized: $44,928

**REPAIR AND TEST EQUIPMENT**

11. **REPAIR AND TEST EQUIPMENT**
    - FY 2018: $33,656
    - Senate Authorized: $33,656

**COMMAND AND CONTROL SYSTEM (NON-TEL)**

19. **ITEMS UNDER $5 MILLION (COM & ELEC)**
    - FY 2018: $37,841
    - Senate Authorized: $37,841

20. **UFR: Night Vision Optics for Sniper Rifles**
    - FY 2018: [20,200]
    - Senate Authorized: [20,200]

**INTEL/COMM EQUIPMENT (NON-TEL)**

23. **INTELLIGENCE SUPPORT SYSTEMS**
    - FY 2018: $31,203
    - Senate Authorized: $31,203

32. **UAVS PAYLOADS**
    - FY 2018: $18,933
    - Senate Authorized: $18,933

**OTHER SUPPORT (NON-TEL)**

35. **NEXT GENERATION ENTERPRISE NETWORK (NGEN)**
    - FY 2018: $56,511
    - Senate Authorized: $56,511

36. **COMMON COMPUTER RESOURCES**
    - FY 2018: $46,994
    - Senate Authorized: $46,994

37. **LIDAR SYSTEMS**
    - FY 2018: $34,261
    - Senate Authorized: $34,261

38. **COM/NET/INFRASTRUCTURE SUPPORT**
    - FY 2018: $44,065
    - Senate Authorized: $44,065

**CLASSIFIED PROGRAMS**

41. **CLASSIFIED PROGRAMS**
    - FY 2018: $4,214
    - Senate Authorized: $4,214

† **HR 2810 PAP**
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**TRAINER AIRCRAFT**

- Technical adjustments: \(-10,727\)

**AIRCRAFT SPARES AND REPAIR PARTS**

- Technical adjustments: \(-108,173\)

**AIRCRAFT REPLACEMENT SUPPORT EQUIP**

- Technical adjustments: \(-102,000\)

**MISSILE PROCUREMENT, AIR FORCE**

- Missile replacement equipment—ballistic: 99,098
- UFR: Procures AC-130J AGM-114 Cape: 3,000
- UFR: Expected disconnect in air vehicle: \(20,000\)
- UFR: Mission and support equipment: 37,647

**MISSILE REPLACEMENT EQUIPMENT—BALLISTIC**

- Technical adjustments: \(-102,000\)

**TACTICAL**

\(\dagger\) HR 2810 PAP
### SEC. 4101. PROCUREMENT

*(In Thousands of Dollars)*

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### SPACE PROCUREMENT, AIR FORCE

#### SPACE PROGRAMS

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### PROCUREMENT OF AMMUNITION, AIR FORCE

#### ROCKETS

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### TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE

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† HR 2810 PAP
## SEC. 4101. PROCUREMENT

**(In Thousands of Dollars)**

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† HR 2810 PAP
## SEC. 4101. PROCUREMENT (In Thousands of Dollars)

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### OTHER PROCUREMENT PROGRAMS

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### TOTAL PROCUREMENT, DEFENSE-WIDE

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### JOINT URGENT OPERATIONAL NEEDS FUND

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### TOTAL PROCUREMENT

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## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

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### MISSILE PROCUREMENT, ARMY

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†HR 2810 PAP
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### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

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**TOTAL PROCUREMENT, NAVY:** 220,059

**TOTAL PROCUREMENT, MARINE CORPS:** 65,214

**TOTAL AIRCRAFT PROCUREMENT, AIR FORCE:** 740,778

**TOTAL AIRCRAFT PROCUREMENT, MARINE CORPS:** 65,214

**TOTAL SPACE PROCUREMENT, AIR FORCE:** 2,256

**TOTAL SPACE PROCUREMENT, MARINE CORPS:** 2,256

**TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE:** 2,256

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**OTHER PROCUREMENT, AIR FORCE**

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**TOTAL OTHER PROCUREMENT, AIR FORCE**

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**PROCUREMENT, DEFENSE-WIDE**

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**TOTAL PROCUREMENT, DEFENSE-WIDE**

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† HR 2810 PAP
TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

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† HR 2810 PAP
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Program increase [40,000] 

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Combat engineering system [5,000] 

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Modemizing Army capabilities and Third Offset [20,000] 

**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT** | **1,070,977** | **1,105,977** 

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**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES** 

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**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

(In Thousands of Dollars)

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**SYSTEM DEVELOPMENT & DEMONSTRATION** 

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† HR 2810 PAP
**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**(In Thousands of Dollars)**

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**SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION**

$3,012,840 $3,130,618

† HR 2810 PAP
## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### (In Thousands of Dollars)

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)
933
SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)
Line

Program
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0604262N

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0604264N

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0605220N
0605327N
0605414N
0605450N
0605500N
0605504N
0605611M

163

0605813M

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0204202N

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0304785N
0306250M

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0604256N

Item
ACOUSTIC SEARCH SENSORS ....................................................................
V–22A ...................................................................................................................
UFR: MV–22 Common Configuration CC-RAM improvements .............
AIR CREW SYSTEMS DEVELOPMENT ......................................................
Physiological Episode prize competition ..................................................
Physiological episodes .................................................................................
EA–18 ..................................................................................................................
ELECTRONIC WARFARE DEVELOPMENT ...............................................
UFR: Intrepid Tiger UH–1Y Jettison Capability ..................................
EXECUTIVE HELO DEVELOPMENT ..........................................................
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NEXT GENERATION JAMMER (NGJ) INCREMENT II ..........................
SURFACE COMBATANT COMBAT SYSTEM ENGINEERING ................
LPD–17 CLASS SYSTEMS INTEGRATION .................................................
SMALL DIAMETER BOMB (SDB) ................................................................
STANDARD MISSILE IMPROVEMENTS ....................................................
AIRBORNE MCM ..............................................................................................
NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS
ENGINEERING.
ADVANCED ABOVE WATER SENSORS ......................................................
SSN–688 AND TRIDENT MODERNIZATION .............................................
AIR CONTROL ..................................................................................................
SHIPBOARD AVIATION SYSTEMS ..............................................................
COMBAT INFORMATION CENTER CONVERSION ...................................
AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM ......................
NEW DESIGN SSN ...........................................................................................
SUBMARINE TACTICAL WARFARE SYSTEM ..........................................
SHIP CONTRACT DESIGN/ LIVE FIRE T&E ...........................................
NAVY TACTICAL COMPUTER RESOURCES .............................................
VIRGINIA PAYLOAD MODULE (VPM) ........................................................
MINE DEVELOPMENT ...................................................................................
LIGHTWEIGHT TORPEDO DEVELOPMENT ............................................
JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT ...............
PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....
JOINT STANDOFF WEAPON SYSTEMS .....................................................
SHIP SELF DEFENSE (DETECT & CONTROL) ......................................
UFR: Ship C2 Systems for Amphibs ........................................................
SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....................................
SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) ...............................
INTELLIGENCE ENGINEERING .................................................................
MEDICAL DEVELOPMENT ...........................................................................
NAVIGATION/ID SYSTEM ..............................................................................
JOINT STRIKE FIGHTER (JSF)—EMD .....................................................
SDD plus up ...............................................................................................
JOINT STRIKE FIGHTER (JSF)—EMD .....................................................
SDD plus up ...............................................................................................
JOINT STRIKE FIGHTER FOLLOW ON MODERNIZATION (FOM)—
MARINE CORPS.
JOINT STRIKE FIGHTER FOLLOW ON MODERNIZATION (FOM)—
NAVY.
INFORMATION TECHNOLOGY DEVELOPMENT .....................................
INFORMATION TECHNOLOGY DEVELOPMENT .....................................
Navy ePS consolidate requirements ..........................................................
NSIPS consolidate requirements ...............................................................
ANTI-TAMPER TECHNOLOGY SUPPORT .................................................
CH–53K RDTE ..................................................................................................
MISSION PLANNING .......................................................................................
COMMON AVIONICS ........................................................................................
SHIP TO SHORE CONNECTOR (SSC) ........................................................
T-AO 205 CLASS ...............................................................................................
UNMANNED CARRIER AVIATION (UCA) ..................................................
JOINT AIR-TO-GROUND MISSILE (JAGM) ...............................................
MULTI-MISSION MARITIME AIRCRAFT (MMA) .....................................
MULTI-MISSION MARITIME (MMA) INCREMENT III ...........................
MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT &
DEMONSTRATION.
JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.
DDG–1000 ...........................................................................................................
Unjustified cost growth ..............................................................................
TACTICAL CRYPTOLOGIC SYSTEMS .........................................................
CYBER OPERATIONS TECHNOLOGY DEVELOPMENT .........................
SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.
MANAGEMENT SUPPORT
THREAT SIMULATOR DEVELOPMENT ....................................................

† HR 2810 PAP

FY 2018
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15,734
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87,233
130,981
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177,926
8,062
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**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

(In Thousands of Dollars)

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**OPERATIONAL SYSTEMS DEVELOPMENT**

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† HR 2810 PAP
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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT** | 3,980,140 | 4,228,140 |

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY** | 17,675,035 | 18,053,490 |

**RESEARCH, DEVELOPMENT, TEST & EVAL, AF**

**BASIC RESEARCH**

1. 060110P | DEFENSE RESEARCH SCIENCES | 342,929 | 342,929 |
2. 060120P | UNIVERSITY RESEARCH INITIATIVES | 147,923 | 147,923 |
3. 060110P | HIGH ENERGIZED LASER RESEARCH INITIATIVES | 14,147 | 14,147 |

**SUBTOTAL BASIC RESEARCH** | 505,259 | 505,259 |

**APPLIED RESEARCH**

4. 060210P | MATERIALS | 124,264 | 124,264 |
5. 060220P | AEROSPACE VEHICLE TECHNOLOGIES | 124,678 | 129,678 |
6. 060210P | HUMAN EFFECTIVENESS APPLIED RESEARCH | 198,784 | 214,784 |

**SUBTOTAL APPLIED RESEARCH** | 505,259 | 505,259 |

**ADVANCED TECHNOLOGY DEVELOPMENT**

15. 060110P | ADVANCED MATERIALS FOR WEAPON SYSTEMS | 37,836 | 37,836 |
16. 060110P | SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) | 22,811 | 22,811 |
17. 060120P | AEROSPACE TECHNOLOGY DEV/DEMO | 115,366 | 121,366 |

**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT** | 1,284,114 | 1,320,114 |

**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

28. 060120P | INTELLIGENCE ADVANCED DEVELOPMENT | 5,652 | 5,652 |
29. 060120P | COMBAT IDENTIFICATION TECHNOLOGY | 24,397 | 24,397 |
30. 060170P | NAVY RESEARCH AND DEVELOPMENT | 2,854 | 2,854 |
31. 060120P | CONTINUOUS BALLISTIC MISSILE—DEIMEL | 10,736 | 10,736 |
32. 060120P | POLLUTION PREVENTION—DEMEL | 2 | 2 |
33. 060120P | LONG RANGE STRIKE—BOMBER | 2,854 | 2,854 |
34. 060120P | INTEGRATED ADVANCED PLANNING AND DEVELOPMENT | 65,158 | 65,158 |
35. 060120P | NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP | 5,652 | 5,652 |
36. 060120P | TECHNOLOGY TRANSFER | 3,809 | 3,809 |
37. 060120P | HARD AND DEEPLY BURIED TARGET DESTRUCTION TECHNOLOGY PROGRAM | 17,365 | 17,365 |
38. 060120P | CYBER RESILIENCY OF WEAPON SYSTEMS | 32,535 | 32,535 |
39. 060120P | DEPLOYMENT & DISTRIBUTION ENTERPRISE D&D | 26,222 | 26,222 |

† HR 2810 PAP
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)

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Consolidated requirements: [-15,867]

**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES: 4,605,030, 5,110,763**

### SYSTEM DEVELOPMENT & DEMONSTRATION

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† HR 2810 PAP
## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)

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**SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION:** 4,476,762 4,620,662

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### MANAGEMENT SUPPORT

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† HR 2810 PAP
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† HR 2810 PAP
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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**ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES**

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**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES** 7,756,741 8,600,619

**SYSTEM DEVELOPMENT AND DEMONSTRATION**

- NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT (NCS) 12,516 12,516
- PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT 201,749 201,749
- CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—MIDC 406,789 406,789
- JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) 15,358 15,358
- COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT 6,241 6,241
- INFORMATION TECHNOLOGY DEVELOPMENT 12,322 12,322
- HOMELAND PERSONNEL SECURITY INITIATIVE 1,951 1,951
- DEFENSE EXPORTATION PROGRAM 3,162 3,162
- DEFENSE IT DEVELOPMENT INITIATIVES 21,353 21,353
- FIND COTS solutions

**DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION**

- DEFENSE POLICY AND INTEGRATION 2,810 2,810
- DEFENSE ENTERPRISE INITIATIVES—FISCAL 28,180 28,100
- DEFENSE DEFENDED AND ASSURANCE PAY SYSTEM (DRAS) 15,475 15,475
- DEFENSE DATA ELECTRONIC PROCUREMENT CAPABILITIES 11,970 11,970
- CPMs and requisitions
- TRUSTED & ASSURED MICROELECTRONICS 60,084 60,084
- GLOBAL C 5 SUPPORT SYSTEM 2,576 2,576
- DOD ENTERPRISE IT DEVELOPMENT (REIDM) 3,669 3,669
- CMM-STD SYSTEM DEVELOPMENT AND DEMONSTRATION 8,230 8,230

† HR 2810 PAP
## SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION

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**SUBTOTAL MANAGEMENT SUPPORT** | **1,010,530** | **1,115,530**

## OPERATIONAL SYSTEM DEVELOPMENT

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† HR 2810 PAP
SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(1) SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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TOTAL OPERATIONAL SYSTEM DEVELOPMENT                        4,867,528 4,928,128
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW   20,490,902 21,658,510

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

FOR OVERSEAS CONTINGENCY OPERATIONS

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† HR 2810 PAP
### SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS

*(In Thousands of Dollars)*

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**SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION**

57,840

**OPERATIONAL SYSTEMS DEVELOPMENT**

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<tr>
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<td>TACTICAL UNMANNED AERIAL VEHICLES</td>
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<td>BIOMETRICS ENABLED INTELLIGENCE</td>
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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT**

43,528

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY**

119,368

**RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY**

**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

<table>
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**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

27,710

**CLASSIFIED PROGRAMS**

89,855

**OPERATIONAL SYSTEMS DEVELOPMENT**

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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT**

102,655

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY**

130,365

**RESEARCH, DEVELOPMENT, TEST & EVAL, AF**

**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

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<td>SPACE CONTROL TECHNOLOGY</td>
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<td>0306238F</td>
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**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

13,200

**CLASSIFIED PROGRAMS**

112,408

**OPERATIONAL SYSTEMS DEVELOPMENT**

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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT**

122,158

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF**

135,358

**RESEARCH, DEVELOPMENT, TEST & EVAL, DW**

**ADVANCED TECHNOLOGY DEVELOPMENT**

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**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT**

25,000

**CLASSIFIED PROGRAMS**

196,176

**OPERATIONAL SYSTEM DEVELOPMENT**

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**SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT**

201,096

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW**

226,096

**UNDISTRIBUTED**

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**SUBTOTAL UNDISTRIBUTED**

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**TOTAL RD&T&E**

611,187

547,087

† HR 2810 PAP
### Title XLIII—Operation and Maintenance

#### SEC. 4301. Operation and Maintenance.

<table>
<thead>
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<td>MANEUVER UNITS</td>
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<td>UFR: Convert HCT to ABCT</td>
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<td>UFR: Readiness to execute NMS</td>
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<td>UFR: Stinger Vehicle training</td>
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<td>UFR: Support 16th ABCT</td>
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<td>MODULAR SUPPORT BRIGADES</td>
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<td>ECHELONS ABOVE BRIGADE</td>
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<td>THEATER LEVEL ASSETS</td>
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<td>[5,244]</td>
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<td>UFR: Readiness to execute NMS</td>
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<td>UFR: Support Equipment</td>
<td>[9,434]</td>
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<td>AVIATION ASSETS</td>
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<td>FORCE READINESS OPERATIONS SUPPORT</td>
<td>3,675,901</td>
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<td>UFR: Funding to support 6k additional endstrength</td>
<td>[680]</td>
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<td>UFR: Organizational Clothing &amp; Indiv. Equipment maintenance</td>
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<td>LAND FORCES SYSTEMS READINESS</td>
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<td>UFR: Medical equipment</td>
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<td>LAND FORCES DEPOT MAINTENANCE</td>
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<td>UFR: Depot Maintenance</td>
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<td>BASE OPERATIONS SUPPORT</td>
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<td>UFR: Engineering Services</td>
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<td>UFR: IT Services NEC C4I</td>
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<td>UFR: Support 6k additional endstrength</td>
<td>[31,720]</td>
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<td>FACILITIES SUSTAINMENT, RESTORATION &amp; MODERNIZATION</td>
<td>3,401,155</td>
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<td>UFR: Address facility restoration backlog</td>
<td>[70,427]</td>
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<td>UFR: FSRM increases</td>
<td>[481,319]</td>
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<td>[50,180]</td>
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<td>MANAGEMENT AND OPERATIONAL HEADQUARTERS</td>
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<td>US AFRICA COMMAND</td>
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<td>US EUROPEAN COMMAND</td>
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<td>US SOUTHERN COMMAND</td>
<td>190,841</td>
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<td>US FORCES KOREA</td>
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<td>SUBTOTAL OPERATING FORCES</td>
<td>23,752,390</td>
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#### Mobilization

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<td>STRATEGIC MOBILITY</td>
<td>346,667</td>
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<td>UFR: Readiness increase</td>
<td>[1,124]</td>
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<td>230</td>
<td>ARMY PREPOSITIONED STOCKS</td>
<td>422,108</td>
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<td>UFR: Readiness increase</td>
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<td>INDUSTRIAL PREPAREDNESS</td>
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<td>SUBTOTAL MOBILIZATION</td>
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#### Training and Recruiting

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<td>OFFICER ACQUISITION</td>
<td>137,556</td>
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<td>RECRUIT TRAINING</td>
<td>58,972</td>
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<td>UFR: Recruit training</td>
<td>[1,292]</td>
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<td>ONE STATION UNIT TRAINING</td>
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<td>SENIOR RESERVE OFFICERS TRAINING CORPS</td>
<td>505,089</td>
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<td>UFR: Supports commissions for increase end strength</td>
<td>[673]</td>
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<td>SPECIALIZED SKILL TRAINING</td>
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<td>UFR: Supports increased capacity</td>
<td>[15,293]</td>
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<td>300</td>
<td>FLIGHT TRAINING</td>
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† HR 2810 PAP
### SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)

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<td>PROFESSIONAL DEVELOPMENT EDUCATION</td>
<td>220,688</td>
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<td>TRAINING SUPPORT</td>
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<td>UFR: Supports Initial Entry Training</td>
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<td>RECRUITING AND ADVERTISING</td>
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<td>OFF-DUTY AND VOLUNTARY EDUCATION</td>
<td>214,738</td>
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<td>CIVILIAN EDUCATION AND TRAINING</td>
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<td>JUNIOR RESERVE OFFICER TRAINING CORPS</td>
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<td>ADMIN &amp; SRVWIDE ACTIVITIES</td>
<td>5,106,822</td>
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<td>SERVICEWIDE TRANSPORTATION</td>
<td>555,502</td>
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<td>UFR: Supports transportation equipment</td>
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<td>CENTRAL SUPPLY ACTIVITIES</td>
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<td>LOGISTIC SUPPORT ACTIVITIES</td>
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<td>ADMINISTRATION</td>
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<td>UFR: Army Regional Cyber Centers capabilities</td>
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<td>MANPOWER MANAGEMENT</td>
<td>259,588</td>
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<td>OTHER SERVICE SUPPORT</td>
<td>1,165,802</td>
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<td>UFR: Funds DFAS increases</td>
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<td>ARMY CLAIMS ACTIVITIES</td>
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<td>UFR: Supports JAG increase needs</td>
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<td>REAL ESTATE MANAGEMENT</td>
<td>243,584</td>
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<td>UFR: Supports engineering services</td>
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<td>FINANCIAL MANAGEMENT AND AUDIT READINESS</td>
<td>493,616</td>
<td>493,616</td>
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<td>INTERNATIONAL MILITARY HEADQUARTERS</td>
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<td>Misc. Support of Other Nations</td>
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<td>CLASSIFIED PROGRAMS</td>
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<td>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</td>
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<td>TOTAL OPERATION &amp; MAINTENANCE, ARMY</td>
<td>38,945,417</td>
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### OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES

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<td>MODULAR SUPPORT BRIGADES</td>
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<td>ECHELONS ABOVE BRIGADE</td>
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<td>UFR: ARNG Operational Demand Model to 82%</td>
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<td>THEATER LEVEL ASSETS</td>
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### ADMIN & SRWVW ACTIVITIES

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† HR 2810 PAP
### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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#### TOTAL OPERATION & MAINTENANCE, ARMY RES

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#### TOTAL OPERATION & MAINTENANCE, ARNG

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### SEC. 4302. OPERATION AND MAINTENANCE, NAVY

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### SEC. 4303. OPERATION AND MAINTENANCE, NAVY RES

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### SEC. 4304. OPERATION AND MAINTENANCE, MARINE CORPS

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### SEC. 4305. OPERATION AND MAINTENANCE, MARINE CORPS RES

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**MOBILIZATION**

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**TRAINING AND RECRUITING**

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**ADMIN & SRVWD ACTIVITIES**

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**TOTAL OPERATIONS & MAINTENANCE, NAVY**

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**MOBILIZATION**

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**TRAINING AND RECRUITING**

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**ADMIN & SERVICE WIDE ACTIVITIES**

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### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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#### ADMIN & SRVWD ACTIVITIES

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#### TOTAL OPERATION & MAINTENANCE, NAVY

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#### OPERATION & MAINTENANCE, MARINE CORPS

#### OPERATING FORCES

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#### TRAINING AND RECRUITING

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#### ADMIN & SRVWD ACTIVITIES

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#### TOTAL OPERATION & MAINTENANCE, MARINE CORPS

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#### OPERATION & MAINTENANCE, NAVY RES

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#### TOTAL OPERATION & MAINTENANCE, NAVY RES

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#### OPERATION & MAINTENANCE, MC RESERVE

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<td>DEFENSE INFORMATION SYSTEMS AGENCY</td>
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<td>DEFENSE SECURITY COOPERATION AGENCY</td>
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† HR 2810 PAP
SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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<td>ERI costs transferred from OCO to base (except Ukraine assistance)</td>
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<td>[–2,121,300]</td>
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TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL

(In Thousands of Dollars)

<table>
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<th>Item</th>
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<tbody>
<tr>
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<td>MILITARY PERSONNEL APPROPRIATIONS</td>
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<td>Defense Innovation Board software review</td>
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<td>ERI costs transferred to base</td>
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<td>Marine Corps endstrength increase (1k)</td>
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<td>Public-Private partnership on military spouse employment</td>
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<td>UFR: ANG funds training man days</td>
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<td>UFR: Army endstrength increase (dk)</td>
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<td>UFR: Army readiness requirements</td>
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<td>UFR: ATPF Enhancement—2nd Pier Sentry (Mahan Report)</td>
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<td>Unobligated Balances</td>
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<td>SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS</td>
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<td>MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS</td>
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<td>UFR: Army endstrength increase (dk)</td>
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<td>TOTAL MILITARY PERSONNEL</td>
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† HR 2810 PAP
SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<table>
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<th>Item</th>
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<th>Senate Authorized</th>
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<tbody>
<tr>
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<td>SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS</td>
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TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

<table>
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<td>620</td>
<td>Supply Management—Army</td>
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<td>ERI costs transfer from OCO to base</td>
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<td>Supplies and Materials</td>
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<td>Chem Demilitarization—ODM</td>
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<td>Chem Demilitarization—RDT&amp;E</td>
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<td>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION</td>
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DRUG INTERDICICTION & CTR-DRUG ACTIVITIES, DEF

DRUG INTERDICICTION AND COUNTER DRUG ACTIVITIES | 610 | Drug Interdiction and Counter-Drug Activities, Defense | 674,001 | 674,001 |
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<th>Item</th>
<th>FY 2018 Request</th>
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<td>DRUG DEMAND REDUCTION PROGRAM</td>
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<tr>
<td>020 Drug Demand Reduction Program</td>
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OFFICE OF THE INSPECTOR GENERAL
OPERATION AND MAINTENANCE

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<th>Item</th>
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RDT&E

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DEFENSE OFFICE OF THE INSPECTOR GENERAL
OPERATION & MAINTENANCE

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<td>020 In-House Care</td>
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<td>020 Private Sector Care</td>
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<td>030 Consolidated Health Support</td>
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<td>040 Information Management</td>
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<td>060 Education and Training</td>
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<td>070 Base Operations/Communications</td>
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RDT&E

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PROCUREMENT

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<td>150 PROC Initial Outfitting</td>
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<td>160 PROC Replacement &amp; Modernization</td>
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<td>180 PROC Local Operational Medicine Information System</td>
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<td>190 PROC DoD Healthcare Management System Modernization</td>
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TOTAL DEFENSE HEALTH PROGRAM                                           | 33,664,466      | 33,664,466        |

NATIONAL DEFENSE SEALIFT FUND
OPERATIONS, MAINTENANCE AND LEASE

<table>
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<th>Item</th>
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<td>060 DoD Mobilization Alternations</td>
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<td>070 TAH Maintenance</td>
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RESEARCH AND DEVELOPMENT

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READY RESERVE FORCES

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<tr>
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<td>SUBTOTAL READY RESERVE FORCES</td>
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TOTAL NATIONAL DEFENSE SEALIFT FUND                                  | 516,327         | 516,327           |

TOTAL OTHER AUTHORIZATION                                            | 37,906,922      | 37,849,822        |

† HR 2810 PAP
### SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

#### TINGENCY OPERATIONS.

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Line</th>
<th>Item</th>
<th>FY 2018 Request</th>
<th>Senate Authorized</th>
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</thead>
<tbody>
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</tr>
<tr>
<td></td>
<td>ERI costs transfer from OCO to base</td>
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<td><strong>SUBTOTAL WORKING CAPITAL FUND, ARMY</strong></td>
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<td>010</td>
<td>Energy Management—Def</td>
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<td>196,300</td>
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<td><strong>SUBTOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES</strong></td>
<td>196,300</td>
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<tr>
<td></td>
<td><strong>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</strong></td>
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<td>196,300</td>
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<td>010</td>
<td>Operation And Maintenance</td>
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<td>010</td>
<td>In-House Care</td>
<td>61,857</td>
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<tr>
<td>020</td>
<td>Private Sector Care</td>
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<td>Consolidated Health Support</td>
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### TITLE XLVI—MILITARY CONSTRUCTION

#### SEC. 4601. MILITARY CONSTRUCTION.

**SEC. 4601. MILITARY CONSTRUCTION**

(In Thousands of Dollars)

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<th>Account</th>
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<th>Project Title</th>
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† HR 2810 PAP
### SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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**SUBTOTAL MILCON, ARMY**: 920,394

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**SUBTOTAL MIL CON, NAVY**: 938,894
## SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

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## SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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<th>Budget Request</th>
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**SUBTOTAL MILCON, AIR FORCE** ............................................................................................................. 1,738,796 1,967,126

**MIL CON, DEF-WIDE**

| California       | Camp Pendleton, California      | SOF Marine Battalion Company/Town Facilities                                | 9,358          | 9,358             |
| MIL CON, DEF-     |                                 | SOF Motor Transport Facility Expansion                                     | 7,284          | 7,284             |
| WIDE             |                                 | Ambulatory Care Centre Replacement                                         | 26,400         | 26,400            |
| MIL CON, DEF-     | Command                        | SOF Basic Training Command                                                  | 96,077         | 96,077            |
| WIDE             |                                 | SOF SEAL Team Ops Facility                                                 | 66,218         | 66,218            |
| MIL CON, DEF-     | Command                        | SOF Logistic Support Unit Ops Fac. #1                                       | 46,175         | 46,175            |
| WIDE             |                                 | SOF SEAL Team Ops Facility                                                 | 50,265         | 50,265            |
| California       | Schriever AFB                  | Ambulatory Care Centre/Disp. Add, AB                                      | 10,200         | 10,200            |
| MIL CON, DEF-     | Classified                     | Battalion Complex, PH 1                                                     | 64,364         | 64,364            |
| WIDE             |                                 |                                                                                |                |                   |
| Florida          | Eglin AFB                      | SOF Simulator Facility                                                      | 5,000          | 5,000             |
| MIL CON, DEF-     |                                 | Upgrade Open Storage Yard                                                   | 4,100          | 4,100             |
| WIDE             |                                 |                                                                                |                |                   |
| Florida          | Hurlburt Field                 | SOF Simulator & Fuselage Trainer Facility                                  | 11,700         | 11,700            |
| MIL CON, DEF-     |                                 | SOF Combat Aircraft Parking                                                 | 34,700         | 34,700            |
| WIDE             |                                 |                                                                                |                |                   |
| Georgia          | Fort Gordon                    | Blood Donor Center Replacement                                             | 10,350         | 10,350            |
| MIL CON, DEF-     |                                 |                                                                                |                |                   |
| Germany          | Eiloe Ordnance Burvards        | Medical Center Replacement Inc 7                                            | 106,700        | 106,700           |
| MIL CON, DEF-     |                                 | Spanghalmen Elementary School Replacement                                  | 79,144         | 79,144            |
| WIDE             |                                 | Stuttgart                                                                    | 46,609         | 46,609            |
| Germany          | Souda Bay                      | Construct Hydrant System                                                    | 18,100         | 18,100            |
| MIL CON, DEF-     |                                 |                                                                                |                |                   |
| Greece           | Tornado AFB                     | Construct Truck Load & Unload Facility                                     | 22,900         | 22,900            |
| MIL CON, DEF-     |                                 |                                                                                |                |                   |
| Hawaii           | Kona                           | NSAH Kona Tunnel Entrance                                                   | 5,000          | 5,000             |
| MIL CON, DEF-     |                                 |                                                                                |                |                   |
| Italy            | Tapuaella                      | Construct Hydrant System                                                    | 22,400         | 22,400            |
| MIL CON, DEF-     |                                 |                                                                                |                |                   |
| Italy            | Vercelli                      | Vercelli High School Replacement                                          | 62,406         | 62,406            |
| MIL CON, DEF-     |                                 |                                                                                |                |                   |
| Japan            | Iwakuni                        | Construct Batch Storage Tanks PH 1                                           | 30,800         | 30,800            |
| MIL CON, DEF-     |                                 | SOF Special Tactics Operations Facility                                      | 27,573         | 27,573            |
| WIDE             |                                 | SOF Maintenance Hanger                                                      | 3,972          | 3,972             |
| MIL CON, DEF-     |                                 | Replace Mowing System                                                       | 11,900         | 11,900            |
| WIDE             |                                 |                                                                                |                |                   |
| Japan            | Okinawa                        | Upgrade Fuel Wharf                                                          | 45,600         | 45,600            |
| MIL CON, DEF-     |                                 |                                                                                |                |                   |
| Oregon           | Arnold AFB                     | Construct Hydrant System                                                    | 25,123         | 25,123            |
| MIL CON, DEF-     |                                 |                                                                                |                |                   |
| Japan            | Yokosuka                       | Hygro/Aircraft Maintenance Unit                                             | 12,034         | 12,034            |
| MIL CON, DEF-     |                                 | Operations and Warehouse Facilities                                         | 8,590          | 8,590             |
| WIDE             |                                 |                                                                                |                |                   |
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**SUBTOTAL MIL CON, DEF-WIDE** ........................................ 3,114,913 2,613,463

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**SUBTOTAL MILCON, ARNG** ........................................ 210,652 294,152

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### Table: SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

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### SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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† HR 2810 PAP
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**FAM HSG IMPROVE FUND**

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**TOTAL FAMILY HOUSING**

**DEFENSE BASE REALIGNMENT AND CLOSURE**

**DOD BRAC—ARMY**

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**TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE**

**UNACCMP HSG IMPRV FUND**

**UNACCMP HSG IMPRV FUND**

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**TOTAL UNACCMP HSG IMPRV FUND**

**HR 2810 PAP**
### SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS

### (In Thousands of Dollars)

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SEC. 4002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<table>
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<tr>
<th>Program</th>
<th>FY 2018 Request</th>
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Discretionary Summary by Appropriation
Energy and Water Development and Related Agencies

Appropriation Summary:

Energy Programs
- Nuclear energy ........................................................................................... **133,000** 133,000

Atomic Energy Defense Activities
National nuclear security administration:
- Weapons activities .................................................................................. **10,239,344** 10,512,944
- Defense nuclear nonproliferation ......................................................... **1,793,310** 2,043,607
- Naval reactors ......................................................................................... **1,479,751** 1,517,751
- Federal Salaries and Expenses .............................................................. **418,595** 418,595
Total, National nuclear security administration ........................................... **15,931,000** 14,492,897

Environmental and other defense activities:
- Other defense activities .......................................................................... **815,512** 815,512
Total, Environmental & other defense activities .......................................... **845,512** 845,512
Total, Atomic Energy Defense Activities .................................................... **14,776,512** 15,338,409
Subtotal, Energy And Water Development and Related Agencies ...................... **14,909,512** 15,471,409

Defense EM funded ...................................................................................... **5,537,186** 5,537,186
Uranium enriched D&D fund contribution ................................................... **0** 0
Total, Discretionary Funding ........................................................................ **20,446,698** 21,008,595

Nuclear Energy
- Idaho site-wide safeguards and security .................................................. **133,000** 133,000
Total, Nuclear Energy ................................................................................... **133,000** 133,000

Weapons Activities
- Directed stockpile work

† HR 2810 PAP
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† HR 2810 PAP
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<td><strong>Operations of facilities</strong></td>
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† HR 2810 PAP
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† HR 2810 PAP
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(In Thousands of Dollars)

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**Other Defense Activities**

**Environment, health, safety and security**

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**Independent enterprise assessments**

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**Specialized security activities**

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<td><strong>Total, Office of Legacy Management</strong></td>
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**Defense related administrative support**

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<td>Chief financial officer</td>
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<td><strong>Total, Defense related administrative support</strong></td>
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**Office of hearings and appeals**

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**Subtotal, Other defense activities**

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**Total, Other Defense Activities**

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**Defense Nuclear Waste Disposal**

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<td>Yucca mountain and interim storage</td>
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**Uranium Enrichment D&D Fund**

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DIVISION E—ADDITIONAL PROVISIONS

TITLE LI—PROCUREMENT

SEC. 5101. PLAN FOR MODERNIZATION OF THE RADAR FOR F–16 FIGHTER AIRCRAFT OF THE NATIONAL GUARD.

(a) Modernization Plan Required.—The Secretary of the Air Force shall develop a plan to modernize the radars of F–16 fighter aircraft of the National Guard by replacing legacy mechanically-scanned radars for such aircraft with AESA radars.

(b) Report.—Not later 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan developed pursuant to subsection (a).

SEC. 5102. UPGRADE OF M113 VEHICLES.

No amounts authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 may be obligated or expended to upgrade Army M113 vehicles until the Secretary of the Army submits to the congressional defense committees a report setting forth the strategy of the Army for the upgrade of such vehicles. The report shall include the following:

(1) A detailed strategy for upgrading and fielding M113 vehicles.
(2) An analysis of the manner in which the Army plans to address M113 vehicle survivability and maneuverability concerns.

(3) An analysis of the historical costs associated with upgrading M113 vehicles, and a validation of current cost estimates for upgrading such vehicles.

(4) A comparison of total procurement and life cycle costs of adding an echelon above brigade (EAB) requirement to the Army Multi-Purpose Vehicle (AMPV) with total procurement and life cycle costs of upgrading legacy M113 vehicles.

(5) An analysis of the possibility of further accelerating Army Multi-Purpose Vehicle production or modifying the current fielding strategy for the Army Multi-Purpose Vehicle to meet near-term echelon above brigade requirements.

TITLE LII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 5201. REAUTHORIZATION OF DEPARTMENT OF DEFENSE ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) Modification of Program Objectives.—Subsection (b) of section 257 of the National Defense Authoriza-
tion Act for Fiscal Year 1995 (Public Law 103–337; 10
U.S.C. 2358 note) is amended—

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

(2) by inserting before paragraph (2), as redesig-
nated by paragraph (1), the following new paragraph
(1):

“(1) To increase the number of university re-
searchers in eligible States capable of performing
science and engineering research responsive to the
needs of the Department of Defense.”; and

(3) in paragraph (2), as redesignated by para-
graph (1), by inserting “relevant to the mission of the
Department of Defense and” after “that is”.

(b) MODIFICATION OF PROGRAM ACTIVITIES.—Sub-
section (c) of such section is amended—

(1) by redesignating paragraph (3) as para-
graph (4); and

(2) by inserting after paragraph (2) the fol-
lowing new paragraph (3):

“(3) To provide assistance to science and engi-
neering researchers at institutions of higher education
in eligible States through collaboration between De-
partment of Defense laboratories and such research-
ers.”.
(c) Modification of Eligibility Criteria for State Participation.—Subsection (d) of such section is amended—

(1) in paragraph (2)(B), by inserting “in areas relevant to the mission of the Department of Defense” after “programs”; and

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

“(3) The Under Secretary shall not remove a designation of a State under paragraph (2) because the State exceeds the funding levels specified under subparagraph (A) of such paragraph unless the State has exceeded such funding levels for at least two consecutive years.”.

(d) Modification of Name.—

(1) In General.—Such section is amended—

(A) in subsections (a) and (e) by striking “Experimental” each place it appears and inserting “Established”; and

(B) in the section heading, by striking “EXPERIMENTAL” and inserting “ESTABLISHED”.

(2) Clerical Amendment.—Such Act is amended, in the table of contents in section 2(b), by striking the item relating to section 257 and inserting the following new item:

“Sec. 257. Defense established program to stimulate competitive research.”.
(3) **CONFORMING AMENDMENT.**—Section 307 of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18) is amended by striking “Experimental” and inserting “Established”.

**SEC. 5202. PILOT PROGRAM TO IMPROVE INCENTIVES FOR TECHNOLOGY TRANSFER FROM DEPARTMENT OF DEFENSE LABORATORIES.**

(a) **IN GENERAL.**—The Secretary of Defense shall establish a pilot program to assess the feasibility and advisability of distributing royalties and other payments as described in this section. Under the pilot program, except as provided in subsections (b) and (d), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Department of Defense laboratories, and from the licensing of inventions of Department of Defense laboratories, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

(1)(A) The laboratory director shall pay each year the first $2,000, and thereafter at least 20 percent, of the royalties or other payments, other than payments of patent costs as delineated by a license or assignment agreement, to the inventor or co-inventors,
if the inventor’s or coinventor’s rights are directly assigned to the United States.

(B) A laboratory director may provide appropriate incentives, from royalties or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of the inventions.

(C) The laboratory shall retain the royalties and other payments received from an invention until the laboratory makes payments to employees of a laboratory under subparagraph (A) or (B).

(2) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the 2 succeeding fiscal years—

(A) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;
(B) to further scientific exchange among the laboratories of the agency;

(C) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

(D) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

(E) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

(3) All royalties or other payments retained by the laboratory after payments have been made pursuant to paragraphs (1) and (2) that are unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and
other payments were received shall be paid into the Treasury of the United States.

(b) TREATMENT OF PAYMENTS TO EMPLOYEES.—

(1) In general.—Any payment made to an employee under the pilot program shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, annuity, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible or limit the amount thereof. Any payment made to an inventor as such shall continue after the inventor leaves the laboratory.

(2) Cumulative Payments.—(A) Cumulative payments made under the pilot program while the inventor is still employed at the laboratory shall not exceed $500,000 per year to any one person, unless the Secretary concerned (as defined in section 101(a) of title 10, United States Code) approves a larger award.

(B) Cumulative payments made under the pilot program after the inventor leaves the laboratory shall not exceed $150,000 per year to any one person, unless the head of the agency approves a larger award (with the excess over $150,000 being treated as an
agency award to a former employee under section 4505 of title 5, United States Code).

(c) INVENTION MANAGEMENT SERVICES.—Under the pilot program, a laboratory receiving royalties or other payments as a result of invention management services performed for another Federal agency or laboratory under section 207 of title 35, United States Code, may retain such royalties or payments to the extent required to offset payments to inventors under subparagraph (A) of subsection (a)(1), costs and expenses incurred under subparagraph (D) of subsection (a)(2), and the cost of foreign patenting and maintenance for any invention of the other agency. All royalties and other payments remaining after offsetting the payments to inventors, costs, and expenses described in the preceding sentence shall be transferred to the agency for which the services were performed, for distribution in accordance with subsection (a)(2).

(d) CERTAIN ASSIGNMENTS.—Under the pilot program, if the invention involved was one assigned to the laboratory—

(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency; or
(2) by an employee of the agency who was not working in the laboratory at the time the invention was made,

the agency unit that was involved in such assignment shall be considered to be a laboratory for purposes of this section.

(e) Sunset.—The pilot program under this section shall terminate 5 years after the date of the enactment of this Act.

**TITLE LIII—OPERATION AND MAINTENANCE**

**SEC. 5301. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATION ACCESS CONTROL INITIATIVES.**

(a) In General.—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 evaluating Department of Defense installation access control initiatives.

(b) Elements.—The report required under subsection (a) shall include the following elements:

(1) An assessment of Department of Defense requirements for managing access to military installations and the extent to which the Department has taken an enterprise-wide approach to developing those requirements and identifying capability gaps.
(2) A description of capabilities (processes and systems) that are in place at military installations that currently meet these requirements.

(3) A summary of which options, including business process reengineering, the development or acquisition of business systems, and the acquisition of commercial solutions, are being pursued to close those gaps.

(4) A description of how the Department of Defense is assessing which options to pursue in terms of cost, schedule, and potential performance and to what extent the Department’s assessments follow directives under the Federal Acquisition Regulation and Defense Supplement to the Federal Acquisition Regulation to consider commercial products and services.

SEC. 5302. COMPREHENSIVE PLAN FOR SHARING DEPOT-LEVEL MAINTENANCE BEST PRACTICES.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the sharing of best practices for depot-level maintenance among the military services.

(b) Elements.—The comprehensive plan required under subsection (a) shall cover the sharing of best practices with regard to—
(1) programming and scheduling;
(2) core capability requirements;
(3) workload;
(4) personnel management, development, and sustainment;
(5) induction, duration, efficiency, and completion metrics;
(6) parts, supply, tool, and equipment management;
(7) capital investment and manufacturing and production capability; and
(8) inspection and quality control.

SEC. 5303. FACILITIES DEMOLITION PLAN OF THE ARMY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a facilities demolition plan of the Army that does the following:

(1) Takes into account the impact of a contaminated facility on mission readiness, and national security generally, in establishing priorities for the demolition of facilities.

(2) Sets forth a multi-year plan for the demolition of Army facilities, including contaminated facilities given afforded a priority for demolition pursuant to paragraph (1).
SEC. 5501. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF THE MILITARY CHILD CARE SYSTEM AND PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR MILITARY DEPENDENTS.

(a) EMPLOYEES OF MILITARY CHILD CARE SYSTEM.—Section 1792 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

“(d) CRIMINAL BACKGROUND CHECK.—The criminal background check of child care employees under this section that is required pursuant to section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) shall be conducted pursuant to regulations prescribed by the Secretary of Defense in accordance with the provisions of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).”.

(b) PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES.—Section 1798 of such title is amended—
(1) by redesignating subsection (c) as subsection (d); and
(2) by inserting after subsection (b) the following new subsection (c):

“(c) CRIMINAL BACKGROUND CHECK.—A provider of child care services or youth program services may not provide such services under this section unless such provider complies with the requirements for criminal background checks under section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f) for the State in which such services are provided.”.

SEC. 5502. REVIEW OF TAP FOR WOMEN.

The Secretary of Defense shall conduct a comprehensive review of the Transition Assistance Program to ensure that it addresses the unique challenges and needs of women as they transfer from the Armed Forces to civilian life.

SEC. 5503. ANNUAL REPORT ON PARTICIPATION IN THE TRANSITION ASSISTANCE PROGRAM FOR MEMBERS OF THE ARMED FORCES.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) ANNUAL REPORT.—(1) Not later than February 28 each year, the Secretary of Defense shall submit to Congress a report on the participation of members of the armed
forces in the program under this section during the pre-
ceeding year.

“(2) Each report under this subsection shall set forth,
for the year covered by such report, the following:

“(A) The number of members who were eligible
for participation in the program, in aggregate and by
component of the armed forces.

“(B) The number of members who participated
in the program, in aggregate and by component of the
armed forces, for each of the following:

“(i) Preseparation counseling provided by
the Department of Defense.

“(ii) Briefings provided by the Department
of Veterans Affairs.

“(iii) Employment workshops provided by
the Department of Labor.

“(C) The number of members who did not par-
ticipate in the program due to a waiver of the par-
ticipation requirement under subsection (c)(2) for
each service set forth in subparagraph (B).

“(3) Each report under this subsection may also in-
clude such recommendations for legislative or administra-
tive action as the Secretary of Defense, in consultation with
the Secretary of Labor, the Secretary of Veterans Affairs,
and the Secretary of Homeland Security, considers appro-
priate to increase participation of members of the armed
forces in each service set forth in paragraph (2)(B).”.

SEC. 5504. MODIFICATION OF DEADLINE FOR SUBMITTAL
BY OFFICERS OF WRITTEN COMMUNICATIONS
TO PROMOTION SELECTION BOARDS ON MAT-
TERS OF IMPORTANCE TO THEIR SELECTION.

(a) Officers on active-duty list.—Section 614(b)
of title 10, United States Code, is amended by striking “the
day” and inserting “10 calendar days”.

(b) Officers in reserve active-status.—Section
14106 of such title is amended in the second sentence by
striking “the day” and inserting “10 calendar days”.

(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 promotion selection
boards convened on or after that date.

SEC. 5505. STANDARDIZATION OF AUTHORITIES IN CON-
NECTION WITH REPEAL OF STATUTORY SPEC-
IFICATION OF GENERAL OFFICER GRADE FOR
THE DEAN OF THE ACADEMIC BOARD OF THE
UNITED STATES MILITARY ACADEMY AND
THE DEAN OF THE FACULTY OF THE UNITED
STATES AIR FORCE ACADEMY.

(a) Dean of academic board of USMA.—Section
4335(c) of title 10, United States Code, is amended—
(1) by striking the first and third sentences; and
(2) in the remaining sentence, by striking “so
appointed” and inserting “appointed as Dean of the
Academic Board”.

(b) DEAN OF FACULTY OF USAFA.—Section 9335(b)
of such title is amended by striking “so appointed” and
inserting “appointed as Dean of the Faculty”.

SEC. 5506. CIVILIAN TRAINING FOR NATIONAL GUARD PI-
LOTS AND SENSOR OPERATOR AIRCREWS OF
MQ–9 UNMANNED AERIAL VEHICLES.

(a) CONTRACTS FOR TRAINING.—Subject to subsection
(c), the Chief of the National Guard Bureau may enter into
one or more contracts with appropriate civilian entities in
order to provide flying or operating training for National
Guard pilots and sensor operator aircrew members in the
MQ–9 unmanned aerial vehicle if the Chief of the National
Guard Bureau determines that—

(1) Air Force training units lack sufficient ca-
pacity to train such pilots or sensor operator aircrew
members for initial qualification in the MQ–9 un-
manned aerial vehicle;

(2) pilots or sensor operator aircrew members of
Air National Guard units require continuation train-
ing in order to remain current and qualified in the
MQ–9 unmanned aerial vehicle;
(3) non-combat continuation training in the MQ–9 unmanned aerial vehicle is necessary for such pilots or sensor operator aircrew members to achieve required levels of flying or operating proficiency; or

(4) such training for such pilots or sensor operator aircrew members is necessary in order to meet requirements for the National Guard to provide pilots and sensor operator aircrew members qualified in the MQ–9 unmanned aerial vehicle for operations on active duty and in State status.

(b) Nature of Training Under Contracts.—Any training provided pursuant to a contract under subsection (a) shall incorporate a level of instruction that is equivalent to the instruction in the MQ–9 unmanned aerial vehicle provided to pilots and sensor operator aircrew members at Air Force training units.

(c) Authority Contingent on Certification.—The Chief of the National Guard Bureau may not use the authority in subsection (a) unless and until the Secretary of the Air Force certifies to the congressional defense committees in writing that the use of the authority is necessary to provide required flying or operating training for National Guard pilots and sensor operator aircrew members in the MQ–9 unmanned aerial vehicle.
SEC. 5507. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARLIN M. CONNER 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 President may award the Medal of Honor under section 3741 of such title to Garlin M. Conner 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 Garlin M. Conner during combat on January 24, 1945, as a member of the United States Army in the grade of First Lieutenant in France while serving with Company K, 3d Battalion, 7th Infantry Regiment, 3d Infantry Division, for which he was previously awarded the Distinguished Service Cross.

SEC. 5508. EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

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

(1) The United States military is keenly aware of the need to support the families of those who serve our country.
(2) Military children face unique challenges in educational achievement due to frequent changes of station by, deployments by, and even injuries to their parents.

(3) Investing in quality education opportunities for all military children from cradle to career ensures parents are able to stay focused on the mission, and children are able to benefit from consistent relationships with caring teachers who support their early learning so they can be ready to excel in school.

(4) Research shows that early math is at least as predictive of later school success as early literacy.

(5) Investing in early learning for military children is an important element in a comprehensive strategy for ensuring a smart, skilled, and committed future national security workforce.

(6) To strengthen the global standing and military might of the United States, technology, and innovation, the Nation must continuously look for ways to strengthen early education of children in science, technology, engineering, and mathematics (STEM).

(b) GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the Armed Forces in order to ensure the following:
(1) The placement of a priority on supporting early learning in science, technology, engineering, and mathematics for children, including those at Department of Defense schools and schools serving large military child populations.

(2) Support for efforts to ensure that training and curriculum specialists, teachers and other caregivers, and staff serving military children have the training and skills necessary to implement instruction in science, technology, engineering, and mathematics that provides the necessary foundation for future learning and educational achievement in such areas.

(c) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) A description and assessment of the progress made in improving educational opportunities and achievement for military children in science, technology, engineering, and mathematics.

(2) A description and assessment of efforts to implement the guidance issued under subsection (b).
TITLE LLVI—COMPENSATION
AND OTHER PERSONNEL BENEFITS

SEC. 5601. REPORT ON USE OF SECOND-DESTINATION TRANSPORTATION TO TRANSPORT FRESH FRUIT AND VEGETABLES TO COMMISSARIES IN THE ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—In accordance with the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) and recommendations in the report of the Inspector General of the Department of Defense dated February 28, 2017, regarding Pacific Fresh Fruits and Vegetables (FFV), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the costs of using second-destination transportation (SDT) to transport fresh fruit and vegetables to commissaries in Asia and the Pacific in each of fiscal years 2015 through 2017.

(2) Recommendations for innovative, locally-sourced alternatives to use of second-destination transportation in order to supply fresh fruit and vegetables to commissaries in Asia and the Pacific.
(b) **SUBMITTAL DATE.**—The report required by subsection (a) shall be submitted not later than 120 days after the date of the enactment of this Act.

**SEC. 5602. REPORT ON MANAGEMENT OF MILITARY COMMISSARIES AND EXCHANGES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding management practices of military commissaries and exchanges.

(b) **ELEMENTS.**—The report required under this section shall include a cost-benefit analysis with the goals of—

(1) reducing the costs of operating military commissaries and exchanges by $2,000,000,000 during fiscal years 2018 through 2022; and

(2) not raising costs for patrons of military commissaries and exchanges.

**TITLE LVII—HEALTH CARE PROVISIONS**

**SEC. 5701. STUDY ON SAFE OPIOID PRESCRIBING PRACTICES.**

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the effectiveness of the training provided to health care providers of the Department of Defense regarding opioid prescribing practices, initiatives in opioid safety, the
use of the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, and other related training.

(b) ELEMENTS.—The study under subsection (a) shall address the effectiveness of training with respect to the following:

(1) Identifying and treating individuals with chronic pain.

(2) Prescribing opioid analgesics, including—

   (A) reducing average dosages;

   (B) reducing average number of dosages;

   (C) reducing initial and average durations of opioid analgesic therapy;

   (D) reducing dose escalation when opioid analgesic therapy has resulted in adequate pain reduction; and

   (E) reducing the average number of prescription opioid analgesics dispensed by the Department of Defense.

(3) Reducing the number of overdoses due to prescription opioids for patients with acute pain and patients undergoing opioid therapy for chronic pain.

(4) Developing validated opioid dependence screening tools for health care providers of the Department.
(5) Communicating to health care providers of the Department changes in policies of the Department regarding opioid safety and prescribing practices.

(6) Providing education on the risks of opioid medications to individuals for whom such medications are prescribed and to their families, with special consideration given to raising awareness among adolescents on such risks.

(7) Providing counseling and referrals for, and expanding access to, treatment alternatives to opioid analgesics.

(8) Developing and implementing a physician advisory committee of the Department relating to education programs for prescribers of opioid analgesics.

(9) Developing methods to incentivize health care providers of the Department to use physical therapy or alternative methods to treat acute or chronic pain.

(10) Developing curricula on pain management and safe opioid analgesic prescribing that incorporates opioid analgesic prescribing guidelines issued by the Centers for Disease Control and Prevention.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the
House of Representatives a briefing on the results of the study conducted under subsection (a).

SEC. 5702. SPECIFICATION THAT INDIVIDUALS UNDER THE AGE OF 21 ARE ELIGIBLE FOR HOSPICE CARE SERVICES UNDER THE TRICARE PROGRAM.

(a) Rule of Construction.—Section 705 shall have no further force or effect.

(b) In General.—Section 1079(a)(15) of title 10, United States Code, is amended by inserting before the period at the end the following: “, except that hospice care may be provided to an individual under the age of 21 concurrently with health care services or hospitalization for the same condition.”.

SEC. 5703. REGULAR UPDATE OF PRESCRIPTION DRUG PRICING STANDARD UNDER TRICARE RETAIL PHARMACY PROGRAM.

Section 1074g(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) With respect to the TRICARE retail pharmacy program described in subsection (a)(2)(E)(ii), the Secretary shall ensure that a contract entered into with a TRICARE pharmacy program contractor includes requirements described in section 1860D–12(b)(6) of the Social Security Act (42 U.S.C. 1395w–112(b)(6)) to ensure the provision of in-
formation regarding the pricing standard for prescription
drugs.”.

SEC. 5704. LONGITUDINAL MEDICAL STUDY ON BLAST
PRESSURE EXPOSURE OF MEMBERS OF THE
ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall con-
duct a longitudinal medical study on blast pressure expo-
sure of members of the Armed Forces during combat and
training, including members who train with high over-
pressure weapons, such as anti-tank recoilless rifles and
heavy-caliber sniper rifles.

(b) ELEMENTS.—The study required under subsection
(a) shall—

(1) monitor, record, and analyze data on blast
pressure exposure for any member of the Armed
Forces who is likely to be exposed to a blast in train-
ing or combat;

(2) assess the feasibility and advisability of in-
cluding blast exposure history as part of the service
record of a member, as a blast exposure log, in order
to ensure that, if medical issues arise later, the mem-
ber receives care for any service-connected injuries;

and

(3) review the safety precautions surrounding
heavy weapons training to account for emerging re-
search on blast exposure and the effects on of such ex-
posure on cognitive performance of members of the
Armed Forces.

(c) REPORT.—The Secretary shall submit to Congress
a report on the results of the study conducted under sub-
section (a).

SEC. 5705. AUTHORIZATION OF PHYSICAL THERAPIST AS-
SISTANTS AND OCCUPATIONAL THERAPY AS-
SISTANTS TO PROVIDE SERVICES UNDER THE
TRICARE PROGRAM.

(a) ADDITION TO LIST OF AUTHORIZED PROFES-
SIONAL PROVIDERS OF CARE.—The Secretary of Defense
shall revise section 199.6(c) of title 32, Code of Federal Reg-
ulations, as in effect on the date of the enactment of this
Act, to add to the list of individual professional providers
of care who are authorized to provide services to bene-
ficiaries under the TRICARE program, as defined in sec-
tion 1072 of title 10, United States Code, the following types
of health care practitioners:

(1) Licensed or certified physical therapist as-
sistants who meet the qualifications for physical ther-
apist assistants specified in section 484.4 of title 42,
Code of Federal Regulations, or any successor regula-
tion, to furnish services under the supervision of a
physical therapist.
(2) Licensed or certified occupational therapy assistants who meet the qualifications for occupational therapy assistants specified in such section 484.4, or any successor regulation, to furnish services under the supervision of an occupational therapist.

(b) SUPERVISION.—The Secretary of Defense shall establish in regulations requirements for the supervision of physical therapist assistants and occupational therapy assistants, respectively, by physical therapists and occupational therapists, respectively.

(c) MANUALS AND OTHER GUIDANCE.—The Secretary of Defense shall update the CHAMPVA Policy Manual and other relevant manuals and subregulatory guidance of the Department of Defense to carry out the revisions and requirements of this section.

TITLE LIX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 5901. DESIGNATION OF OFFICE WITHIN OFFICE OF THE SECRETARY OF DEFENSE TO OVERSEE USE OF FOOD ASSISTANCE PROGRAMS BY MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate an office
or official within the Office of the Secretary of Defense for purposes as follows:

(1) To discharge responsibility for overseeing the efforts of the Department of Defense to collect, analyze, and monitor data on the use of food assistance programs by members of the Armed Forces on active duty.

(2) To establish and maintain relationships with other departments and agencies of the Federal Government to facilitate the discharge of the responsibility specified in paragraph (1).

**TITLE LX—GENERAL PROVISIONS**

**SEC. 6001. AIR FORCE PILOT PROGRAM ON EDUCATION AND TRAINING AND CERTIFICATION OF SECONDARY AND POST-SECONDARY STUDENTS AS AIRCRAFT TECHNICIANS.**

(a) Pilot Program Required.—

(1) In general.—The Secretary of the Air Force shall carry out a pilot program to assess the feasibility and advisability of—

(A) providing education and training to secondary and post-secondary students in the skills and qualifications required to lead to cer-
tification as an aircraft technician for the Air
Force with skills levels 3–5; and

(B) certifying individuals who successfully
complete education and training under the pilot
program as aircraft technicians for the Air Force
at the applicable skill level.

(2) DESIGNATION.—The pilot program carried
out pursuant to this section may be known as the
“Air Force Dual Credit Maintainers Program” (in
this section, referred to as the “pilot program”).

(b) ELIGIBLE PARTICIPANTS.—Individuals eligible to
participate in the pilot program are individuals in sec-
ondary or post-secondary school who—

(1) have education, skills, or both appropriate
for further education and training leading to certifi-
cation as an aircraft technician of the Air Force; and

(2) seek to pursue education and training under
the pilot program in order to become certified as air-
craft technicians of the Air Force.

(c) SECONDARY SCHOOLS AND INSTITUTIONS OF
HIGHER EDUCATION.—

(1) IN GENERAL.—The Secretary shall carry out
the pilot program through secondary schools and in-
stitutions of higher education selected by the Secretary
for purposes of the pilot program.
(2) **LOCATIONS.**—The secondary schools and institutions of higher education selected pursuant to paragraph (1) shall, to the extent practicable, be located in the vicinity of installations of the Air Force at which there is, or is anticipated to be, a shortfall in aircraft technicians with skill levels 3–5.

(3) **COORDINATION.**—The pilot program may be carried out at a secondary school only with the approval of the local educational agency concerned. The pilot program may be carried out at an institution of higher education only with the approval of the board of trustees or other appropriate leadership of the institution.

(4) **GRANTS.**—In carrying out the pilot program, the Secretary may award a grant to any secondary school or institution of higher education participating in the pilot program for purposes of providing education and training under the pilot program.

(d) **CURRICULUM AND ASSOCIATED EQUIPMENT.**—In carrying out the pilot program, the Secretary shall support curriculum development by secondary and post-secondary educational institutions, and any associated training equipment, to be used in providing education and training under the pilot program.
(e) EMPLOYMENT AS AIR FORCE AIRCRAFT TECHNICIANS.—As part of the pilot program, the Secretary may employ, and may afford an emphasis on employment, in the Department of the Air Force as aircraft technicians of the Air Force any individuals who obtain certification under the pilot program as aircraft technicians of the Air Force.

(f) SUNSET.—The authority of the Secretary to carry out the pilot program shall expire on the date that is five years after the date of the enactment of this Act. Expiration of the authority to carry out the pilot program shall not be construed to require the termination of any education or training, or the provision of any certifications, for individuals participating in education or training under the pilot program on the date of the expiration of authority to carry out the pilot program.

(g) FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2018 for the Department of Defense by this division is hereby increased by $5,000,000, with the amount of the increase to be available for the pilot program, including for the award of grants pursuant to subsection (c)(4) and for support of the development of curriculum and training equipment pursuant to subsection (d).
(2) OFFSET.—The amount authorized to be ap-
propriated for fiscal year 2018 by section 301 is here-
by reduced by $5,000,000, with the amount of the re-
duction to be applied against amounts available for 
operation and maintenance, Defense-wide, for SAG 

SEC. 6002. COLLABORATION BETWEEN FEDERAL AVIATION 
ADMINISTRATION AND DEPARTMENT OF DE-
FENSE ON UNMANNED AIRCRAFT SYSTEMS.

(a) Collaboration Between Federal Aviation 
Administration in Department of Defense Re-
quired.—

(1) In General.—The Administrator of the Fed-
eral Aviation Administration and the Secretary of 
Defense shall collaborate on developing standards, 
policies, and procedures for sense and avoid capabili-
ties for unmanned aircraft systems.

(2) Elements.—The collaboration required by 
paragraph (1) shall include the following:

(A) Sharing information and technology on 
safely integrating unmanned aircraft systems 
and manned aircraft in the national airspace 
system.

(B) Building upon the experience of the Air 
Force and the Department of Defense to inform
the Federal Aviation Administration’s development of civil standards, policies, and procedures for integrating unmanned aircraft systems in the national airspace system.

(C) Assisting in the development of best practices for unmanned aircraft safety standards, development of airborne and ground-based sense and avoid capabilities for unmanned aircraft systems, and research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

(b) Participation by Federal Aviation Administration in Department of Defense Activities.—

(1) In general.—The Administrator may participate and provide assistance for participation in test and evaluation efforts of the Department of Defense, including the Air Force, relating to ground-based sense and avoid and airborne sense and avoid capabilities for unmanned aircraft systems.

(2) Participation through Centers of Excellence and Test Sites.—Participation under paragraph (1) may include provision of assistance through the Center of Excellence for Unmanned Aircraft Systems and unmanned aircraft systems test
ranges designated under section 332(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(c) Unmanned Aircraft System Defined.—In this section, the term “unmanned aircraft system” has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

SEC. 6003. REPORT ON DEFENSE OF COMBAT LOGISTICS AND STRATEGIC MOBILITY FORCES.

(a) Report Required.—Not later than January 1, 2018, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defense of combat logistics and strategic mobility forces.

(b) Covered Periods.—The report required by subsection (a) shall cover two periods:

(1) The period from 2018 through 2025.

(2) The period from 2026 through 2035.

(c) Elements.—The report required by subsection (a) shall include, for each of the periods covered by the report, the following:

(1) A description of potential warfighting planning scenarios in which combat logistics and strategic
mobility forces will be threatened, including the most
stressing such scenario.

(2) A description of the combat logistics and
strategic mobility forces capacity, including addi-
tional combat logistics and strategic mobility forces,
that may be required due to losses from attacks under
each scenario described pursuant to paragraph (1).

(3) A description of the projected capability and
capacity of subsurface (e.g., torpedoes), surface (e.g.,
anti-ship missiles), and air (e.g., anti-ship missiles)
threats to combat logistics and strategic mobility
forces for each scenario described pursuant to para-
graph (1).

(4) A description of planned operating concepts
for defending combat logistics and strategic mobility
forces from subsurface, surface, and air threats for
each scenario described pursuant to paragraph (1).

(5) An assessment of the ability and availability
of United States naval forces to defend combat logis-
tics and strategic mobility forces from the threats de-
scribed pursuant to paragraph (1), while also accom-
plishing other assigned missions, for each scenario de-
scribed pursuant to that paragraph.

(6) A description of specific capability gaps or
risk areas in the ability or availability of United
States naval forces to defend combat logistics and strategic mobility forces from the threats described pursuant to paragraph (1).

(7) A description and assessment of potential solutions to address the capability gaps and risk areas identified pursuant to paragraph (6), including new capabilities, increased capacity, or new operating concepts that could be employed by United States naval forces.

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

(e) COMBAT LOGISTICS AND STRATEGIC MOBILITY FORCES DEFINED.—In this section, the term “combat logistics and strategic mobility forces” means the combat logistics force, the Ready Reserve Force, and the Military Sealift Command surge fleet.

SEC. 6004. REPORT ON THE CIRCUMSTANCES SURROUNDING THE 2016 ATTACKS ON THE U.S.S. MASON.

Not later than March 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the circumstances surrounding the attacks in 2016 on the U.S.S. Mason (DDG–87).
SEC. 6005. OFFICE OF SPECIAL COUNSEL REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the “Office of Special Counsel Reauthorization Act of 2017”.

(b) ADEQUATE ACCESS OF SPECIAL COUNSEL TO INFORMATION.—Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

“(5)(A) Except as provided in subparagraph (B), the Special Counsel, in carrying out this subchapter, is authorized to—

“(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable agency that relate to an investigation, review, or inquiry conducted under—

“(I) section 1213, 1214, 1215, or 1216 of this title; or

“(II) section 4324(a) of title 38;

“(ii) request from any agency the information or assistance that may be necessary for the Special Counsel to carry out the duties and responsibilities of the Special Counsel under this subchapter; and

“(iii) require, during an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that
relates to an investigation, review, or inquiry conducted under—

“(I) section 1213, 1214, 1215, or 1216 of this title; or

“(II) section 4324(a) of title 38.

“(B)(i) The authorization of the Special Counsel under subparagraph (A) shall not apply with respect to any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), unless the Special Counsel is investigating, or otherwise carrying out activities relating to the enforcement of, an action under subchapter III of chapter 73.

“(ii) An Inspector General may withhold from the Special Counsel material described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

“(iii) The Attorney General or an Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

“(I)(aa) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing as of the date on which the Special Counsel submits a request for the material; or
“(bb) the material—

“(AA) may not be disclosed pursuant to a court order; or

“(BB) has been filed under seal under section 3730 of title 31; and

“(II) the Attorney General or the Inspector General, as applicable, submits to the Special Counsel a written report that describes—

“(aa) the material being withheld; and

“(bb) the reason that the material is being withheld.

“(C)(i) A claim of common law privilege by an agency, or an officer or employee of an agency, shall not prevent the Special Counsel from obtaining any material described in subparagraph (A)(i) with respect to the agency.

“(ii) The submission of material described in subparagraph (A)(i) by an agency to the Special Counsel may not be deemed to waive any assertion of privilege by the agency against a non-Federal entity or against an individual in any other proceeding.

“(iii) With respect to any record or other information made available to the Special Counsel by an agency under subparagraph (A), the Special Counsel may only disclose the record or information for a purpose that is in further-
ANCE of any authority provided to the Special Counsel under this subchapter.

“(6) The Special Counsel shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the applicable agency a report regarding any case of contumacy or failure to comply with a request submitted by the Special Counsel under paragraph (5)(A).”.

(c) INFORMATION ON WHISTLEBLOWER PROTECTIONS.—

(1) AGENCY RESPONSIBILITIES.—Section 2302 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

“(c)(1) In this subsection—

“(A) the term ‘new employee’ means an individual—

“(i) appointed to a position as an employee on or after the date of enactment of the Office of Special Counsel Reauthorization Act of 2017; and

“(ii) who has not previously served as an employee; and

† HR 2810 PAP
“(B) the term ‘whistleblower protections’ means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or sub-paragraph (A)(i), (B), (C), or (D) of paragraph (9) of subsection (b).

“(2) The head of each agency shall be responsible for—

“(A) preventing prohibited personnel practices;

“(B) complying with and enforcing applicable civil service laws, rules, and regulations and other aspects of personnel management; and

“(C) ensuring, in consultation with the Special Counsel and the Inspector General of the agency, that employees of the agency are informed of the rights and remedies available to the employees under this chapter and chapter 12, including—

“(i) information with respect to whistleblower protections available to new employees during a probationary period;

“(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board with respect to whistleblower protections; and

“(iii) the means by which, with respect to information that is otherwise required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign
affairs, an employee may make a lawful disclosure of the information to—

“(I) the Special Counsel;
“(II) the Inspector General of an agency;
“(III) Congress; or
“(IV) another employee of the agency who is designated to receive such a disclosure.

“(3) The head of each agency shall ensure that the information described in paragraph (2) is provided to each new employee of the agency not later than 180 days after the date on which the new employee is appointed.

“(4) The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency and on any online portal that is made available only to employees of the agency, if such portal exists.

“(5) Any employee to whom the head of an agency delegates authority for any aspect of personnel management shall, within the limits of the scope of the delegation, be responsible for the activities described in paragraph (2).”.

(2) TRAINING FOR SUPERVISORS.—

(A) DEFINITIONS.—In this paragraph—
(i) the term “agency” means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

(ii) the term “whistleblower protections” has the meaning given the term in section 2302(c)(1)(B) of title 5, United States Code, as amended by paragraph (1).

(B) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency (or, in the case of an agency that does not have an Inspector General, the senior ethics official of that agency), shall provide the training described in subparagraph (C).

(C) TRAINING DESCRIBED.—The training described in this subparagraph shall—

(i) cover the manner in which the agency shall respond to a complaint alleging a violation of whistleblower protections that are available to employees of the agency; and

(ii) be provided—
(I) to each employee of the agency who—

(aa) is appointed to a supervisory position in the agency; and

(bb) before the appointment described in item (aa), had not served in a supervisory position in the agency; and

(II) on an annual basis to all employees of the agency who serve in supervisory positions in the agency.

(3) INFORMATION ON APPEAL RIGHTS.—

(A) IN GENERAL.—Any notice provided to an employee under section 7503(b)(1), section 7513(b)(1), or section 7543(b)(1) of title 5, United States Code, shall include detailed information with respect to—

(i) the right of the employee to appeal an action brought under the applicable section;

(ii) the forums in which the employee may file an appeal described in clause (i); and

(iii) any limitations on the rights of the employee that would apply because of
the forum in which the employee decides to file an appeal.

(B) DEVELOPMENT OF INFORMATION.—The information described in subparagraph (A) shall be developed by the Director of the Office of Personnel Management, in consultation with the Special Counsel, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

(d) ADDITIONAL WHISTLEBLOWER PROVISIONS.—

(1) PROHIBITED PERSONNEL PRACTICES.—Section 2302 of title 5, United States Code, is amended—

(A) in subsection (b)—

(i) in paragraph (9)(C), by inserting “(or any other component responsible for internal investigation or review)” after “Inspector General”; and

(ii) in paragraph (12), by striking “or” at the end;

(iii) in paragraph (13), by striking the period at the end and inserting “; or”; and

(iv) by inserting after paragraph (13) the following:
“(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of; any conduct described in paragraphs (1) through (13).”; and

(B) in subsection (f)—

(i) in paragraph (1)—

(I) in subparagraph (E), by striking “or” at the end;

(II) by redesignating subparagraph (F) as subparagraph (G); and

(III) by inserting after subparagraph (E) the following:

“(F) the disclosure was made before the date on which the individual was appointed or applied for appointment to a position; or”; and

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

“(2) If a disclosure is made during the normal course of duties of an employee, the principal job function of whom is to regularly investigate and disclose wrongdoing (referred to in this paragraph as the ‘disclosing employee’), the disclosure shall not be excluded from subsection (b)(8) if the disclosing employee demonstrates that an employee who has the authority to take, direct other individuals to take, recommend, or approve any personnel action with respect to
the disclosing employee took, failed to take, or threatened to take or fail to take a personnel action with respect to the disclosing employee in reprisal for the disclosure made by the disclosing employee.”.

(2) Explanations for Failure to Take Action.—Section 1213 of title 5, United States Code, is amended—

(A) in subsection (b), by striking “15 days” and inserting “45 days”; and

(B) in subsection (c)—

(i) in paragraph (1), by striking “Any such report” and inserting “Any report required under subsection (c) or paragraph (5) of this subsection”;

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

“(2) Upon receipt of any report that the head of an agency is required to submit under subsection (c), the Special Counsel shall review the report and determine whether—

“(A) the findings of the head of the agency appear reasonable; and

“(B) if the Special Counsel requires the head of the agency to submit a supplemental report under paragraph (5), the reports submitted by the head of
the agency collectively contain the information required under subsection (d).”;

(iii) in paragraph (3), by striking “agency report received pursuant to subsection (c) of this section” and inserting “report submitted to the Special Counsel by the head of an agency under subsection (c) or paragraph (5) of this subsection”; and

(iv) by adding at the end the following:

“(5) If, after conducting a review of a report under paragraph (2), the Special Counsel concludes that the Special Counsel requires additional information or documentation to determine whether the report submitted by the head of an agency is reasonable and sufficient, the Special Counsel may request that the head of the agency submit a supplemental report—

“(A) containing the additional information or documentation identified by the Special Counsel; and

“(B) that the head of the agency shall submit to the Special Counsel within a period of time specified by the Special Counsel.”.

(3) Transfer requests during stays.—

(A) Priority granted.—Section 1214(b)(1) of title 5, United States Code, is amended by adding at the end the following:
“(E) If the Board grants a stay under subparagraph (A), the head of the agency employing the employee who is the subject of the action shall give priority to a request for a transfer submitted by the employee.”.

(B) Probationary Employees.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

“(k) If the Board grants a stay under subsection (c) and the employee who is the subject of the action is in probationary status, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.”.

(4) Retaliatory Investigations.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

“(i) The Special Counsel may petition the Board to order corrective action, including fees, costs, or damages reasonably incurred by an employee due to an investigation of the employee by an agency, if the investigation by an agency was commenced, expanded, or extended in retaliation for a disclosure or protected activity described in section 2302(b)(8) or subparagraph (A)(i), (B), (C), or (D) of section 2302(b)(9), without regard to whether a personnel action, as defined in section 2302(a)(2)(A), is taken.”.

(e) Suicide by Employees.—
1. **Definitions.**—In this subsection—

   (A) the term “agency” means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

   (B) the term “personnel action” has the meaning given the term in section 2302(a)(2)(A) of title 5, United States Code.

2. **Referral.**—

   (A) In general.—The head of an agency shall refer to the Special Counsel, along with any information known to the agency regarding the circumstances described in subparagraph (B), any instance in which the head of the agency has information indicating that an employee of the agency committed suicide.

   (B) Information.—The circumstances described in this subparagraph are as follows:

     (i) Before the death of an employee described in subparagraph (A), the employee made a disclosure of information that reasonably evidences—
(I) a violation of a law, rule, or regulation;

(II) gross mismanagement;

(III) a gross waste of funds;

(IV) an abuse of authority; or

(V) a substantial and specific danger to public health or safety.

(ii) After a disclosure described in clause (i), a personnel action was taken with respect to the employee who made the disclosure.

(3) OFFICE OF SPECIAL COUNSEL REVIEW.—Upon receiving a referral under paragraph (2)(A), the Special Counsel shall—

(A) examine whether a personnel action was taken with respect to an employee because of a disclosure described in paragraph (2)(B)(i); and

(B) take any action that the Special Counsel determines is appropriate under subchapter II of chapter 12 of title 5, United States Code.

(f) PROTECTION OF WHISTLEBLOWERS AS CRITERIA IN PERFORMANCE APPRAISALS.—

(1) ESTABLISHMENT OF SYSTEMS.—Section 4302 of title 5, United States Code, is amended—
(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following:

“(b)(1) The head of each agency, in consultation with the Director of the Office of Personnel Management and the Special Counsel, shall develop criteria that—

“(A) the head of the agency shall use as a critical element for establishing the job requirements of a supervisory employee; and

“(B) promote the protection of whistleblowers.

“(2) The criteria required under paragraph (1) shall include—

“(A) principles for the protection of whistleblowers, such as the degree to which supervisory employees—

“(i) respond constructively when employees of the agency make disclosures described in subparagraph (A) or (B) of section 2302(b)(8);

“(ii) take responsible actions to resolve the disclosures described in clause (i); and

“(iii) foster an environment in which employees of the agency feel comfortable making disclosures described in clause (i) to supervisory employees or other appropriate authorities; and
“(B) for each supervisory employee—

“(i) whether the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and

“(ii) if the agency entered into an agreement described in clause (i), the number of instances in which the agency entered into such an agreement with respect to the supervisory employee.

“(3) In this subsection—

“(A) the term ‘agency’ means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b), without regard to whether any other provision of this section is applicable to the entity;

“(B) the term ‘prohibited personnel practice’ has the meaning given the term in section 2302(a)(1);

“(C) the term ‘supervisory employee’ means an employee who would be a supervisor, as defined in section 7103(a), if the agency employing the employee was an agency for purposes of chapter 71; and

“(D) the term ‘whistleblower’ means an employee who makes a disclosure described in section 2302(b)(8).”.
(2) **Criteria for Performance Appraisals.**—

Section 4313 of title 5, United States Code, is amended—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(6) protecting whistleblowers, as described in section 4302(b)(2).”.

(3) **Annual Report to Congress on Unacceptable Performance in Whistleblower Protection.**—

(A) **Definitions.**—In this paragraph, the terms “agency” and “whistleblower” have the meanings given the terms in section 4302(b)(3) of title 5, United States Code, as amended by paragraph (1).

(B) **Report.**—Each agency shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the agency a report that details—
(i) the number of performance appraisals, for the year covered by the report, that determined that an employee of the agency failed to meet the standards for protecting whistleblowers that were established under section 4302(b) of title 5, United States Code, as amended by paragraph (1);

(ii) the reasons for the determinations described in clause (i); and

(iii) each performance-based or corrective action taken by the agency in response to a determination under clause (i).

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 4301 of title 5, United States Code, is amended, in the matter preceding paragraph (1), by striking “For the purpose of” and inserting “Except as otherwise expressly provided, for the purpose of”.

(g) DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.—

(1) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:
§ 7515. Discipline of supervisors based on retaliation against whistleblowers

(a) DEFINITIONS.—In this section—

(A) has the meaning given the term in section 2302(a)(2)(C), without regard to whether any other provision of this chapter is applicable to the entity; and

(B) does not include any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

(2) the term ‘prohibited personnel action’ means taking or failing to take an action in violation of paragraph (8) or (9) of section 2302(b) against an employee of an agency; and

(3) the term ‘supervisor’ means an employee who would be a supervisor, as defined in section 7103(a), if the entity employing the employee was an agency.

(b) PROPOSED DISCIPLINARY ACTIONS.—

(1) IN GENERAL.—If the head of the agency in which a supervisor is employed, an administrative law judge, the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or the Inspector General of the agency in which a supervisor
is employed has determined that the supervisor com-
mited a prohibited personnel action, the head of the
agency in which the supervisor is employed, con-
sistent with the procedures required under paragraph
(2)—

“(A) for the first prohibited personnel ac-
tion committed by the supervisor—

“(i) shall propose suspending the su-
pervisor for a period that is not less than
3 days; and

“(ii) may propose an additional action
determined appropriate by the head of the
agency, including a reduction in grade or
pay; and

“(B) for the second prohibited personnel ac-
tion committed by the supervisor, shall propose
removing the supervisor.

“(2) PROCEDURES.—

“(A) NOTICE.—A supervisor against whom
an action is proposed to be taken under para-
graph (1) is entitled to written notice that—

“(i) states the specific reasons for the
proposed action; and

“(ii) informs the supervisor about the
right of the supervisor to review the mate-
rial that constitutes the factual support on which the proposed action is based.

“(B) ANSWER AND EVIDENCE.—

“(i) IN GENERAL.—A supervisor who receives notice under subparagraph (A) may, not later than 14 days after the date on which the supervisor receives the notice, submit an answer and furnish evidence in support of that answer.

“(ii) NO EVIDENCE FURNISHED; INSUFFICIENT EVIDENCE FURNISHED.—If, after the end of the 14-day period described in clause (i), a supervisor does not furnish any evidence as described in that clause, or if the head of the agency in which the supervisor is employed determines that the evidence furnished by the supervisor is insufficient, the head of the agency shall carry out the action proposed under subparagraph (A) or (B) of paragraph (1), as applicable.

“(C) SCOPE OF PROCEDURES.—An action carried out under this section—

“(i) except as provided in clause (ii), shall be subject to the same requirements and procedures, including those with respect
to an appeal, as an action under section 7503, 7513, or 7543; and

“(ii) shall not be subject to—

“(I) paragraphs (1) and (2) of section 7503(b);

“(II) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513; and

“(III) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543.

“(3) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel action for purposes of paragraph (1), the head of the agency may not delegate that responsibility.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by inserting after the item relating to section 7514 the following:

“7515. Discipline of supervisors based on retaliation against whistleblowers.”.

(h) TERMINATION OF CERTAIN INVESTIGATIONS BY THE OFFICE OF SPECIAL COUNSEL.—Section 1214(a) of title 5, United States Code, is amended by adding at the end the following:
“(6)(A) Notwithstanding any other provision of this section, not later than 30 days after the date on which the Special Counsel receives an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel may terminate an investigation of the allegation without further inquiry if the Special Counsel determines that—

“(i) the same allegation, based on the same set of facts and circumstances, had previously been—

“(I)(aa) made by the individual; and

“(bb) investigated by the Special Counsel;

or

“(II) filed by the individual with the Merit Systems Protection Board;

“(ii) the Special Counsel does not have jurisdiction to investigate the allegation; or

“(iii) the individual knew or should have known of the alleged prohibited personnel practice on or before the date that is 3 years before the date on which the Special Counsel received the allegation.

“(B) Not later than 30 days after the date on which the Special Counsel terminates an investigation under sub-paragraph (A), the Special Counsel shall provide a written notification to the individual who submitted the allegation of a prohibited personnel practice that states the basis of the Special Counsel for terminating the investigation.”.
(i) Allegations of Wrongdoing Within the Office of Special Counsel.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

“(i) The Special Counsel shall enter into at least 1 agreement with the Inspector General of an agency under which—

“(1) the Inspector General shall—

“(A) receive, review, and investigate allegations of prohibited personnel practices or wrongdoing filed by employees of the Office of Special Counsel; and

“(B) develop a method for an employee of the Office of Special Counsel to communicate directly with the Inspector General; and

“(2) the Special Counsel—

“(A) may not require an employee of the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and

“(B) may reimburse the Inspector General for services provided under the agreement.”.

(j) Reporting Requirements.—

(1) Annual Report.—Section 1218 of title 5, United States Code, is amended to read as follows:
§1218. Annual report

“The Special Counsel shall submit to Congress, on an annual basis, a report regarding the activities of the Special Counsel, which shall include, for the year preceding the submission of the report—

“(1) the number, types, and disposition of allegations of prohibited personnel practices filed with the Special Counsel and the costs of resolving such allegations;

“(2) the number of investigations conducted by the Special Counsel;

“(3) the number of stays and disciplinary actions negotiated with agencies by the Special Counsel;

“(4) the number of subpoenas issued by the Special Counsel;

“(5) the number of instances in which the Special Counsel reopened an investigation after the Special Counsel had made an initial determination with respect to the investigation;

“(6) the actions that resulted from reopening investigations, as described in paragraph (5);

“(7) the number of instances in which the Special Counsel did not make a determination before the end of the 240-day period described in section 1214(b)(2)(A)(i) regarding whether there were reason-
able grounds to believe that a prohibited personnel practice had occurred, existed, or was to be taken;

“(8) a description of the recommendations and reports made by the Special Counsel to other agencies under this subchapter and the actions taken by the agencies as a result of the recommendations or reports;

“(9) the number of—

“(A) actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints initiated; and

“(B) stays and extensions of stays obtained from the Merit Systems Protection Board;

“(10) the number of prohibited personnel practice complaints that resulted in a favorable action for the complainant, other than a stay or an extension of a stay, organized by actions in—

“(A) complaints dealing with reprisals against whistleblowers; and

“(B) all other complaints; and

“(11) the number of prohibited personnel practice complaints that were resolved by an agreement between an agency and an individual, organized by agency and agency components in—
“(A) complaints dealing with reprisals against whistleblowers; and

“(B) all other complaints;

“(12) the number of corrective actions that the Special Counsel required an agency to take after a finding by the Special Counsel of a prohibited personnel practice, as defined in section 2302(a)(1); and

“(13) the results for the Office of Special Counsel of any employee viewpoint survey conducted by the Office of Personnel Management or any other agency.”.

(2) PUBLIC INFORMATION.—Section 1219(a)(1) of title 5, United States Code, is amended to read as follows:

“(1) a list of any noncriminal matters referred to the head of an agency under section 1213(c), together with—

“(A) a copy of the information transmitted to the head of the agency under section 1213(c)(1);

“(B) any report from the agency under section 1213(c)(1)(B) relating to the matter;

“(C) if appropriate, not otherwise prohibited by law, and consented to by the complain-
ant, any comments from the complainant under section 1213(e)(1) relating to the matter; and

“(D) the comments or recommendations of the Special Counsel under paragraph (3) or (4) of section 1213(e);”.

(3) Notice of complaint settlements.—Section 1217 of title 5, United States Code, is amended—

(A) by striking “The Special Counsel” and inserting the following:

“(a) In general.—The Special Counsel”; and

(B) by adding at the end the following:

“(b) Additional report required.—

“(1) In general.—If an allegation submitted to the Special Counsel is resolved by an agreement between an agency and an individual, the Special Counsel shall submit to Congress and each congressional committee with jurisdiction over the agency a report regarding the agreement.

“(2) Contents.—Any report required under paragraph (1) shall identify, with respect to an agreement described in that paragraph—

“(A) the agency that entered into the agreement;
“(B) the position and employment location of the employee who submitted the allegation that formed the basis of the agreement;
“(C) the position and employment location of any employee alleged by an employee described in subparagraph (B) to have committed a prohibited personnel practice, as defined in section 2302(a)(1);
“(D) a description of the allegation described in subparagraph (B); and
“(E) whether the agency that entered into the agreement has agreed to pursue any disciplinary action as a result of the allegation described in subparagraph (B).”.

(k) ESTABLISHMENT OF SURVEY PILOT PROGRAM.—
(1) IN GENERAL.—The Office of Special Counsel shall design and establish a pilot program under which the Office shall conduct, during the first full fiscal year after the date of enactment of this Act, a survey of individuals who have filed a complaint or disclosure with the Office.

(2) PURPOSE.—The survey under paragraph (1) shall be designed for the purpose of collecting information and improving service at various stages of a
review or investigation by the Office of Special Counsel.

(3) RESULTS.—The results of the survey under paragraph (1) shall be published in the annual report of the Office of Special Counsel.

(4) SUSPENSION OF OTHER SURVEYS.—During the period beginning on October 1, 2017, and ending on September 30, 2018, section 13 of the Act entitled “An Act to reauthorize the Office of Special Counsel, and for other purposes”, approved October 29, 1994 (5 U.S.C. 1212 note), shall have no force or effect.

(l) STAYS OF THE MERIT SYSTEMS PROTECTION BOARD.—Section 1214(b)(1)(B)(ii) of title 5, United States Code, is amended by striking “who was appointed, by and with the advice and consent of the Senate,”.

(m) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Special Counsel shall prescribe such regulations as may be necessary to perform—

(A) the functions of the Special Counsel under subchapter II of chapter 12 of title 5, United States Code, including regulations that are necessary to carry out sections 1213, 1214, and 1215 of that title; and
(B) any functions of the Special Counsel
that are required because of the amendments
made by this section.

(2) Publication.—Any regulations prescribed
under paragraph (1) shall be published in the Federal
Register.

(n) Authorization of Appropriations.—

(1) In general.—Section 8(a)(2) of the Whistle-
blower Protection Act of 1989 (5 U.S.C. 5509 note) is
2007” and inserting “2017 through 2022”.

(2) Effective date.—The amendment made by
paragraph (1) shall take effect as though enacted on
September 30, 2015.

SEC. 6006. RULE OF CONSTRUCTION ON CERTIFICATIONS
ON AUDIT READINESS OF THE DEPARTMENT
OF DEFENSE AND THE MILITARY DEPART-
MENTS, DEFENSE AGENCIES, AND OTHER OR-
GANIZATIONS AND ELEMENTS OF THE DE-
PARTMENT OF DEFENSE.

Section 1003 shall have no force or effect.

(a) DEPARTMENT OF DEFENSE.—Not later than September 30, 2017, and each year thereafter, the Secretary of Defense shall certify to the congressional defense committees whether or not the full financial statements of the Department of Defense are reliable as of the date of such certification.

(b) MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND OTHER ORGANIZATIONS AND ELEMENTS.—

(1) IN GENERAL.—Not later than September 30, 2017, and each year thereafter, each Secretary of a military department, each head of a Defense Agency, and each head of any other organization or element of the Department of Defense designated by the Secretary of Defense for purposes of this subsection shall certify to the congressional defense committees whether or not the full financial statements of the military department, the Defense Agency, or the organization or element concerned became reliable during the fiscal year in which such certification is to be submitted.
(2) Transmittal through Secretary of Defense.—The individual certifications required by this subsection shall be transmitted to the congressional defense committees collectively by the Secretary under procedures established by the Secretary for purposes of this subsection.

(c) Termination on Receipt of Unmodified Audit Opinion on Full Financial Statements.—A certification is no longer required under subsection (a) or (b) with respect to the Department of Defense, or a military department, Defense Agency, or organization or element of the Department, as applicable, after the Department of Defense or such military department, Defense Agency, or organization or element receives an unmodified audit opinion on its full financial statements.

SEC. 6008. STREAMLINING OF REQUIREMENTS IN CONNECTION WITH AUDITS AND THE RELIABILITY OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(b) Cessation of Applicability of Financial Improvement and Audit Readiness Plan Requirements.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2222 note) is amended by adding at the end the following new subsection:

“(d) Cessation of Applicability.—This section and the requirements of this section shall cease to be effective on the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth a certification that the financial statements of each department, agency, activity, and other component of the Department of Defense are under audit.”.


Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall, in coordination with the Under Secretary of Defense (Comptroller), submit to the congressional defense committees a report setting forth a ranking of the auditability of the financial statements of the departments, agencies, organizations, and elements of the Department of Defense according to the progress made toward achieving auditability as required by law. The Under Secretary shall
determine the criteria to be used for purposes of the
rankings.

SEC. 6010. REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL OF THE UNITED STATES
RECOMMENDATIONS FOR THE DEPARTMENT
OF DEFENSE, DEPARTMENT OF STATE, AND
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) Report.—

(1) In general.—Concerned that, by avoiding
full implementation of recommendations made by the
Comptroller General of the United States, agencies
are missing opportunities to operate more efficiently
and effectively, not later than 120 days after the date
of the enactment of this Act, the Comptroller General
shall submit to the appropriate committees of Con-
gress a report summarizing the assessment of the
Comptroller General of each open recommendation
made to an agency specified in paragraph (2) that
has not been fully implemented.

(2) Agencies.—The agencies referred to in this
paragraph are as follows:

   (A) The Department of Defense.

   (B) The Department of State.
(C) The United States Agency for International Development.

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

(1) The initial response of the agency concerned to each recommendation described in subsection (a)(1) at the time such recommendation was made.

(2) The actions taken by the agency concerned to implement such recommendation.

(3) The rationale provided by the agency concerned for not implementing, or partially implementing, such recommendation.

(c) FORM.—Any information included in a report under this section shall, to the extent practicable, be submitted in unclassified form, but may be set forth in a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.
SEC. 6011. REPORT ON AIRPORTS USED BY MAHAN AIR.

(a) In General.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter through 2020, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report that includes—

(1) a list of all airports at which aircraft owned or controlled by Mahan Air have landed during the 2 years preceding the submission of the report; and

(2) for each such airport—

(A) an assessment of whether aircraft owned or controlled by Mahan Air continue to conduct operations at that airport;

(B) an assessment of whether any of the landings of aircraft owned or controlled by Mahan Air were necessitated by an emergency situation;

(C) a determination regarding whether additional security measures should be imposed on flights to the United States that originate from that airport; and

(D) an explanation of the rationale for that determination.
(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 6012. OPEN GOVERNMENT DATA.

(a) SHORT TITLE.—This section may be cited as the “Open, Public, Electronic, and Necessary Government Data Act” or the “OPEN Government Data Act”.

(b) DEFINITION.—In this section, the term “agency” has the meaning given the term in section 3561 of title 44, United States Code, as added by subsection (c).

(c) OPEN GOVERNMENT DATA.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

“Subchapter III—Open Government Data

§3561. Definitions

As used in this subchapter—

“(1) the term ‘agency’—

“(A) has the meaning given the term in section 3502; and

“(B) includes the Federal Election Commission;

“(2) the term ‘data’ means recorded information, regardless of form or the media on which the data is recorded;
“(3) the term ‘data asset’ means a collection of data elements or data sets that may be grouped together;

“(4) the term ‘Director’ means the Director of the Office of Management and Budget;

“(5) the term ‘Enterprise Data Inventory’ means a data inventory developed and maintained under section 3563;

“(6) the terms ‘information resources management’, ‘information system’, and ‘information technology’ have the meanings given those terms in section 3502;

“(7) the term ‘machine-readable’ means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

“(8) the term ‘metadata’ means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

“(9) the term ‘open Government data asset’ means a data asset maintained by the Federal Government that is—
“(A) machine-readable;
“(B) available in an open format;
“(C) not encumbered by restrictions that would impede use or reuse;
“(D) releasable to the public according to guidance issued by the Director under section 3562(d); and
“(E) based on an underlying open standard that is maintained by a standards organization; and
“(10) the term ‘open license’ means a legal guarantee applied to a data asset that the data asset is made available—
“(A) at no cost to the public; and
“(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting.

§3562. Requirements for Government data

“(a) MACHINE-READABLE DATA REQUIRED.—Open Government data assets made available by an agency shall be published as machine-readable data.

“(b) OPEN BY DEFAULT AND OPEN LICENSE REQUIRED.—To the extent permitted by law and subject to privacy, confidentiality, security, and any other restric-
tions, and according to guidance issued by the Director under subsection (d)—

“(1) data assets maintained by the Federal Government shall—

“(A) be available in an open format; and

“(B) be available under open licenses; and

“(2) open Government data assets published by or for an agency shall be made available under an open license.

“(c) INNOVATION.—Each agency may engage with nongovernmental organizations, citizens, nonprofit organizations, colleges and universities, private and public companies, and other agencies to explore opportunities to leverage the data assets of the agency in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law, regulation, and policy.

“(d) GUIDANCE FOR OPEN BY DEFAULT AND OPEN LICENSE REQUIREMENTS.—The Director shall issue guidance for agencies to use in implementing subsections (a) and (b), including criteria that the head of each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

“(1) privacy and confidentiality risks and restrictions, including the risk that an individual data
asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

“(2) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

“(3) the cost and benefits to the public of converting a data asset into a machine-readable format that is accessible and useful to the public;

“(4) the expectation that a data asset be disclosed, if it would otherwise be made available under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’); and

“(5) any other considerations that the Director determines to be relevant.

§ 3563. Enterprise Data Inventory

“(a) AGENCY DATA INVENTORY REQUIRED.—

“(1) IN GENERAL.—In order to develop a clear and comprehensive understanding of the data assets in the possession of an agency, the head of each agency, in consultation with the Director, shall develop and maintain an enterprise data inventory that accounts for any data asset created, collected, under the
control or direction of, or maintained by the agency
after the effective date of this section, with the goal of
including all data assets, to the extent practicable.

“(2) CONTENTS.—Each Enterprise Data Inven-
tory shall include the following:

“(A) Data assets used in agency informa-
tion systems (including program administration,
statistics, and financial activity) generated by
applications, devices, networks, facilities, and
equipment, categorized by source type.

“(B) Data assets shared or maintained
across agency programs and bureaus.

“(C) Data assets that are shared among
agencies or created by more than 1 agency.

“(D) A clear indication of all data assets
that can be made publicly available under sec-
tion 552 of title 5 (commonly known as the
‘Freedom of Information Act’).

“(E) A description of whether the agency
has determined that an individual data asset
may be made publicly available and whether the
data asset is available to the public.

“(F) Open Government data assets.
“(G) Other elements as required by the
guidance issued by the Director under subsection
(c).

“(b) PUBLIC AVAILABILITY.—The Chief Information
Officer of each agency, in coordination with privacy and
security officials of the agency, shall use the guidance issued
by the Director under section 3562(d) in determining
whether to make data assets included in the Enterprise
Data Inventory of the agency publicly available in an open
format and under an open license.

“(c) GUIDANCE FOR ENTERPRISE DATA INVENTORY.—
The Director shall issue guidance for each Enterprise Data
Inventory, including a requirement that an Enterprise
Data Inventory includes a compilation of metadata about
agency data assets.

“(d) AVAILABILITY OF ENTERPRISE DATA INVEN-
TORY.—The Chief Information Officer of each agency—

“(1) shall make the Enterprise Data Inventory of
the agency available to the public on the Federal Data
Catalog required under section 3566;

“(2) shall ensure that access to the Enterprise
Data Inventory of the agency and the data contained
therein is consistent with applicable law, regulation,
and policy; and
“(3) may implement paragraph (1) in a manner that maintains a nonpublic portion of the Enterprise Data Inventory of the agency.

“(e) Regular Updates Required.—The Chief Information Officer of each agency shall—

“(1) to the extent practicable, complete the Enterprise Data Inventory for the agency not later than 1 year after the date of enactment of this section; and

“(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

“(f) Use of Existing Resources.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.

“§ 3564. Federal agency responsibilities

“(a) Information Resources Management.—With respect to general information resources management, each agency shall—

“(1) improve the integrity, quality, and utility of information to all users within and outside the agency by—

“(A) using open format for any new open Government data asset created or obtained on or
after the date that is 1 year after the date of enactment of this section; and

“(B) to the extent practicable, encouraging the adoption of open format for all open Government data assets created or obtained before the date described in subparagraph (A); and

“(2) in consultation with the Director, develop an open data plan that, at a minimum and to the extent practicable—

“(A) requires the agency to develop processes and procedures that—

“(i) require each new data collection mechanism to use an open format; and

“(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding how data users value and use open Government data assets;

“(B) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability issues, rec-
ommendations for improvements, and complaints about adherence to open data requirements;

“(C) develops and implements a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data assets;

“(D) requires the agency to update the plan at an interval determined by the Director;

“(E) includes requirements for meeting the goals of the agency open data plan including technology, training for employees, and implementing procurement standards, in accordance with existing law, regulation, and policy, that allow for the acquisition of innovative solutions from the public and private sectors; and

“(F) prohibits the disclosure of data assets unless the data asset may be released to the public in accordance with guidance issued by the Director under section 3562(d).

“(b) INFORMATION DISSEMINATION.—With respect to information dissemination, each agency—

“(1) shall provide access to open Government data assets online;

“(2) shall take the necessary precautions to ensure that the agency maintains the production and
publication of data assets which are directly related
to activities that protect the safety of human life or
property, as identified by the open data plan of the
agency required under subsection (a)(2); and

“(3) may engage the public in using open Gov-
ernment data assets and encourage collaboration by—

“(A) publishing information on open Gov-
ernment data assets usage in regular, timely in-
tervals, but not less frequently than annually;

“(B) receiving public input regarding pri-
orities for the analysis and disclosure of data as-
sets to be published;

“(C) assisting civil society groups and
members of the public working to expand the use
of open Government data assets; and

“(D) hosting challenges, competitions,
events, or other initiatives designed to create ad-
ditional value from open Government data as-
sets.

“§3565. Additional agency data asset management re-
sponsibilities

“The Chief Information Officer of each agency, or other
appropriate official designated by the head of an agency,
in collaboration with other internal agency stakeholders, is
responsible for—
“(1) data asset management, format standardization, sharing of data assets, and publication of data assets for the agency;

“(2) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3563;

“(3) ensuring that agency data conforms with open data best practices;

“(4) engaging agency employees, the public, and contractors in using open Government data assets and encouraging collaborative approaches to improving data use;

“(5) supporting the agency Performance Improvement Officer in generating data to support the function of the Performance Improvement Officer described in section 1124(a)(2) of title 31;

“(6) supporting officials responsible for leading agency mission areas and Governmentwide initiatives in maximizing data available for program administration, statistics, evaluation, research, and internal financial management, subject to any privacy, confidentiality, security laws and policies, and other valid restrictions;

“(7) reviewing the information technology infrastructure of the agency and the impact of the infra-

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structure on making data assets accessible to reduce barriers that inhibit data asset accessibility;

“(8) ensuring that, to the extent practicable, the agency is maximizing data assets used in agency information systems generated by applications, devices, networks, facilities, and equipment, categorized by source type, and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections; and

“(9) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director.

“§ 3566. Federal Data Catalog

“(a) Federal Data Catalog Required.—The Administrator of General Services shall maintain a single public interface online, to be known as the ‘Federal Data Catalog’, as a point of entry dedicated to sharing open Government data assets with the public.

“(b) Coordination With Agencies.—The Director shall determine, after consultation with the head of each agency and the Administrator of General Services, the method to access any open Government data assets published through the interface described in subsection (a).”.

(2) Special Provisions.—
(A) **EFFECTIVE DATE.**—Notwithstanding subsection (i), section 3562 of title 44, United States Code, as added by paragraph (1), shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply with respect to any contract entered into by an agency on or after such effective date.

(B) **USE OF OPEN DATA ASSETS.**—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that any activities by the agency or any new contract entered into by the agency meet the requirements of section 3562 of title 44, United States Code, as added by paragraph (1).

(C) **DEADLINE FOR FEDERAL DATA CATALOG.**—Not later than 180 days after the effective date of this section, the Administrator of General Services shall meet the requirements of section 3566 of title 44, United States Code, as added by paragraph (1)

(3) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

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“Subchapter III—Open Government Data

3561. Definitions.
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(d) **Evaluation of Agency Analytical Capabilities.**—

(1) **Agency Review of Evaluation and Analysis Capabilities; Report.**—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Director of the Office of Management and Budget a report on the review described in paragraph (2).

(2) **Requirements of Agency Review.**—The report required under paragraph (1) shall assess the coverage, quality, methods, effectiveness, and independence of the evaluation, research, and analysis efforts of an agency, including each of the following:

(A) A list of the activities and operations of the agency that are being evaluated and analyzed and the activities and operations that have been evaluated and analyzed during the previous 5 years.
(B) The extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency.

(C) The extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability.

(D) The extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches.

(E) The extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.
(F) The extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.

(3) GAO REVIEW OF AGENCY REPORTS.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that summarizes agency findings and highlights trends from the reports submitted under paragraph (1) and, if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

(e) ONLINE REPOSITORY AND ADDITIONAL REPORTS.—

(1) REPOSITORY.—The Director of the Office of Management and Budget shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices, which shall—

(A) include definitions, regulation and policy, checklists, and case studies related to open
data, this section, and the amendments made by this section; and

(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices.

(2) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies—

(A) the value of information made available to the public as a result of this section and the amendments made by this section;

(B) whether it is valuable to expand the publicly available information to any other data assets; and

(C) the completeness of the Enterprise Data Inventory at each agency required under section 3563 of title 44, United States Code, as added by subsection (c).

(3) BIENNIAL OMB REPORT.—Not later than 1 year after the effective date of this section, and every
2 years thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with this section and the amendments made by this section.

(4) AGENCY CIO REPORT.—Not later than 1 year after the effective date of this section and every year thereafter, the Chief Information Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on compliance with the requirements of this section and the amendments made by this section, including information on the requirements that the agency could not meet and what the agency needs to comply with those requirements.

(f) GUIDANCE.—The Director of the Office of Management and Budget shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Electronic Government the authority to jointly issue guidance required under this section.

(g) NATIONAL SECURITY SYSTEMS.—This section and the amendments made by this section shall not apply to data assets that are contained in a national security system, as defined in section 11103 of title 40, United States Code.
(h) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to require the disclosure of information or records that may be withheld from public disclosure under any provision of Federal law, including section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”) and section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”).

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 6013. BRIEFING ON PLANS TO DEVELOP AND IMPROVE ADDITIVE MANUFACTURING CAPABILITIES.

Not later than December 1, 2017, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the Department’s plans to develop and improve additive manufacturing, including the Department’s plans to—

(1) develop military and quality assurance standards as quickly as possible;

(2) leverage current manufacturing institutes to conduct research in the validation of quality standards for additive manufactured parts; and
(3) further integrate additive manufacturing capabilities and capacity into the Department’s organic depots, arsenals, and shipyards.

**TITLE LXII—MATTERS RELATING TO FOREIGN NATIONS**

**SEC. 6201. ADVANCEMENTS IN DEFENSE COOPERATION BETWEEN THE UNITED STATES AND INDIA.**

(a) **Strategy To Further Cooperation.**—

(1) **In general.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, develop a strategy for advancing defense cooperation between the United States and India.

(2) **Elements.**—The strategy shall address the following:

(A) **Common security challenges.**

(B) **The role of United States partners and allies in the United States-India defense relationship.**

(C) **The role of the Defense Technology and Trade Initiative.**

(D) **How to advance the Communications Interoperability and Security Memorandum of Agreement and the Basic Exchange and Co-operation Agreement for Geospatial Cooperation.**
(E) The role of joint exercises, operations, patrols and mutual defense planning.

(F) Any other matters the Secretary of Defense or the Secretary of State considers appropriate.

(b) INDIA AS MAJOR DEFENSE PARTNER.—

(1) FINDINGS.—Congress makes the following findings:

(A) Subsection (a)(1)(A) of section 1292 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2559; 22 U.S.C. 2751 note) requires the recognition of India as a major defense partner.

(B) The President and the Prime Minister of India, in a joint statement, noted that India is a Major Defense Partner of the United States.

(C) The designation of “Major Defense Partner” is unique to India, and institutionalizes the progress made to facilitate defense trade and technology sharing between the United States and India.

(D) The designation elevates defense trade and technology cooperation between the United States and India to a level commensurate with
the closest allies and partners of the United States.

(E) The designation is intended to facilitate technology sharing between the United States and India, including license-free access to a wide range of dual-use technologies.

(F) The designation facilitates joint exercises, coordination on defense strategy and policy, military exchanges, and port calls in support of defense cooperation between the United States and India.

(2) INTERAGENCY DEFINITION.—The Secretary of Defense, the Secretary of State, and the Secretary of Commerce shall jointly produce a common definition of the term “Major Defense Partner” as it relates to India for joint use by the Department of Defense, the Department of State, and the Department of Commerce.

(c) RESPONSIBILITY FOR ENHANCED COOPERATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall make the designation required by subsection (a)(1)(B) of section 1292 of the National Defense Authorization Act for Fiscal Year 2017.
(2) ADDITIONAL DUTIES.—In addition to the duties specified in clauses (i) and (ii) of subsection (a)(1)(B) of such section 1292, the individual designated pursuant to paragraph (1) shall promote United States defense trade with India for the benefit of job creation and commercial competitiveness in the United States.

(3) BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, appropriate officials of the Office of the Secretary of Defense and appropriate officials of the Department of State shall brief the appropriate committees of Congress on the actions of the Department of Defense and the Department of State, respectively, to promote the competitiveness of United States defense exports to India. The requirement for briefings under this paragraph shall cease on the date of the designation of an individual pursuant to paragraph (1).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
SEC. 6202. COMPTROLLER GENERAL OF THE UNITED STATES REPORT.

(a) RULE OF CONSTRUCTION.—Subsection (b) is enacted in coordination with section 1205, to which it relates.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) IN GENERAL.—Not later than May 1, 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that sets forth the following:

(A) A description of the mechanisms and authorities used by the Department of Defense and the Department of State to conduct training of foreign security forces on human rights and international humanitarian law.

(B) A description of the funding used to support the training described in subparagraph (A).

(C) A description and assessment of the methodology used by each of the Department of Defense and the Department of State to assess the effectiveness of such training.
(D) Such recommendations for improvements to such training as the Comptroller General considers appropriate.

(E) Such other matters relating to such training as the Comptroller General considers appropriate.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 6203. HUMAN RIGHTS VETTING OF AFGHAN NATIONAL DEFENSE AND SECURITY FORCES.

The Secretary of Defense may establish within the Department of Defense one or more permanent positions to oversee and support, in coordination with the Department of State, the implementation of section 362 of title 10, United States Code, with respect to the Afghan National Defense and Security Forces.
SEC. 6204. ADDITIONAL MATTER FOR SENSE OF CONGRESS ON EXTENDED DETERRENCE FOR THE KOREAN PENINSULA AND JAPAN.

Section 1269(2) is deemed to be amended by inserting the following before the period: “, and should fully consider actions to reassure the Republic of Korea and Japan of the enduring commitment of the United States to provide its full range of defensive capabilities”.

SEC. 6205. STUDY ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an appropriate independent entity to conduct a study and assessment of United States security and foreign policy interests in the Freely Associated States of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall address the following:

(1) The role of the Compacts of Free Association in promoting United States defense and foreign policy interests, and the status of the obligations of the United States and the Freely Associated States under the Compacts of Free Association.

(2) The economic assistance practices of the People’s Republic of China in the Freely Associated States, and the implications of such practices for
United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(3) The economic assistance practices of other countries in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(4) Any other matters the Secretary considers appropriate for purposes of the study.

(c) Department of Defense Support.—The Secretary shall provide the entity conducting the study pursuant to subsection (a) with timely access to appropriate information, data, resources, and analysis so that the entity may conduct a thorough and independent assessment of the matters covered by the study, including the matters specified in subsection (b).

(d) Report.—

(1) In general.—Not later than December 1, 2018, the Secretary shall submit to the congressional defense committees a report setting forth the results of the study conducted pursuant to subsection (a).

(2) Form.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
SEC. 6206. PLAN TO ENHANCE THE EXTENDED DETERRENCE AND ASSURANCE CAPABILITIES OF THE UNITED STATES IN THE ASIA-PACIFIC REGION.

(a) FINDING.—Congress recognizes that North Korea’s first successful test of an intercontinental ballistic missile (ICBM) constitutes a grave and imminent threat to United States security and to the security of United States allies and partners in the Asia-Pacific region.

(b) PLAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Commander of the United States Pacific Command and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a plan to enhance the extended deterrence and assurance capabilities of the United States in the Asia-Pacific region.

(c) MATTERS TO BE INCLUDED.—The plan shall include consideration of actions that will enhance United States security by strengthening deterrence of North Korean aggression and providing increased assurance to United States allies in the Asia-Pacific region, including the following:

(1) Increased visible presence of key United States military assets, such as missile defenses, long-
range strike assets, and intermediate-range strike assets, to the region that do not violate existing treaties.

(2) Increased military cooperation, exercises, and integration of defenses with allies in the region.

(3) Increased foreign military sales to allies in the region.

(4) Planning for, exercising, or deploying dual-capable aircraft to the region.

(5) Any necessary modifications to the United States nuclear force posture.

(6) Such other actions the Secretary considers appropriate to strengthen extended deterrence and assurance in the region.

(d) FORM.—The plan shall be submitted in unclassified form, but may contain a classified annex.

SEC. 6207. RULE OF CONSTRUCTION ON PROVISIONS RELATING TO THE UKRAINE SECURITY ASSISTANCE INITIATIVE.

Sections 1243 through 1250 of this Act shall have no force or effect.

SEC. 6208. EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) EXTENSION.—Subsection (h) of section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), as amended by sec-
tion 1237 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2494), is further amended by striking “December 31, 2018” and inserting “December 31, 2020”.

(b) FUNDING FOR FISCAL YEAR 2018.—Subsection (f) of such section 1250, as added by subsection (a) of such section 1237, is further amended by adding at the end the following new paragraph:

“(3) For fiscal year 2018, $500,000,000.”.

(c) AVAILABILITY OF FUNDS.—Subsection (c) of such section 1250, as amended by subsection (c) of such section 1237, is further amended—

(1) in paragraph (1), by inserting after “pursuant to subsection (f)(2)” the following: “, or more than $250,000,000 of the funds available for fiscal year 2018 pursuant to subsection (f)(3),”;

(2) in paragraph (2)—

(A) in the first sentence—

(i) by inserting “with respect to the fiscal year concerned” after “is a certification”; and

(ii) by striking “and improvement in transparency, accountability, and potential opportunities for privatization in the defense industrial sector” and inserting
“sustainment, inventory management practices, progress in improving the security of proprietary or sensitive foreign defense technology”; and

(B) in the second sentence, by inserting after “additional action is needed” the following: “and a description of the methodology used to evaluate whether Ukraine has made progress in defense institutional reforms relative to previously established goals and objectives”; and

(3) in paragraph (3)—

(A) by inserting “or 2018” after “in fiscal year 2017”; and

(B) by striking “in paragraph (2), such funds may be used in that fiscal year” and inserting “in paragraph (2) with respect to such fiscal year, such funds may be used in such fiscal year”.

SEC. 6209. EXTENSION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) Extension.—Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2282 note) is amended—
(1) by striking “September 30, 2018” and inserting “December 31, 2020”; and
(2) by striking “fiscal years 2016 through 2018” and inserting “fiscal year 2016 through calendar year 2020”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—
(1) by striking “military” each place it appears and inserting “security”; 
(2) in subsection (e), by striking “that” and inserting “than”; and 
(3) in subsection (f), by striking “section 2282” and inserting “chapter 16”.

SEC. 6210. SECURITY ASSISTANCE FOR BALTIC NATIONS FOR JOINT PROGRAM FOR RESILIENCY AND DETERRENCE AGAINST AGGRESSION.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct or support a joint program of the Baltic nations to improve their resiliency against and build their capacity to deter aggression by the Russian Federation.

(b) JOINT PROGRAM.—For purposes of subsection (a), a joint program of the Baltic nations may be either of the following:
(1) A program jointly agreed by the Baltic nations that builds interoperability among those countries.

(2) An agreement for the joint procurement by the Baltic nations of defense articles or services using assistance provided pursuant to subsection (a).

(c) Participation of Other Countries.—Any country other than a Baltic nation may participate in the joint program described in subsection (a), but only using funds of such country.

(d) Limitation on Amount.—The total amount of assistance provided pursuant to subsection (a) in fiscal year 2018 may not exceed $100,000,000.

(e) Funding.—Amounts for assistance provided pursuant to subsection (a) shall be derived from amounts authorized to be appropriated by this Act and available for the European Deterrence Initiative (EDI).

(f) Baltic Nations Defined.—In this section, the term “Baltic nations” means the following:

(1) Estonia.

(2) Latvia.

(3) Lithuania.
SEC. 6211. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1245(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as most recently amended by section 1235(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2490), is further amended—

(1) by redesignating paragraphs (14) through (20) as paragraphs (15) through (21), respectively; and

(2) by inserting after paragraph (13) the following new paragraph (14):

“(14) An assessment of Russia’s hybrid warfare strategy and capabilities, including—

“(A) Russia’s information warfare strategy and capabilities, including the use of misinformation, disinformation, and propaganda in social and traditional media;

“(B) Russia’s financing of political parties, think tanks, media organizations, and academic institutions;

“(C) Russia’s malicious cyber activities;
“(D) Russia’s use of coercive economic tools, including sanctions, market access, and differential pricing, especially in energy exports; and
“(E) Russia’s use of criminal networks and corruption to achieve political objectives.”.

SEC. 6212. ANNUAL REPORT ON ATTEMPTS OF THE RUSSIAN FEDERATION TO PROVIDE DISINFORMATION AND PROPAGANDA TO MEMBERS OF THE ARMED FORCES BY SOCIAL MEDIA.

(a) Annual Report Required.—Not later than March 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on attempts by the Russian Federation, or any foreign person acting as an agent of or on behalf of the Russian Federation, during the preceding year to knowingly disseminate Russian Federation-supported disinformation or propaganda, through social media applications or related Internet-based means, to members of the Armed Forces with probable intent to cause injury to the United States or advantage the Government of the Russian Federation.

(b) Form.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.
SEC. 6213. SUPPORT OF EUROPEAN DETERRENCE INITIATIVE TO DETER RUSSIAN AGGRESSION.

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

(1) Military exercises, such as Exercise Nifty Nugget and Exercise Reforger during the Cold War, have historically made important contributions to testing operational concepts, technologies, and leadership approaches; identifying limiting factors in the execution of operational plans and appropriate corrective action; and bolstering deterrence against adversaries by demonstrating United States military capabilities.

(2) Military exercises with North Atlantic Treaty Organization (NATO) allies enhance the interoperability and strategic credibility of the alliance.

(3) The increase in conventional, nuclear, and hybrid threats by the Russian Federation against the security interests of the United States and allies in Europe requires substantial and sustained investment to improve United States combat capability in Europe.

(4) The decline of a permanent United States military presence in Europe in recent years increases the likelihood the United States will rely on being able to flow forces from the continental United States
to the European theater in the event of a major contingency.

(5) Senior military leaders, including the Commander of United States Transportation Command, have warned that a variety of increasingly advanced capabilities, especially the proliferation of anti-access, area denial (A2/AD) capabilities, have given adversaries of the United States the ability to challenge the freedom of movement of the United States military in all domains from force deployment to employment to disrupt, delay, or deny operations.

(b) Sense of Congress.—It is the sense of Congress that, to enhance the European Deterrence Initiative and bolster deterrence against Russian aggression, the United States, together with North Atlantic Treaty Organization allies and other European partners, should demonstrate its resolve and ability to meet its commitments under Article V of the North Atlantic Treaty through appropriate military exercises with an emphasis on participation of United States forces based in the continental United States and testing strategic and operational logistics and transportation capabilities.

(c) Report.—

(1) In general.—Not later than March 1, 2018, the Secretary of Defense shall submit to the congres-
sional defense committees a report setting forth the following:

(A) An analysis of the challenges to the ability of the United States to flow significant forces from the continental United States to the European theater in the event of a major contingency.

(B) The plans of the Department of Defense, including the conduct of military exercises, to address such challenges.

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

SEC. 6214. SENSE OF CONGRESS ON THE EUROPEAN DETERRENCE INITIATIVE.

It is the sense of Congress that—

(1) the European Deterrence Initiative will bolster efforts to deter further Russian aggression by providing resources to—

(A) train and equip the military forces of North Atlantic Treaty Organization (NATO) and non-North Atlantic Treaty Organization partners in order to improve responsiveness, expand expeditionary capability, and strengthen
combat effectiveness across the spectrum of security environments;

(B) enhance the indications and warning, interoperability, and logistics capabilities of Allied and partner military forces to increase their ability to respond to external aggression, defend sovereignty and territorial integrity, and preserve regional stability;

(C) improve the agility and flexibility of military forces required to address threats across the full spectrum of domains and effectively operate in a wide array of coalition operations across diverse global environments from North Africa and the Middle East to Eastern Europe and the Arctic; and

(D) mitigate potential gaps forming in the areas of information warfare, Anti-Access Area Denial, and force projection;

(2) investments that support the security and stability of Europe, and that assist European nations in further developing their security capabilities, are in the long-term vital national security interests of the United States; and

(3) funds for such efforts should be authorized and appropriated in the base budget of the Depart-
ment of Defense in order to ensure continued and
planned funding to address long-term stability in Eu-
rope, reassure the European allies and partners of the
United States, and deter further Russian aggression.

SEC. 6215. ENHANCEMENT OF UKRAINE SECURITY ASSIST-
ANCE INITIATIVE.

Section 1250(b) of National Defense Authorization Act
for Fiscal Year 2016 (Public Law 114–92; 126 Stat. 1068),
as amended by section 1237(b) of the National Defense Au-
thorization Act for Fiscal Year 2017 (Public Law 114–328;
130 Stat. 2495), is further amended by adding at the end
the following new paragraphs:

“(12) Treatment of wounded Ukrainian soldiers
in the United States in medical treatment facilities
through the Secretarial Designee Program, including
transportation, lodging, meals, and other appropriate
non-medical support in connection with such treat-
ment, and education and training for Ukrainian
healthcare specialists such that they can provide con-
tinuing care and rehabilitation services for wounded
Ukrainian soldiers.

“(13) Air defense and coastal defense radars.

“(14) Naval mine and counter-mine capabilities.

“(15) Littoral-zone and coastal defense vessels.”.
SEC. 6216. ASSESSMENT OF THE EXPANDING GLOBAL INFLUENCE OF CHINA AND ITS IMPACT ON THE NATIONAL SECURITY INTERESTS OF THE UNITED STATES.

(a) Assessment.—The Secretary of Defense shall enter into a contract or other agreement with an appropriate entity independent of the Department of Defense to conduct an assessment of the foreign military and non-military influence of the People’s Republic of China which could affect the regional and global national security and defense interests of the United States.

(b) Elements.—The assessment required by subsection (a) shall include an evaluation of the following:

(1) The expansion by China of military and non-military means of influence in the Indo-Asia-Pacific region and globally, including, infrastructure investments, influence campaigns, loans, access to military equipment, military training, tourism, media, and access to foreign ports and military bases, and whether such means of influence could affect United States national security or defense interests, including operational access.

(2) The implications, if any, of such means of influence for the military force posture, access, training, and logistics of the United States and China.
(3) The United States policy and strategy for mitigating any harmful effects resulting from such means of influence.

(4) The resources required to implement the policy and strategy, and the plan to address and mitigate any gaps in capabilities or resources necessary for the implementation of the policy and strategy.

(5) Measures to bolster the roles of allies, partners, and other countries to implement the policy and strategy.

(6) Any other matters the Secretary considers appropriate.

(c) REPORT.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment required pursuant to subsection (a).

(2) Form.—The report required shall be submitted unclassified form, but may contain a classified annex.

SEC. 6217. INEFFECTIVENESS OF EXPANSION OF MILITARY-TO-MILITARY ENGAGEMENT WITH THE GOVERNMENT OF BURMA.

Section 1262 of this Act shall have no force or effect.
TITLE LXVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

SEC. 6601. SENSE OF CONGRESS ON USE OF INTERGOVERNMENTAL PERSONNEL ACT MOBILITY PROGRAM AND DEPARTMENT OF DEFENSE INFORMATION TECHNOLOGY EXCHANGE PROGRAM TO OBTAIN PERSONNEL WITH CYBER SKILLS AND ABILITIES FOR THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that—

(1) the Department of Defense should fully use the Intergovernmental Personnel Act Mobility Program (IPAMP) and the Department of Defense Information Technology Exchange Program (ITEP) to obtain cyber personnel across the Government by leveraging cyber capabilities found at the State and local government level and in the private sector in order to meet the needs of the Department for cybersecurity professionals; and

(2) the Department should implement at the earliest practicable date a strategy that includes policies and plans to fully use such programs to obtain such personnel for the Department.
SEC. 6602. SENSE OF CONGRESS ON ESTABLISHING AN
AWARD PROGRAM FOR THE CYBER COMMUNITY OF THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that the Secretary of Defense should consider—

(1) establishing an award program for employees of the Department of Defense who carry out the cyber missions or functions of the Department of Defense;

(2) all award options under law or policy, including compensation, time off, and status awards;

(3) awards based upon operational impact and meritorious service;

(4) providing the largest possible opportunity for such members or employees to earn such rewards without regard to type of position, grade, years of service, experience or past performance;

(5) individual and organization rewards; and

(6) other factors, as the Secretary considers appropriate, that would reward and provide incentive to cyber personnel or organizations.

SEC. 6603. REVIEW OF UNITED STATES NUCLEAR AND RADIological TERRORISM PREVENTION STRATEGY.

(a) IN GENERAL.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall enter into an arrangement with the National Academy of
Sciences to assess and recommend improvements to the strategies of the United States for preventing, countering, and responding to nuclear and radiological terrorism, specifically terrorism involving the use of nuclear weapons, improvised nuclear devices, or radiological dispersal or exposure devices, or the sabotage of nuclear facilities.

(b) REVIEW.—The assessment conducted under subsection (a) shall address the adequacy of the strategies of the United States described in that subsection and identify technical, policy, and resource gaps with respect to—

(1) identifying national and international nuclear and radiological terrorism risks and critical emerging threats;

(2) preventing state and non-state actors from acquiring the technologies, materials, and critical expertise needed to mount nuclear or radiological attacks;

(3) countering efforts by state and non-state actors to mount such attacks;

(4) responding to nuclear and radiological terrorism incidents to attribute their origin and help manage their consequences; and

(5) other important matters identified by the National Academy of Sciences that are directly relevant to those strategies.
(c) **RECOMMENDATIONS.**—The assessment conducted under subsection (a) shall include recommendations to the Secretary of Energy, Congress, and such other Federal entities as the National Academy of Sciences considers appropriate, for preventing, countering, and responding to nuclear and radiological terrorism, including recommendations for—

1. closing technical, policy, or resource gaps;
2. improving cooperation and appropriate integration among Federal entities and Federal, State, and tribal governments;
3. improving cooperation between the United States and other countries and international organizations; and
4. other important matters identified by the National Academy of Sciences that are directly relevant to the strategies of the United States described in subsection (a).

(d) **LIAISONS.**—The Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall appoint appropriate liaisons to the National Academy of Sciences with respect to supporting the timely conduct of the assessment required by subsection (a).
(e) **ACCESS TO MATERIALS.**—The Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall provide access to the National Academy of Sciences to materials relevant to the assessment required by subsection (a).

(f) **CLEARANCES.**—The Secretary of Energy and the Director of National Intelligence shall ensure that appropriate members and staff of the National Academy of Sciences have the necessary clearances, obtained in an expedited manner, to conduct the assessment required by subsection (a).

**SEC. 6604. SENSE OF CONGRESS ON NATIONAL SPACE DEFENSE CENTER.**

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

1. *Space is a warfighting domain.*
2. *Deterrence of adversaries of the United States, preserving the space domain, and defending against threats to space systems requires coordination across the Department of Defense, including the military departments, and the intelligence community.*

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—
(1) the National Space Defense Center is critical to defending and securing the space domain in order to protect all United States assets in space;

(2) integration between the intelligence community and the Department of Defense within the National Space Defense Center is essential to detecting, assessing, and reacting to evolving space threats; and

(3) the Department of Defense, including the military departments, and the elements of the intelligence community should seek ways to bolster integration with respect to space threats through work at the National Space Defense Center.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SEC. 6605. PROHIBITION ON ESTABLISHMENT OF MILITARY DEPARTMENT OR CORPS SEPARATE FROM OR SUBORDINATE TO THE CURRENT MILITARY DEPARTMENTS.

No funds authorized to be appropriated by this Act or otherwise available for fiscal year 2018 for the Department of Defense may be used to establish a military department or corps separate from or subordinate to the current military departments, including a Space Corps in the De-
partment of the Air Force, or a similar such corps in any
other military department.

SEC. 6606. RULE OF CONSTRUCTION ON IRON DOME SHORT-
RANGE ROCKET DEFENSE SYSTEM AND 
ISRAELI COOPERATIVE MISSILE DEFENSE 
PROGRAM.

Paragraph (2) of section 1651(c) shall have no force
or effect.

SEC. 6607. REPORT ON INTEGRATION OF MODERNIZATION
AND SUSTAINMENT OF NUCLEAR TRIAD.

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

(1) On January 27, 2017, President Donald
Trump issued a Presidential Memorandum on Re-
building the United States Armed Forces, which em-
phasized the need for a “modern, robust, flexible, re-
silient, ready, and appropriately tailored” nuclear
deterrent.

(2) On January 31, 2017, Secretary of Defense
James Mattis issued a memorandum entitled “Imple-
mation Guidance for Budget Directives in the Na-
tional Security Presidential Memorandum on Re-
building the U.S. Armed Forces”, which called for
“an ambitious reform agenda, which will include hor-
zontal integration across DoD components to im-
prove efficiency and take advantage of economies of scale”.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics (or a successor in the Office of the Secretary of Defense with responsibility for acquisition programs), in coordination with the Secretary of the Navy and the Secretary of the Air Force, shall submit to the congressional defense committees a report on the potential to achieve greater efficiency by integrating elements of acquisition programs related to the modernization and sustainment of the nuclear triad.

(2) ELEMENTS.—The report required by paragraph (1) shall, at a minimum—

(A) identify any opportunities for improved efficiency in program management, cost, and schedule to be created by increasing integration, co-location, and commonality between the strategic deterrent programs and their systems, sub-systems, technologies, and engineering processes; and
(B) identify any risks to program management, cost, and schedule, as well as mission and capability, created by the opportunities identified under subparagraph (A).

(3) FORM.—The report required by paragraph (1) shall be submitted in classified form, but with an unclassified summary.

SEC. 6608. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE CRITICAL TELECOMMUNICATIONS EQUIPMENT OR SERVICES OBTAINED FROM SUPPLIERS CLOSELY LINKED TO A LEADING CYBER-THREAT ACTOR.

(a) REPORT REQUIRED.—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 any critical telecommunications equipment, technologies, or services obtained or used by the Department of Defense or its contractors or subcontractors that is—

(1) manufactured by a foreign supplier, or a contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor; or

(2) from an entity that incorporates or utilizes information technology manufactured by a foreign
supplier, or a contractor or subcontractor of such sup-
plier, that is closely linked to a leading cyber-threat
actor.

(b) FORM.—The report shall be submitted in unclassi-
ified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term “leading cyber-threat actor” means
a country identified as a leading threat actor in
cyberspace in the report entitled “Worldwide Threat
Assessment of the US Intelligence Community”, dated
May 11, 2017, and includes the People’s Republic of
China, the Islamic Republic of Iran, the Democratic
People’s Republic of Korea, and the Russian Federa-
tion.

(2) The term “closely linked”, with respect to a
foreign supplier, contractor, or subcontractor and a
leading cyber-threat actor, means the foreign supplier,
contractor, or subcontractor—

(A) has ties to the military forces of such
actor;

(B) has ties to the intelligence services of
such actor;

(C) is the beneficiary of significant low in-
terest or no-interest loans, loan forgiveness, or
other support of such actor; or
(D) is incorporated or headquartered in the territory of such actor.

TITLE LXXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS

SEC. 7801. CERTIFICATION RELATED TO CERTAIN ACQUISITIONS OR LEASES OF REAL PROPERTY.

Section 2662(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking the period at the end and inserting the following: “, as well as the certification described in paragraph (5).”; and

(2) by adding at the end the following:

“(5) For purposes of paragraph (2), the certification described in this paragraph with respect to an acquisition or lease of real property is a certification that the Secretary concerned—

“(A) evaluated the feasibility of using space in property under the jurisdiction of the Department of Defense to satisfy the purposes of the acquisition or lease; and

“(B) determined that—

“(i) space in property under the jurisdiction of the Department of Defense is not reason-
ably available to be used to satisfy the purposes of the acquisition or lease;

“(ii) acquiring the property or entering into the lease would be more cost-effective than the use of the Department of Defense property; or

“(iii) the use of the Department of Defense property would interfere with the ongoing military mission of the property.”.

SEC. 7802. ENERGY SECURITY FOR MILITARY INSTALLATIONS IN EUROPE.

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

(1) United States military installations in Europe are potentially vulnerable to supply disruptions from foreign governments, especially the Government of the Russian Federation, which could use control of energy supplies in a hostile or weaponized manner.

(2) The Government of the Russian Federation has previously shown its willingness to aggressively use energy supplies as a weapon to pressure foreign nations, including Ukraine.

(b) AUTHORITY.—The Secretary of Defense shall take appropriate measures, to the extent practicable, to—

(1) reduce the dependency of all United States military installations in Europe on energy sourced inside Russia; and
(2) ensure that all United States military installations in Europe are able to sustain operations in the event of a supply disruption.

(c) CERTIFICATION REQUIREMENT.—Not later than December 31, 2021, the Secretary of Defense shall certify to the congressional defense committees whether or not every United States military installation in Europe—

(1) is dependent to the minimum extent practicable on energy sourced inside the Russian Federation; and

(2) has the ability to sustain operations during an energy supply disruption.

(d) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall brief the congressional defense committees on progress in achieving the goals described in subsection (b), including—

(1) an assessment of the operational risks of energy supply disruptions;

(2) a description of mitigation measures identified to address such operational risks;

(3) an assessment of the feasibility, estimated costs, and schedule of diversified energy solutions; and
(4) an assessment of the minimum practicable usage of energy sourced inside Russia on United States military installations in Europe.

(e) INTERIM REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and make publicly available an interim report on progress in achieving the goals described in subsection (b), including the assessments described in paragraphs (1) through (4) of subsection (d).

(f) DEFINITION OF ENERGY SOURCED INSIDE RUSSIA.—In this section, the term “energy sourced inside Russia” means energy that is produced, owned, or facilitated by companies that are located in the Russian Federation or owned or controlled by the Government of the Russian Federation.

SEC. 7803. LAND CONVEYANCE, MOUNTAIN HOME AIR FORCE BASE, IDAHO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the City of Mountain Home, Idaho (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.25 miles of railroad spur located near Moun-
tain Home Air Force Base, Idaho, as further described in subsection (c), for the purpose of economic development.

(b) Consideration.—

(1) Consideration Required.—As consideration for the land conveyed under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary. The City shall provide an amount that is acceptable to the Secretary, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof.

(2) In-Kind Consideration.—In-kind consideration provided by the City under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facility or infrastructure under the jurisdiction of the Secretary.

(3) Treatment of Consideration Received.—Consideration in the form of cash payment received by the Secretary under paragraph (1) shall be deposited in the separate fund in the Treasury described in section 572(a)(1) of title 40, United States Code.
(c) **Map and Legal Description**.—

1. **Finalizing legal descriptions.**—As soon as practicable after the date of the enactment of this Act, the Secretary of the Air Force shall finalize a map and the legal description of the property to be conveyed under subsection (a).

2. **Minor errors.**—The Secretary of the Air Force may correct any minor errors in the map or the legal description.

3. **Availability.**—The map and legal description shall be on file and available for public inspection.

(d) **Payment of Costs of Conveyance.**—

1. **Payment required.**—The Secretary may require the City to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the
Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) Treatment of amounts received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) Use reservation.—The Secretary may reserve a right to temporarily use, for urgent reasons of national defense and at no cost to the United States, all or a portion of the railroad spur conveyed under subsection (a).

(f) Additional terms and conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.
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SEC. 7804. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR
THRESHOLDS APPLICABLE TO UNSPECIFIED
MINOR MILITARY CONSTRUCTION AUTHORI-
ITIES.

Section 2805 of title 10, United States Code, is amend-
ed by adding at the end the following new subsection:

“(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LO-
CATION.—Each fiscal year, the Secretary concerned shall
adjust the dollar limitations specified in this section appli-
cable to an unspecified minor military construction project
inside the United States to reflect the area construction cost
index for military construction projects published by the
Department of Defense during the prior fiscal year for the
location of the project.”.

TITLE LXXXI—DEPARTMENT OF
ENERGY NATIONAL SECURITY
PROGRAMS

SEC. 8101. ALBUQUERQUE COMPLEX UPGRADES CONSTRUC-
TION PROJECT.

(a) RULE OF CONSTRUCTION.—Subsection (b) is en-
acted in coordination with section 3101, to which it relates.

(b) MODIFICATION OF AUTHORITY TO CARRY OUT AL-
BUQUERQUE COMPLEX UPGRADES CONSTRUCTION
PROJECT.—

(1) IN GENERAL.—The Administrator for Nu-
clear Security may enter into an incrementally fund-
ed contract for Project 16–D–515, the Albuquerque Complex upgrades construction project, Albuquerque, New Mexico.

(2) LIMITATION.—The total cost for the Albuquerque Complex upgrades construction project may not exceed $174,700,000.

(3) FUNDING OF INCREMENTS.—

(A) INCREMENT 1.—The amount authorized to be appropriated by section 3101 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2754) for fiscal year 2017 and available for Project 16–D–515 as specified in the funding table in section 4701 of that Act (Public Law 114–328; 130 Stat. 2890) shall be deemed to be an amount authorized to be appropriated for increment 1 of the Albuquerque Complex upgrades construction project.

(B) INCREMENT 2.—The amount authorized to be appropriated by this section for fiscal year 2018 and available for Project 16–D–515 as specified in the funding table in section 4701 of this Act shall be available for increment 2 of the Albuquerque Complex upgrades construction project.
TITLE LXXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 8201. AUTHORIZATION.

(a) Rule of Construction.—Subsections (b) and (c) are enacted in coordination with section 3201, to which they relate.

(b) Certification of Sufficiency of Budget Requests.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Defense Nuclear Facilities Safety Board shall submit to the congressional defense committees a letter—

(1) certifying that the requested budget is sufficient for the conduct of the safety reviews that the Board intends to conduct in that fiscal year; or

(2) if the Board is unable to make the certification described in paragraph (1), including a list of such reviews and the estimated level of additional funding required to conduct such reviews.

(c) Sense of Congress.—It is the sense of Congress that—

(1) the Defense Nuclear Facilities Safety Board was chartered by Congress with an important mission
to provide independent recommendations and advice to the President and the Secretary of Energy to protect public health and employee safety at defense nuclear facilities of the Department of Energy;

(2) the role of the Board has necessarily evolved as the mission of the Department has changed over time, but the Board will continue to be vitally important as the Department continues major efforts to modernize the nuclear weapons stockpile and update its infrastructure in the 21st century; and

(3) any significant change to the Board and its mission can only be considered by the Board as a whole with oversight by Congress and requires legislative changes approved by Congress.

**DIVISION F—FURTHER ADDITIONAL PROVISIONS**

**TITLE CI—PROCUREMENT**

SEC. 10101. INTERIM COMBAT SERVICE RIFLE.

(a) ACQUISITION AUTHORITY.—The Secretary of the Army is authorized to expedite acquiring a commercially available off-the-shelf item, non-developmental item, or Government-off-the-shelf materiel solution for an Interim Combat Service Rifle for purposes of defeating the evolving threat that has placed the United States Armed Forces at increased risk.
(b) Acceleration of Related Programs.—

(1) In general.—To ensure a complete capability is fielded simultaneously with the acquisition program authorized under subsection (a), the Secretary is also authorized to use funding under the program to accelerate by one year the Squad Designated Marksman Rifle program and by two years the Advanced Armor Piercing ammunition program.

(2) Rule of construction.—The authority under this subsection does not supersede the requirement to develop a Next Generation Squad Weapon.

Title CII—Research, Development, Test, and Evaluation

Sec. 10201. Support for National Security Innovation and Entrepreneurial Education.

(a) Findings.—Congress finds the following:

(1) The ability of the Department of Defense to respond to national security challenges would benefit by increased workforce exposure to, and understanding of, modern problem-solving techniques and innovative methodologies.

(2) Presenting national security problems to universities and education centers will increase diverse stakeholder participation in the rapid development of
solutions to national security challenges and improve Department of Defense recruitment of young technologists and engineers with critical skill sets, including cyber capabilities.

(3) National security innovation and entrepreneurial education would provide a unique pathway for veterans, Federal employees, and military personnel to leverage their training, experience, and expertise to solve emerging national security challenges while learning cutting-edge business innovation methodologies.

(4) The benefits to be derived from supporting national security innovation and entrepreneurial education programs include—

(A) enabling veterans and members of the Armed Forces to apply their battlefield knowledge in a team environment to develop innovative solutions to some of the United States’ most challenging national security problems;

(B) encouraging students, university faculty, veterans, and other technologists and engineers to develop new and vital skill sets to solve real-world national security challenges while introducing them to public service opportunities; and
(C) providing an alternative pathway for
the Department of Defense to achieve critical
agency objectives, such as acquisition reform and
the rapid deployment of new and essential capa-
bilities to America’s warfighters.

(b) SUPPORT AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may,
acting through the Under Secretary of Defense for Re-
search and Engineering, support national security in-
novation and entrepreneurial education programs.

(2) ELEMENTS.—Support under paragraph (1)
may include the following:

(A) Materials to recruit participants, in-
cluding veterans, for programs described in
paragraph (1).

(B) Model curriculum for such programs.

(C) Training materials for such programs.

(D) Best practices for the conduct of such
programs.

(E) Experimental learning opportunities
for program participants to interact with oper-
ational forces and better understand national se-
curity challenges.
(F) Exchanges and partnerships with Department of Defense science and technology activities.


(c) CONSULTATION.—In carrying out subsection (b), the Secretary may consult with the heads of such Federal agencies, universities, and public and private entities engaged in the development of advanced technologies as the Secretary determines to be appropriate.

(d) AUTHORITIES.—The Secretary may—

(1) develop and maintain metrics to assess national security innovation and entrepreneurial education activities to ensure standards for programs supported under subsection (b) are consistent and being met; and

(2) ensure that any recipient of an award under the Small Business Technology Transfer program, the Small Business Innovation Research program, and science and technology programs of the Department of Defense has the option to participate in training under a national security innovation and entrepre-
neurial education program supported under sub-
section (b).

(e) Participation by Federal Employees and
Members of the Armed Forces.—The Secretary may
encourage Federal employees and members of the Armed
Forces to participate in a national security innovation and
entrepreneurial education program supported under sub-
section (b) in order to gain exposure to modern innovation
and entrepreneurial methodologies.

SEC. 10202. INEFFECTIVENESS OF CODIFICATION AND EN-
HANCEMENT OF AUTHORITIES TO PROVIDE
FUNDS FOR DEFENSE LABORATORIES FOR
RESEARCH AND DEVELOPMENT OF TECH-
NOLOGIES FOR MILITARY MISSIONS.

Section 212 shall have no force or effect.

SEC. 10203. CODIFICATION AND ENHANCEMENT OF AU-
THORITIES TO PROVIDE FUNDS FOR DE-
FENSE LABORATORIES FOR RESEARCH AND
DEVELOPMENT OF TECHNOLOGIES FOR MILI-
TARY MISSIONS.

(a) In General.—Chapter 139 of title 10, United
States Code, is amended by inserting after section 2362 the
following new section:
§2363. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions

“(a) MECHANISMS TO PROVIDE FUNDS.—(1) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall establish mechanisms under which the director of a defense laboratory may use an amount of funds equal to not less than two percent and not more than four percent of all funds available to the defense laboratory for the following purposes:

“(A) To fund innovative basic and applied research that is conducted at the defense laboratory and supports military missions.

“(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

“(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with necessary scientific and engineering expertise that support military missions.

“(D) To fund the repair or minor military construction of the laboratory infrastructure and equipment, in accordance with subsection (b).

“(2) The mechanisms established under paragraph (1) shall provide that funding shall be used under paragraph
(1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

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

“(b) AVAILABILITY OF FUNDS FOR INFRASTRUCTURE PROJECTS.—Funds shall be available in accordance with subsection (a)(1)(D) only if—

“(1) the Secretary notifies the congressional defense committees of the total cost of the project before the date on which the Secretary uses the mechanism under such subsection for such project; and

“(2) the Secretary ensures that the project complies with the applicable cost limitations in—

“(A) section 2805(d) of this title, with respect to revitalization and recapitalization projects; and

“(B) section 2811 of this title, with respect to repair projects.
“(c) Annual Report on Use of Authority.—Not later than March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2362 the following new item:

“2363. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.”.


SEC. 10204. ANNUAL REPORT ON UNFUNDED REQUIREMENTS FOR LABORATORY MILITARY CONSTRUCTION PROJECTS.

The Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees each year, at the time the budget of the President for
the fiscal year beginning in such year is submitted to Con- 
gress under section 1105(a) of title 31, United States Code, 
a reporting listing unfunded requirements on major and 
minor military construction projects for Department of De- 
fense science and technology laboratories and facilities and 
test evaluation facilities.

SEC. 10205. VERY-LOW PROFILE HARDWARE TO INTERACT 
WITH THE MOBILE USER OBJECTIVE SYSTEM 
AND OTHER SYSTEMS.

(a) ADDITIONAL FUNDING.—The amount authorized to 
be appropriated for fiscal year 2018 by section 201 for re-
search, development, test, and evaluation is hereby in-
creased by $8,000,000, with the amount of the increase to 
be available for the Joint Tactical Information Distribution 
System (PE 0604771D8Z).

(b) AVAILABILITY.—The amount available under sub-
section (a) shall be available for the Secretary of Defense 
to study and demonstrate very-low profile hardware, such 
as antennas and chipsets, with software, encryption, and 
cyber and network management tools necessary to interact 
with the Mobile User Objective System (MUOS) and other 
systems that are considered part of the Internet of things 
to provide command, control, communications, and cyber 
restoral capabilities.
(c) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2018 by section 301 for operation and maintenance is hereby decreased by $8,000,000, with the amount of the decrease to be applied as an increase to the reduction from fuel savings in the funding table in section 4301.

**TITLE CIII—OPERATION AND MAINTENANCE**

**SEC. 10301. REPORT ON RELEASE OF RADIUM OR RADIOACTIVE MATERIAL INTO THE GROUNDWATER NEAR THE INDUSTRIAL RESERVE PLANT IN BETHPAGE, NEW YORK.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress an addendum to the report submitted to Congress in June 2017 entitled “2017 Annual Report For Groundwater Impacts at Naval Weapons Industrial Reserve Plant Bethpage, New York” that would detail any releases by the Department of Defense of radium or radioactive material into the groundwater within a 75-mile radius of the industrial reserve plant in Bethpage, New York.

**SEC. 10302. SENSE ON CONGRESS ON THE SMALL TURBINE ENGINE INDUSTRIAL BASE.**

(a) **FINDINGS.**—Congress makes the following findings:
(1) The United States small turbine engine industry has been innovating, developing, producing, and sustaining small gas turbine engines in a competitive market for more than 75 years.

(2) The United States small turbine engine industrial base has made the United States the knowledge leader in low cost, no maintenance engine designs with unmatched field reliability.

(3) The United States small turbine engine industrial base is at a critical juncture, as military requirements have tapered and missile programs, in misguided attempts to save money, are narrowing production contracts to a single vendor causing two of the three existing small turbine engine manufacturers to go out of business.

(4) The departure of these companies from the United States small turbine engine industry will leave only one viable, proven source for small turbine engines for the Department of Defense.

(5) In 2016, a number of engine failures were encountered that severely diminished the throughput of the F107–WR–101 engine maintenance process for the AGM–86 Air Launched Cruise Missile (ALCM), thereby putting the weapon system at major readiness risk.
(6) The narrowing of the United States small turbine engine industrial base would leave the Department with a sole source United States supplier resulting in a loss of manufacturing and testing capability that would be extremely detrimental to both the United States industrial base and national security by creating a single point of failure, increasing engine procurement and testing prices by eliminating competition, raising new engine development and air vehicle program risk, and eliminating capabilities and expertise that would require decades and millions of dollars to reconstitute.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Department of Defense should—

(1) allocate sufficient funding to properly sustain the F107 turbine engine in order to ensure this vital weapon is viable until a replacement is fielded; and

(2) contract with multiple, capable engine manufacturers to stabilize and revitalize the United States small turbine engine industrial base.
SEC. 10303. REPORT ON OPTIMIZATION OF TRAINING IN
AND MANAGEMENT OF SPECIAL USE AIRSPACE.

(a) In general.—Not later than 120 days after the
date of the enactment of this Act, the Director of the Bases,
Ranges, and Airspace Directorate of the Air Force shall,
in consultation with the Administrator of the Federal Avia-
tion Administration, submit to Congress a report on optim-
ization of training in and management of special use air-
space that includes the following:

(1) Best practices for the management of special
use airspace including such practices that—

(A) result in cost savings relating to train-
ing;

(B) increase training opportunities for air-
men;

(C) increase joint use of such airspace;

(D) improve coordination with respect to
such airspace with—

(i) the Federal Aviation Administra-
tion;

(ii) Indian tribes; and

(iii) private landowners and other
stakeholders; or
(E) improve the coordination of large force exercises, including the use of waivers or other exceptional measures.

(2) An assessment of whether the capacity of ranges, including limitations on flight operations, is adequate to meet current and future training needs.

(3) An assessment of whether the establishment of a dedicated squadron for the purpose of coordinating the use of a special use airspace at the installation located in that airspace would improve the achievement of the objectives described in subparagraphs (A) through (E) of paragraph (1).

(4) Recommendations for improving the management and utilization of special use airspace to meet the objectives described in subparagraphs (A) through (E) of paragraph (1) and to address any gaps in capacity identified under paragraph (2).

(b) SPECIAL USE AIRSPACE DEFINED.—In this section, the term “special use airspace” means special use airspace designated under part 73 of title 14, Code of Federal Regulations.
SEC. 10304. CENTERS FOR DISEASE CONTROL STUDY ON

HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER.

(a) RULE OF CONSTRUCTION.—This section is enacted in coordination with section 343.

(b) EXPOSURE ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry and in consultation with the Department of Defense, shall conduct an exposure assessment of no less than 8 current or former domestic military installations known to have per- and polyfluoroalkyl substances (PFAS) contamination in drinking water, ground water, and any other sources of water and relevant exposure vectors.

(2) CONTENTS.—The exposure assessment required under this subsection shall—

(A) include—

(i) for each military installation covered under the exposure assessment, a statistical sample to be determined by the Secretary of Health and Human Services in consultation with the relevant State health departments; and
(ii) bio-monitoring for assessing the contamination described in paragraph (1); and

(B) produce findings, which shall be—

(i) used to help design the study described in 343(a)(1); and

(ii) released to the appropriate congressional committees not later than 1 year after the conclusion of such exposure assessment.

(3) **Timing.**—The exposure assessment required under this subsection shall—

(A) begin not later than 180 days after the date of enactment of this Act; and

(B) conclude not later than 2 years after such date of enactment.

**TITLE CV—MILITARY PERSONNEL POLICY**

**SEC. 10501. FLEXIBILITY IN PROMOTION OF DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.**

(a) **Rule of Construction.**—This section is enacted in coordination with section 504.

(b) **Deputy Judge Advocate of the Air Force.**—Section 8037(e) of title 10, United States Code,, is amended—
(1) by inserting “(1)” after “(e)”; and

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

“(2) If the Secretary of the Air Force elects to convene a selection board under section 611(a) of this title to consider eligible officers for selection to appointment as Deputy Judge Advocate General, the Secretary may, in connection with such consideration for selection—

“(A) treat any section in chapter 36 of this title referring to promotion to the next higher grade as if such section referred to promotion to a higher grade; and

“(B) waive section 619(a)(2) of this title if the Secretary determines that the needs of the Air Force require the waiver.”.

SEC. 10502. INEFFECTIVENESS OF PILOT PROGRAM ON INTEGRATION OF DEPARTMENT OF DEFENSE AND NON-FEDERAL EFFORTS FOR CIVILIAN EMPLOYMENT OF MEMBERS OF THE ARMED FORCES FOLLOWING TRANSITION FROM ACTIVE DUTY TO CIVILIAN LIFE.

Section 546 shall have no force or effect.
SEC. 10503. PILOT PROGRAM ON INTEGRATION OF DEPARTMENT OF DEFENSE AND NON-FEDERAL EFFORTS FOR CIVILIAN EMPLOYMENT OF MEMBERS OF THE ARMED FORCES FOLLOWING TRANSITION FROM ACTIVE DUTY TO CIVILIAN LIFE.

(a) Pilot Program Required.—

(1) In general.—The Secretary of Defense shall conduct a pilot program to assess the feasibility and advisability of assisting members of the Armed Forces described in subsection (c) who are undergoing the transition from active duty in the Armed Forces to civilian life by accelerating and improving their access to employment following their transition to civilian life through the coordination, integration, and leveraging of existing programs and authorities of the Department of Defense for such purposes with programs and resources of State and local agencies, institutions of higher education, employers, and other public, private, and nonprofit entities applicable to the pilot program.

(2) Existing community programs and resources.—For purposes of this section, existing programs and resources of State and local agencies, institutions of higher education, employers, and other public, private, and nonprofit entities described in
paragraph (1) in the vicinity of a location of the pilot program are referred to as the “existing community programs and resources” in that vicinity.

(b) GOALS.—The goals of the pilot program shall be as follows:

(1) To facilitate the coordination of existing community programs and resources in the locations of the pilot program in order to identify a model for the coordination of such programs and authorities that can be replicated nationwide in communities in which members of the Armed Forces described in subsection (c) are undergoing the transition from active duty to civilian life.

(2) To identify mechanisms by which the Department of Defense and existing community programs and resources may work with employers and members of the Armed Forces described in subsection (c) in order to—

(A) identify workforce needs that may be fulfilled by such members following their transition to civilian life;

(B) identify military occupational skills that may satisfy the workforce needs identified pursuant to subparagraph (A); and
(C) identify gaps in the available pre-employment testing and training of members of the Armed Forces that may require remediation in order to satisfy workforce needs identified pursuant to subparagraph (A), and identify mechanisms by which members of the Armed Forces described in subsection (c) may receive testing or training to remediate such gaps.

(3) To identify mechanisms to assist members of the Armed Forces described in subsection (c) in bridging geographical gaps between their final military installations and nearby metropolitan areas in which employment and necessary training are likely to be available to such members during or following their transition to civilian life.

(4) To provide workforce training, in coordination with junior, community or technical colleges in the vicinity of the locations of the pilot program, private industry, and nonprofit organizations, for members of the Armed Forces participating in the pilot program to transition to jobs in the clean energy industry, including cyber and grid security, natural gas, solar, wind, and geothermal fields.

(c) COVERED MEMBERS.—The members of the Armed Forces described in this subsection are the following:
(1) Regular members of the Armed Forces who are within 180 days of discharge or release from the Armed Forces.

(2) Members of the reserve components of the Armed Forces (whether National Guard or Reserve) who are on active duty for a period of more than 365 days and are within 180 days of release from such active duty.

(d) LOCATIONS.—

(1) In general.—The Secretary shall carry out the pilot program at not less than five locations selected by the Secretary for purposes of the pilot program.

(2) Selection requirements.—Each location selected pursuant to paragraph (1) shall—

(A) include a military installation—

(i) that has a well-established military-civilian community relationship with the civilian communities nearby; and

(ii) at which serves an appropriate population of members of the Armed Forces described in subsection (c);

(B) have a large employment or industry base that supports a variety of occupational opportunities;
(C) have appropriate institutional infrastructure for the provision of worker training; and

(D) take place in a different geographic region of the United States.

(e) ELEMENTS.—At each location selected for the pilot program there shall be the following:

(1) A mechanism to identify existing community programs and resources for participation in the pilot program, including programs and resources that are currently working with programs and authorities of the Department of Defense to assist members of the Armed Forces described in subsection (c), and, especially, programs and resources that are recognized as engaging in best practices in working with such programs and authorities of the Department.

(2) A mechanism to assess the willingness of employers in the vicinity of such location to participate in the pilot program and employ members of the Armed Forces participating in the pilot program following their transition to civilian life.

(3) A mechanism to assess the willingness of the State in which such location is located to recognize military training for credit for professional and occupational licenses.
(4) A civilian community coordinator for the pilot program, who shall be responsible for implementation and execution of the pilot program for the Department, and for coordinating existing community programs and resources, at such location by—

(A) pursuing a multi-faceted outreach and engagement strategy that leverages relationships with appropriate public, private, and nonprofit entities in the vicinity of such location for purposes of the pilot program;

(B) developing and implementing a program using existing public and private resources, infrastructure, and experience to maximize the benefits of the pilot program for members of the Armed Forces participating in the pilot program by minimizing the time required for completion of training provided to such members under the pilot program, which program shall—

(i) compliment continuing Department efforts to assist members of the Armed Forces in their transition from active duty in the Armed Forces to civilian life and to coordinate with existing veteran employment programs for purposes of such efforts;
(ii) provide for the cultivation of a network of partners among the entities described in subparagraph (A) in order to maximize the number of opportunities for civilian employment for members of the Armed Forces participating in the pilot program following their transition to civilian life;

(iii) provide for the use of comprehensive assessments of the military experience gained by members of the Armed Forces participating in the pilot program in order to assist them in obtaining civilian employment relating to their military occupations following their transition to civilian life, and to determine the pre-employment testing that could be readily added to veterans workforce training programs to assist in that effort;

(iv) seek to secure for members of the Armed Forces participating in the pilot program maximum credit for prior military service in their pursuit of civilian employment following their transition to civilian life;
(v) seek to eliminate unnecessary and redundant elements of the training provided for purposes of the pilot program to members of the Armed Forces participating in the pilot program;

(vi) seek to minimize the time required for members of the Armed Forces participating in the pilot program in obtaining skills, credentials, pre-employment testing, or certifications required for civilian employment following their transition to civilian life; and

(vii) provide for the continuous collection of data and feedback from employers in the vicinity of such location in order to tailor training provided to members of the Armed Forces for purposes of the pilot program to meet the needs of such employers.

(5) A plan of action for delivering additional training and credentialing modules for members of the Armed Forces described in subsection (c) in order to seek to provide such members with skills that are in high demand in the vicinity and region of such location.

(f) REPORTS.—
(1) Initial Report.—Not later than one year after the date of the commencement of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include, for each location selected for the pilot program pursuant to subsection (d), the following:

(A) A full description of the pilot program, including—

(i) the number of members of the Armed Forces participating in the pilot program;

(ii) the outreach to public, private, and nonprofit entities conducted for purposes of the pilot program to encourage such entities to participate in the pilot program;

(iii) the entities participating in the pilot program, set forth by employment sector;

(iv) the number of members participating in the pilot program who obtained employment with an entity participating in the pilot program, set forth by employment sector;
(v) a description of any additional training or pre-employment testing provided to members participating in the pilot program for purposes of the pilot program, including the amount of time required for such additional training or testing; and

(vi) a description of the cost of the pilot program, including any cost borne by private entities.

(B) A current assessment of the effect of the pilot program on Department of Defense and community efforts to assist members of the Armed Forces described in subsection (c) in obtaining civilian employment following their transition to civilian life.

(2) **Final Report.**—Not later than 90 days before the date on which the pilot program terminates, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an update of the report submitted under paragraph (1).

(g) **Construction.**—Nothing in this section may be construed to authorize the Secretary to hire additional employees for the Department of Defense to carry out the pilot program.
(h) TERMINATION.—The authority of the Secretary to carry out the pilot program shall terminate on the date that is two years after the date on which the pilot program commences.

TITLE CVI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SEC. 10601. SENSE OF SENATE ON THE USE BY EXCHANGE STORES OF SMALL BUSINESSES AS SUPPLIERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Exchange stores, as non-appropriated fund instrumentalities of the Department of Defense, are not required to give any preference to particular vendors or suppliers.

(2) Even so, exchange stores are uniquely positioned to feature products from small businesses, especially veteran-owned small businesses.

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Department to work with the military exchange services to develop strategies for featuring products of small businesses, particularly products of veteran-owned small businesses, in military exchange stores.
SEC. 10602. GARNISHMENT TO SATISFY JUDGMENT RENDERED FOR PHYSICALLY, SEXUALLY, OR EMOTIONALLY ABUSING A CHILD.

(a) GARNISHMENT AUTHORITY.—Section 1408 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(l) GARNISHMENT TO SATISFY A JUDGMENT RENDERED FOR PHYSICALLY, SEXUALLY, OR EMOTIONALLY ABUSING A CHILD.—(1) Subject to paragraph (2), any payment of retired pay that would otherwise be made to a member shall be paid (in whole or in part) by the Secretary concerned to another person if and to the extent expressly provided for in the terms of a child abuse garnishment order.

“(2) A court order providing for the payment of child support or alimony or, with respect to a division of property, specifically providing for the payment of an amount of the disposable retired pay from a member to the spouse or a former spouse of the member, shall be given priority over a child abuse garnishment order. The total amount of the disposable retired pay of a member payable under a child abuse garnishment order shall not exceed 25 percent of the member’s disposable retired pay.

“(3) In this subsection, the term ‘court order’ includes a child abuse garnishment order.
“(4) In this subsection, the term ‘child abuse garnishment order’ means a final decree issued by a court that—

“(A) is issued in accordance with the laws of the jurisdiction of that court; and

“(B) provides in the nature of garnishment for the enforcement of a judgment rendered against the member for physically, sexually, or emotionally abusing a child.

“(5) For purposes of this subsection, a judgment rendered for physically, sexually, or emotionally abusing a child is any legal claim perfected through a final enforceable judgment, which claim is based in whole or in part upon the physical, sexual, or emotional abuse of an individual under 18 years of age, whether or not that abuse is accompanied by other actionable wrongdoing, such as sexual exploitation or gross negligence.

“(6) If the Secretary concerned is served with more than one court order with respect to the retired pay of a member, the disposable retired pay of the member shall be available to satisfy such court orders on a first-come, first-served basis, subject to the order of precedence specified in paragraph (2), with any such process being satisfied out of such monies as remain after the satisfaction of all such processes which have been previously served.
“(7) The Secretary concerned shall not be required to vary normal pay and disbursement cycles for retired pay in order to comply with a child abuse garnishment order.”.

(b) APPLICATION OF AMENDMENT.—Subsection (l) of section 1408 of title 10, United States Code, as added by subsection (a), shall apply with respect to a court order received by the Secretary concerned on or after the date of the enactment of this Act, regardless of the date of the court order.

SEC. 10603. ELEMENT IN NEXT QUADRENNIAL REVIEW OF MILITARY COMPENSATION ON VALUE ASIGNED BY MEMBERS OF THE ARMED FORCES TO VARIOUS ASPECTS OF MILITARY COMPENSATION.

(a) IN GENERAL.—The President shall ensure that the first quadrennial review of the principals and concepts of the compensation system for members of the uniformed services under section 1008(b) of title 37, United States Code, after the date of the enactment of this Act includes a review of the comparative value members of the Armed Forces assign to various aspects of military compensation, including immediate and deferred cash compensation and in-kind compensation.

(b) SURVEYS.—The review required by subsection (a) shall be based on an analysis of one or more surveys, con-
ducted for purposes of the review, of representative populations of members of the Armed Forces, including regular members of the Armed Forces and members of the reserve components of the Armed Forces.

(c) Inclusion in report.—The President shall include the results of the review required by subsection (a) in the first report submitted to Congress pursuant to section 1008(b) of title 37, after the date of the enactment of this Act.

TITLE CVII—HEALTH CARE PROVISIONS

SEC. 10701. REQUIREMENT FOR REIMBURSEMENT BY DEPARTMENT OF DEFENSE TO ENTITIES CARRYING OUT STATE VACCINATION PROGRAMS FOR COSTS OF VACCINES PROVIDED TO COVERED BENEFICIARIES.

Section 719 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1074g note) is amended—

(1) in the section heading, by striking “AUTHORIZATION OF REIMBURSEMENT” and inserting “REIMBURSEMENT”; and

(2) in subsection (a)(1), by striking “may” and inserting “shall”.

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SEC. 10702. ELIGIBILITY FOR CERTAIN HEALTH CARE BENEFITS OF MEMBERS OF THE SELECTED RESERVE ORDERED TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

(a) PRE-MOBILIZATION HEALTH CARE.—Section 1074(d)(2) of title 10, United States Code, is amended by striking “in support of a contingency operation under” and inserting “under section 12304b of this title or”.

(b) TRANSITIONAL HEALTH CARE.—Section 1145(a)(2)(B) of such title is amended by striking “in support of a contingency operation” and inserting “under section 12304b of this title or a provision of law referred to in section 101(a)(13)(B) of this title”.

TITLE CVIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 10801. RESPONSIBILITIES OF COMMERCIAL MARKET REPRESENTATIVES.

Section 4(h) of the Small Business Act (15 U.S.C. 633(h)) is amended to read as follows:

“(h) COMMERCIAL MARKET REPRESENTATIVES.—

“(1) DUTIES.—The principal duties of a commercial market representative employed by the Administrator and reporting to the senior official ap-
pointed by the Administrator with responsibilities under sections 8, 15, 31, and 36 (or the designee of the official) shall be to advance the policies established in section 8(d)(1) relating to subcontracting, including—

“(A) helping prime contractors to find small business concerns that are capable of performing subcontracts;

“(B) for contractors awarded contracts containing the clause described in section 8(d)(3), providing—

“(i) counseling on the responsibility of the contractor to maximize subcontracting opportunities for small business concerns;

“(ii) instruction on methods and tools to identify potential subcontractors that are small business concerns; and

“(iii) assistance to increase awards to subcontractors that are small business concerns through visits, training, and reviews of past performance;

“(C) providing counseling on how a small business concern may promote the capacity of the small business concern to contractors award-
ed contracts containing the clause described in section 8(d)(3); and

“(D) conducting periodic reviews of contractors awarded contracts containing the clause described in section 8(d)(3) to assess compliance with subcontracting plans required under section 8(d)(6).

“(2) Certification requirements.—

“(A) In general.—Consistent with the requirements of subparagraph (B), a commercial market representative referred to in section 15(q)(3) shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification.

“(B) Delay of certification requirement.—The certification described in subparagraph (A) is not required—

“(i) for any person serving as a commercial market representative on the date of enactment of the National Defense Authorization Act for Fiscal Year 2018, until the date that is 1 calendar year after the date on which the person was appointed as a commercial market representative; or
“(ii) for any person serving as a commercial market representative on or before November 25, 2015, until November 25, 2020.

“(3) JOB POSTING REQUIREMENTS.—The duties and certification requirements described in this subsection shall be included in any initial job posting for the position of a commercial market representative.”.

SEC. 10802. MODIFICATION TO THE HUBZONE PROGRAM.

Section 3(p)(4)(C) of the Small Business Act (15 U.S.C. 632(p)(4)(C)) is amended by striking “until the later of” and all that follows and inserting “for the 7-year period following the date on which the census tract or non-metropolitan county ceased to be so qualified.”.

SEC. 10803. REPORT ON DEFENSE CONTRACTING FRAUD.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud.

(b) Elements.—The report required under subsection (a) shall include the following elements:

(1) A summary of fraud-related criminal convictions and civil judgements or settlements over the previous five fiscal years.
(2) A listing of contractors that within the previous five fiscal years performed contracts for the Department of Defense and were debarred or suspended from Federal contracting based on a criminal conviction for fraud.

(3) An assessment of the total value of Department of Defense contracts entered into during the previous five fiscal years with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SEC. 10804. GOVERNMENT MICRO-PURCHASE THRESHOLD MATTERS.

(a) INCREASE IN THRESHOLD.—Section 1902(a)(1) of title 41, United States Code, is amended by striking "$3,000" and inserting "$10,000".
(b) CONVENIENCE CHECKS.—A convenience check may not be used for an amount in excess of one half of the micro-purchase threshold under section 1902(a) of title 41, United States Code, or a lower amount set by the head of the agency. Use of convenience checks shall comply with controls prescribed in Office of Management and Budget Circular A–123, Appendix B.

TITLE CIX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 10901. REPORT ON IMPLEMENTATION OF REQUIREMENTS IN CONNECTION WITH THE ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of section 922 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2354) and the amendments made by that section (in this section collectively referred to as the “covered authority”).
(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A statement of the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict that is consistent with the covered authority, including an identification of any responsibilities to be divested by the Assistant Secretary pursuant to the covered authority.

(2) A resource-unconstrained analysis of manpower requirements necessary to satisfy the responsibilities akin to those of the Secretary of a military department that are specified by the covered authority.

(3) An accounting of civilian, military, and contractor personnel currently assigned to the fulfillment of the responsibilities akin to those of the Secretary of a military department that are specified by the covered authority, including responsibilities relating to budget, personnel, programs and requirements, acquisition, and special access programs.

(4) A description of actions taken to implement the covered authority as of the date of the report, including the assignment of any additional civilian, military, or contractor personnel to fulfill additional responsibilities akin to those of the Secretary of a
military department that are specified by the covered authority.

(5) An explanation how the responsibilities akin to those of the Secretary of a military department that assigned to the Assistant Secretary by the covered authority will be fulfilled in the absence of additional personnel being assigned to the office of the Assistant Secretary.

(6) Any other matters the Secretary considers appropriate.

SEC. 10902. REPORT ON THE NEED FOR A JOINT CHEMICAL-BIOLOGICAL DEFENSE LOGISTICS CENTER.

Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) A description of the operational need and requirement for a consolidated Joint Chemical-Biological Defense Logistics Center.

(2) Identification of the specific operational requirements for rapid deployment of chemical and biological defense assets and the sustainment requirements for maintenance, storage, inspection, and distribution of specialized chemical, biological, radiological, and nuclear equipment at the Joint Chemical-Biological Defense Logistics Center.
(3) A definition of program objectives and milestones to achieve initial operating capability and full operating capability.

(4) Estimated facility and personnel resource requirements for use in planning, programming, and budgeting.

(5) An environmental assessment of proposed effects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**TITLE CX—GENERAL PROVISIONS**

**Subtitle A—Additional General Provisions**

**SEC. 11001. EXPANSION OF AVAILABILITY FROM THE DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA FOR MEMBERS OF THE ARMED FORCES.**

Section 1720D(a)(2)(A) of title 38, United States Code is amended—

(1) by striking “on active duty”; and

(2) by inserting “that was suffered by the member while serving on active duty, active duty for training, or inactive duty training” before the period at the end.
SEC. 11002. REPORT ON THE GLOBAL FOOD SYSTEM AND VULNERABILITIES RELEVANT TO DEPARTMENT OF DEFENSE MISSIONS.

(a) Report Required.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the heads of such components of the Department of Defense as the Secretary considers appropriate, submit to the congressional defense committees an assessment of Department of Defense policies and operational plans for addressing the national security implications of global food system vulnerabilities.

(b) Contents.—The report required by subsection (a) shall include, at a minimum, the following:

(1) An evaluation of vulnerabilities in the global food system that may affect the national security of the United States and the Department of Defense roles, missions, and capabilities in addressing such vulnerabilities, including information technology, data management, and surveillance capabilities for detection and assessment of food system shocks with the potential to result in the deployment of the Armed Forces or directly affect bilateral security interests with allies or partners.

(2) A characterization of how Department of Defense strategy, policies, and plans, including the Unified Command Plan, defense planning scenarios,
operational plans, theater cooperation plans, and
other relevant planning documents and procedures,
account for food system vulnerabilities as precursors
to and components of protracted major state conflicts,
civil wars, insurgencies, or terrorism.

(3) An evaluation of United States interests, in-
cluding the interests of allies and strategic partners,
and potential United States military operations, in-
cluding thresholds for ordering such operations, in re-
regions where food system instability represents an ur-
genent and growing threat, including due to the pres-
ence of destabilizing non-state actors who may
weaponize access to food.

(4) An identification of opportunities to initiate
or further develop cooperative military to military re-
lationships to build partner capacity to avoid, mini-
mize, or control global and regional food system
shocks.

SEC. 11003. INEFFECTIVENESS OF DEPARTMENT OF DE-
FENSE INTEGRATION OF INFORMATION OP-
ERATIONS AND CYBER-ENABLED INFORMA-
TION OPERATIONS.

Section 1042 shall have no force or effect.
SEC. 11004. DEPARTMENT OF DEFENSE INTEGRATION OF INFORMATION OPERATIONS AND CYBER-ENABLED INFORMATION OPERATIONS.

(a) Integration of Department of Defense Information Operations and Cyber-enabled Information Operations.—

(1) Establishment of cross-functional task force.—

(A) In general.—The Secretary of Defense shall establish a cross-functional task force consistent with section 911(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) to integrate across the organizations of the Department of Defense responsible for information operations, military deception, public affairs, electronic warfare, and cyber operations to produce integrated strategy, planning, and budgeting to counter, deter, and conduct strategic information operations and cyber-enabled information operations.

(B) Duties.—The task force shall carry out the following:

(i) Development of a strategic framework for the conduct by the Department of Defense of information operations, includ-
ing cyber-enabled information operations, coordinated across all relevant Department of Defense entities, including both near-term and long-term guidance for the conduct of such coordinated operations.

(ii) Development and dissemination of a common operating paradigm across the organizations specified in subparagraph (A) of the influence, deception, and propaganda activities of key malign actors, including in cyberspace.

(iii) Development of guidance for, and promotion of, the liaison capability of the Department to interact with the private sector, including social media, on matters related to the influence activities of malign actors.

(iv) Serve as the primary Department of Defense liaison with the Global Engagement Center and other relevant Federal entities in carrying out the purpose set forth in section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note).
(2) **HEAD OF CROSS-FUNCTIONAL TASK FORCE.**—

(A) **IN GENERAL.**—The Secretary of Defense shall appoint as the head of the task force such individual as the Secretary considers appropriate from among individuals serving in the Department as an Under Secretary of Defense or in such other position within the Department of lesser order of precedence.

(B) **RESPONSIBILITIES.**—The responsibilities of the head of the task force are as follows:

(i) Oversight of strategic policy and guidance.

(ii) Overall resource allocation for the integration of information operations and cyber operations of the Department.

(iii) Ensuring the task force faithfully pursues the purpose set forth in subparagraph (A) of paragraph (1) and carries out its duties as set forth in subparagraph (B) of such paragraph.

(iv) Carrying out such activities as are required of the head of the task force under subsections (b) and (c).

(v) Coordination with the head of the Global Engagement Center in support of the
execution of the purpose set forth in section 1287(a)(2) of the National Defense Author-

(b) REQUIREMENTS AND PLANS FOR INFORMATION OPERATIONS.—

(1) COMBATANT COMMAND PLANNING AND REGIONAL STRATEGY.—(A) The Secretary shall require each commander of a combatant command to develop, in coordination with the relevant regional Assistant Secretary of State or Assistant Secretaries of State and with the assistance of the Coordinator of the Global Engagement Center and the head of the task force appointed under subsection (a)(2)(A), a regional information strategy and interagency coordination plan for carrying out the strategy, where applicable.

(B) The Secretary shall require each commander of a combatant command to develop such requirements and specific plans as may be necessary for the conduct of information operations in support of the strategy required in subparagraph (A), including plans for deterring information operations, particularly in the cyber domain, by malign actors against the United States, allies of the United States, and interests of the United States.
(2) **IMPLEMENTATION PLAN FOR DEPARTMENT OF DEFENSE STRATEGY FOR OPERATIONS IN THE INFORMATION ENVIRONMENT.**—

(A) In general.—Not later than 90 days after the date of the enactment of this Act, the head of the task force shall—

(i) review the Department of Defense Strategy for Operations in the Information Environment, dated June 2016; and

(ii) submit to the congressional defense committees a plan for implementation of such strategy.

(B) Elements.—The implementation plan shall include, at a minimum, the following:

(i) An accounting of the efforts undertaken in support of the strategy described in subparagraph (A)(i) since it was issued in June 2016.

(ii) A description of any updates or changes to such strategy that have been made since it was first issued, as well as any expected updates or changes in light of the establishment of the task force.

(iii) A description of the role of the Department as part of a broader whole-of-gov-
ernment strategy for strategic communications, including assumptions about the roles and contributions of other Government departments and agencies to such a strategy.

(iv) Defined actions, performance metrics, and projected timelines to achieve the following specified tasks:

(I) Train, educate, and prepare commanders and their staffs, and the Joint Force as a whole, to lead, manage, and conduct operations in the information environment.

(II) Train, educate, and prepare information operations professionals and practitioners to enable effective operations in the information environment.

(III) Manage information operations professionals, practitioners, and organizations to meet emerging operational needs.

(IV) Establish a baseline assessment of current ability of the Department to conduct operations in the information environment, including an
identification of the types of units and
organizations currently responsible for
building and employing information-
related capabilities and an assignment
of appropriate roles and missions for
each type of unit or organization.

(V) Develop the ability of the De-
partment and operating forces to en-
gage, assess, characterize, forecast, and
visualize the information environment.

(VI) Develop and maintain the
proper capabilities and capacity to op-
erate effectively in the information en-
vironment in coordination with imple-
mentation of related cyber and other
strategies.

(VII) Develop and maintain the
capability to assess accurately the ef-
fector of operations in the information
environment.

(VIII) Adopt, adapt, and develop
new science and technology for the De-
partment to operate effectively in the
information environment.
(IX) Develop and adapt information environment-related concepts, policies, and guidance.

(X) Ensure doctrine relevant to operations in the information environment remains current and responsive based on lessons learned and best practices.

(XI) Develop, update, and de-conflict authorities and permissions, as appropriate, to enable effective operations in the information environment.

(XII) Establish and maintain partnerships among Department and interagency partners, including the Global Engagement Center, to enable more effective whole-of-government operations in the information environment.

(XIII) Establish and maintain appropriate interaction with entities that are not part of the Federal Government, including entities in industry, entities in academia, federally funded research and development cen-
ters, and other organizations, to enable operations in the information environment.

(XIV) Establish and maintain collaboration between and among the Department and international partners, including partner countries and nongovernmental organizations, to enable more effective operations in the information environment.

(XV) Foster, enhance, and leverage partnership capabilities and capacities.

(v) An analysis of any personnel, resourcing, capability, authority, or other gaps that will need to be addressed to ensure effective implementation of the strategy described in subparagraph (A)(i) across all relevant elements of the Department.

(vi) An investment framework and projected timeline for addressing any gaps identified under clause (v).

(vii) Such other matters as the Secretary of Defense considers relevant.
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(C) Periodic status reports.—Not later than 90 days after the date on which the implementation plan is submitted under subparagraph (A)(ii) and not less frequently than once every 90 days thereafter until the date that is three years after the date of such submittal, the head of the task force shall submit to the congressional defense committees a report describing the status of the efforts of the Department to accomplish the tasks specified under clauses (iv) and (vi) of subparagraph (B).

(c) Training and education.—Consistent with the elements of the implementation plan required under clauses (i) and (ii) of subsection (b)(2)(B)(4), the head of the task force shall establish programs to provide training and education to such members of the Armed Forces and civilian employees of the Department of Defense as the Secretary considers appropriate to ensure understanding of the role of information in warfare, the central goal of all military operations to affect the perceptions, views, and decision-making of adversaries, and the effective management and conduct of operations in the information environment.

(d) Establishment of Defense Intelligence Officer for Information Operations and Cyber Operations.—The Secretary shall establish a position within
the Department of Defense known as the “Defense Intelligence Officer for Information Operations and Cyber Operations”.

(e) DEFINITIONS.—In this section:

(1) The term “head of the task force” means the head appointed under subsection (a)(2)(A).

(2) The term “implementation plan” means the plan required by subsection (b)(2)(A)(ii).

(3) The term “task force” means the cross-functional task force established under subsection (a)(1)(A).

SEC. 11005. REPORT ON CYBER CAPABILITY AND READINESS SHORTFALLS OF ARMY COMBAT TRAINING CENTERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the Army Combat Training Centers and the current resident cyber capabilities and training at such centers to examine potential training readiness shortfalls and ensure that pre-rotational cyber training needs are met.

(b) CONSIDERATION OF NEARBY ASSETS.—In preparing the report under subsection (a), the Secretary shall take into account nearby Army Combat Training Center
cyber assets that could contribute to addressing potential
cyber capability and readiness shortfalls.

SEC. 11006. REPORT ON THE AUDIT OF THE FULL FINAN-
CIAL STATEMENTS OF THE DEPARTMENT OF
DEFENSE.

Not later than six months after the date of the enact-
ment of this Act, the Secretary of Defense shall submit to
Congress a report setting forth the following:

(1) A description of the work undertaken and
planned to be undertaken by the Department of De-
fense, and the military departments, Defense Agen-
cies, and other organizations and elements of the De-
partment, to test and verify transaction data perti-
nent to obtaining an unqualified audit of their finan-
cial statements, including from feeder systems.

(2) A projected timeline of the Department in
connection with the audit of the full financial state-
ments of the Department, to be submitted to Congress
annually not later than six months after the sub-
mittal to Congress of the budget of the President for
a fiscal year, including the following:

(A) The date on which the Department
projects the beginning of an audit of the full fi-
nancial statements of the Department, and the
military departments, Defense Agencies, and
other organizations and elements of the Depart-
ment, for a fiscal year.

(B) The date on which the Department
projects the completions of audits of the full fi-
nancial statements of the Department, and the
military departments, Defense Agencies, and
other organizations and elements of the Depart-
ment, for a fiscal year.

(C) Beginning with fiscal year 2019, the
dates on which the Department expects to obtain
an unqualified audit opinion on the full finan-
cial statements of the Department, the military
departments, the Defense Agencies, and other or-
ganizations and elements of the Department for
a fiscal year.

(D) The anticipated total cost of future au-
dits as described in subparagraphs (A) through
(C).

(3) The anticipated annual costs of maintaining
an unqualified audit opinion on the full financial
statements of the Department, the military depart-
ments, the Defense Agencies, and other organizations
and elements of the Department for a fiscal year after
an unqualified audit opinion on such full financial
statements for a fiscal year is first obtained.
SEC. 11007. REPORT ON HURRICANE DAMAGE TO DEPARTMENT OF DEFENSE ASSETS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on damage to Department of Defense assets and installations from hurricanes during 2017.

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

(1) The results of a storm damage assessment.

(2) A description of affected military installations and assets.

(3) A request for funding to initiate the repair and replacement of damaged facilities and assets, including necessary upgrades to existing facilities to make them compliant with current hurricane standards, and to cover any unfunded requirements for military construction at affected military installations.

(4) An adaptation plan to ensure military installations funded with taxpayer dollars are constructed to better withstand flooding and extreme weather events.
SEC. 11008. ESTABLISHMENT OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEALTH CONDITIONS RELATING TO EXPOSURE TO BURN PITS AND OTHER ENVIRONMENTAL EXPOSURES.

(a) In General.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures

“(a) Establishment.—(1) The Secretary shall establish within the Department a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures to carry out the responsibilities specified in subsection (d).

“(2) The Secretary shall establish the center of excellence under paragraph (1) through the use of—

“(A) the directives and policies of the Department in effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018;
“(B) the recommendations of the Comptroller General of the United States and Inspector General of the Department in effect as of such date; and


“(b) SELECTION OF SITE.—In selecting the site for the center of excellence established under subsection (a), the Secretary shall consider entities that—

“(1) are equipped with the specialized equipment needed to study, diagnose, and treat health conditions relating to exposure to burn pits and other environmental exposures;

“(2) have a track record of publishing information relating to post-deployment health exposures among veterans who served in the Armed Forces in support of Operation Iraqi Freedom and Operation Enduring Freedom;

“(3) have access to animal models and in vitro models of dust immunology and lung injury consistent with the injuries of members of the Armed Forces who served in support of Operation Iraqi Freedom and Operation Enduring Freedom; and
“(4) have expertise in allergy, immunology, and pulmonary diseases.

“(c) COLLABORATION.—The Secretary shall ensure that the center of excellence collaborates, to the maximum extent practicable, with the Secretary of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (d).

“(d) RESPONSIBILITIES.—The center of excellence shall have the following responsibilities:

“(1) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

“(2) To provide guidance for the health systems of the Department and the Department of Defense in determining the personnel required to provide quality health care for members of the Armed Forces and veterans with health conditions relating to exposure to burn pits and other environmental exposures.

“(3) To establish, implement, and oversee a comprehensive program to train health professionals of the Department and the Department of Defense in the treatment of health conditions relating to exposure to burn pits and other environmental exposures.
“(4) To facilitate advancements in the study of the short-term and long-term effects of exposure to burn pits and other environmental exposures.

“(5) To disseminate within medical facilities of the Department best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

“(6) To conduct basic science and translational research on health conditions relating to exposure to burn pits and other environmental exposures for the purposes of understanding the etiology of such conditions and developing preventive interventions and new treatments.

“(7) To provide medical treatment to veterans diagnosed with medical conditions specific to exposure to burn pits and other environmental exposures.

“(e) USE OF BURN PITS REGISTRY DATA.—In carrying out its responsibilities under subsection (d), the center of excellence shall have access to and make use of the data accumulated by the burn pits registry established under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).
“(f) FUNDING.—This Secretary shall carry out this section using amounts appropriated to the Department for such purpose.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘burn pit’ means an area of land located in Afghanistan or Iraq that—

“(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

“(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

“(2) The term ‘other environmental exposures’ means exposure to environmental hazards, including burn pits, dust or sand, hazardous materials, and waste at any site in Afghanistan or Iraq that emits smoke containing pollutants present in the environment or smoke from fires or explosions.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330B the following new item:

“7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.”.
Subtitle B—Government Purchase and Travel Cards

SEC. 11021. SHORT TITLE.

This subtitle may be cited as the “Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2017”.

SEC. 11022. DEFINITIONS.

In this subtitle:

1. Improper Payment.—The term “improper payment” has the meaning given the term in section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

2. Questionable Transaction.—The term “questionable transaction” means a charge card transaction that from initial card data appears to be high risk and may therefore be improper due to non-compliance with applicable law, regulation or policy.

3. Strategic Sourcing.—The term “strategic sourcing” means analyzing and modifying a Federal agency’s spending patterns to better leverage its purchasing power, reduce costs, and improve overall performance.

SEC. 11023. EXPANDED USE OF DATA ANALYTICS.

(a) Strategy.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of
Management and Budget, in consultation with the Administrator for General Services, shall develop a strategy to expand the use of data analytics in managing government purchase and travel charge card programs. These analytics may employ existing General Services Administration capabilities, and may be in conjunction with agencies’ capabilities, for the purpose of—

(1) identifying examples or patterns of questionable transactions and developing enhanced tools and methods for agency use in—

(A) identifying questionable purchase and travel card transactions; and

(B) recovering improper payments made with purchase and travel cards;

(2) identifying potential opportunities for agencies to further leverage administrative process streamlining and cost reduction from purchase and travel card use, including additional agency opportunities for card-based strategic sourcing;

(3) developing a set of purchase and travel card metrics and benchmarks for high-risk activities, which shall assist agencies in identifying potential emphasis areas for their purchase and travel card management and oversight activities, including those required by
the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194); and

(4) developing a plan, which may be based on existing capabilities, to create a library of analytics tools and data sources for use by Federal agencies (including inspectors general of those agencies).

SEC. 11024. GUIDANCE ON IMPROVING INFORMATION SHARING TO CURB IMPROPER PAYMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the interagency charge card data management group established under section 1095, shall issue guidance on improving information sharing by government agencies for the purposes of section 1093(a)(1).

(b) ELEMENTS.—The guidance issued under subsection (a) shall—

(1) require relevant officials at Federal agencies to identify high-risk activities and communicate that information to the appropriate management levels within the agencies;

(2) require that appropriate officials at Federal agencies review the reports issued by charge card-issuing banks on questionable transaction activity
(such as purchase and travel card pre-suspension and suspension reports, delinquency reports, and exception reports), including transactions that occur with high-risk activities, and suspicious timing or amounts of cash withdrawals or advances;

(3) provide for the appropriate sharing of information related to potential questionable transactions, fraud schemes, and high-risk activities with the General Services Administration and the appropriate officials in Federal agencies;

(4) consider the recommendations made by Inspectors General or the best practices Inspectors General have identified; and

(5) include other requirements determined appropriate by the Director for the purposes of carrying out this subtitle.

SEC. 11025. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

(a) ESTABLISHMENT.—The Administrator of General Services and the Director of the Office of Management and Budget shall establish a purchase and travel charge card data management group to develop and share best practices for the purposes described in section 1093(a).

(b) ELEMENTS.—The best practices developed under subsection (a) shall—
(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

(2) include the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grant payments) for which the charge cards or related payment products could be used as a payment method; and

(3) include other best practices as determined by the Administrator and Director.

(c) MEMBERSHIP.—The purchase and travel charge card data management group shall meet regularly as determined by the co-chairs, for a duration of three years, and include those agencies as described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) and others identified by the Administrator and Director.

SEC. 11026. REPORTING REQUIREMENTS.

(a) GENERAL SERVICES ADMINISTRATION REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for General Services shall submit a report to Congress on the implementation of this subtitle, including the metrics used in determining whether the
analytic and benchmarking efforts have reduced, or contributed to the reduction of, questionable or improper payments as well as improved utilization of card-based payment products.

(b) AGENCY REPORTS AND CONSOLIDATED REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the head of each Federal agency described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) shall submit a report to the Director of the Office of Management and Budget on that agency’s activities to implement this subtitle.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to Congress a consolidated report of agency activities to implement this subtitle, which may be included as part of another report submitted to Congress by the Director.

(d) REPORT ON ADDITIONAL SAVINGS OPPORTUNITIES.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to Congress identifying and exploring further potential savings opportunities for government agencies under the Federal charge card programs. This re-
TITLE CXII—MATTERS RELATING TO FOREIGN NATIONS

SEC. 11201. SENSE OF CONGRESS ON CYBERSECURITY CO-OPERATION WITH UKRAINE.

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

(1) There is a strong history of cyber attacks in Ukraine, including a significant attack on its power grid in December 2015 by Russia.

(2) The United States supports Ukraine and the Ukrainian Security Assistance Initiative.

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

(1) the United States reaffirms support for the sovereignty and territorial integrity of Ukraine, especially as a result of Russia’s invasion of Ukraine and in the face of increased Russian aggression in the region; and

(2) the United States should assist Ukraine in improving its cybersecurity capabilities.

SEC. 11202. NORTH KOREA STRATEGY.

(a) REPORT ON STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional
defense committees a report that sets forth a strategy of the United States with respect to North Korea.

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

(1) A description and assessment of the primary threats to United States national security interests from North Korea.

(2) A description of support from foreign nations for North Korea’s nuclear and ballistic missile programs.

(3) A description of the security relationships between China and North Korea and Russia and North Korea, including trends in those relationships and their impact on the Government of North Korea.

(4) A description of the security relationships between other countries and North Korea, and an identification of countries that may be undermining United States objectives identified in paragraph (5).

(5) The desired end state in North Korea and current United States objectives relative to security threats emanating from North Korea.

(6) A detailed roadmap to reach the end state and objectives identified in paragraph (5).
(7) An identification of the resources and authorities necessary to carry out the roadmap described in paragraph (6).

(8) A description of operational plans and associated military requirements for the protection of United States national security interests relative to threats from North Korea.

(9) An identification of any personnel, capability, and resource gaps that would impact the execution of the roadmap described in paragraph (6) or any associated operational plan, and a mitigation plan to address such gaps.

(10) An assessment of current and desired partner nation contributions to countering threats from North Korea and a plan to enhance military cooperation with nations that have shared security interests.

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

(d) QUARTERLY UPDATES REQUIRED.—The Secretary of Defense shall provide Congress with a quarterly written progress report on the implementation of the strategy required pursuant to subsection (a) in unclassified form.
SEC. 11203. PLAN ON IMPROVEMENT OF ABILITY OF FOREIGN GOVERNMENTS PARTICIPATING IN UNITED STATES INSTITUTIONAL CAPACITY BUILDING PROGRAMS TO PROTECT CIVILIANS.

(a) REPORT ON PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report setting forth a plan, to be implemented as part of each institutional capacity building program required by section 333(c)(4) of title 10, United States Code, to improve the ability of foreign governments to protect civilians.

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

(1) Efforts to develop and integrate civilian harm mitigation principles and techniques in all relevant partner force standard operating procedures.

(2) Efforts to build partner capacity to collect, track, and analyze civilian casualty data and apply lessons learned to future operations, and to provide amends to civilians harmed by partner force operations.

(3) Efforts to support enhanced investigatory and accountability standards in partner forces to ensure compliance with the laws of armed conflict and
appropriate human rights and civilian protection standards.

(4) Support for increased partner transparency, which should include the establishment of civil affairs capabilities within partner militaries to improve communication with the public.

(5) An estimate of the resources required to implement the efforts and support described in paragraphs (1) through (4).

(6) A description of the appropriate roles of the Department of Defense and the Department of State in such efforts and support.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.
SEC. 11204. REPORT ON THE CAPABILITIES AND ACTIVITIES
OF THE ISLAMIC STATE OF IRAQ AND SYRIA
AND OTHER VIOLENT EXTREMIST GROUPS IN
SOUTHEAST ASIA.

(a) REPORT REQUIRED.—Not later than 180 days
after the date of enactment of this Act, the Secretary of De-

fense shall submit to the appropriate committees of Congress
a report setting forth an assessment of the current and fu-
ture capabilities and activities of the Islamic State of Iraq
and Syria (ISIS) and other violent extremist groups in
Southeast Asia.

(b) ELEMENTS.—The report shall include the fol-

lowing:

(1) The current number of Islamic State of Iraq
and Syria fighters in Southeast Asia.

(2) The estimated number of Islamic State of
Iraq and Syria fighters expected to return to South-
east Asia from fighting in the Middle East.

(3) The current resources available to combat the
threat of the Islamic State of Iraq and Syria in
Southeast Asia, and the additional resources required
to combat that threat.

(4) A detailed assessment of the capabilities of
the Islamic State of Iraq and Syria to operate effec-
tively in countries such as the Philippines, Indonesia,
and Malaysia.

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(5) A description of the capabilities and resources of governments of countries in Southeast Asia to counter violent extremist groups.

(6) A list of additional United States resources and capabilities that the Department of Defense recommends providing governments in Southeast Asia to combat violent extremist groups.

(c) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 11205. SENSE OF CONGRESS ON THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

It is the sense of the Congress that—

(1) the Islamic State of Iraq and the Levant (ISIS) poses an acute threat to the people, government, and territorial integrity of Iraq, including the Iraqi Sunni, Shia, and Kurdish communities and religious and ethnic minorities in Iraq, and to the security and stability of the Middle East and beyond;
(2) the defeat of the Islamic State of Iraq and the Levant is critical to maintaining a unified Iraq in which all faiths, sects, and ethnicities are afforded equal protection and full integration into the Government and society of Iraq; and

(3) the United States should, in coordination with coalition partners, continue necessary support to the security forces of or associated with the Government of Iraq that have a national security mission in their fight against the Islamic State of Iraq and the Levant.

SEC. 11206. CLARIFICATION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

Paragraph (3) of section 1226(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1056), as added by section 1294(b)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2562), is amended by striking “for such fiscal year” both places it appears.
TITLE CXVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

SEC. 11601. REQUIREMENTS RELATING TO MULTI-USE SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

In order to facilitate access for small business concerns and nontraditional contractors to affordable secure spaces, the Secretary of Defense shall develop the processes and procedures necessary to build, certify, and maintain certifications for multi-use sensitive compartmented information facilities not tied to a single contract and where multiple companies can work on multiple projects at different security levels securely.

SEC. 11602. INEFFECTIVENESS OF PROHIBITION ON USE OF SOFTWARE PLATFORMS DEVELOPED BY KASPERSKY LAB.

Section 1630B shall have no force or effect.

SEC. 11603. PROHIBITION ON USE OF SOFTWARE PLATFORMS DEVELOPED BY KASPERSKY LAB.

(a) PROHIBITION.—No department, agency, organization, or other element of the United States Government may use, whether directly or through work with or on behalf of another organization or element of the United States Government, any hardware, software, or services developed or

† HR 2810 PAP
provided, in whole or in part, by Kaspersky Lab or any entity of which Kaspersky Lab has a majority ownership.

(b) **Effective Date.**—This section shall take effect on October 1, 2018.

**SEC. 11604. REPORT ON SIGNIFICANT SECURITY RISKS OF DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.**

(a) **Report Required.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of National Intelligence, the Secretary of Energy, and the Secretary of Homeland Security, submit to the appropriate committees of Congress a report setting forth the following:

(1) Identification of significant security risks to defense critical electric infrastructure posed by significant malicious cyber-enabled activities.

(2) An assessment of the potential effect of the security risks identified pursuant to paragraph (1) on the readiness of the Armed Forces.

(3) An assessment of the strategic benefits derived from, and the challenges associated with, isolating military infrastructure from the national electric grid and the use of microgrids by the Armed Forces.

(4) **Recommendations on actions to be taken—**
(A) to eliminate or mitigate the security
risks identified pursuant to paragraph (1); and
(B) to address the effect of those security
risks on the readiness of the Armed Forces iden-
tified pursuant to paragraph (2).

(b) FORM OF REPORT.—The report required by sub-
section (a) shall be submitted in unclassified form, but may
include a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Con-
gress” means—

(A) the congressional defense committees;

(B) the Committee on Energy and Natural
Resources and the Committee on Homeland Se-
curity and Governmental Affairs of the Senate;
and

(C) the Committee on Energy and Com-
merce and the Committee on Homeland Security
of the House of Representatives.

(2) The term “defense critical electric infrastruc-
ture”—

(A) has the meaning given such term in sec-
tion 215A(a) of the Federal Power Act (16
U.S.C. 824o–1(a)); and
(B) shall include any electric infrastructure located in any of the 48 contiguous States or the District of Columbia that serves a facility—

(i) designated by the Secretary of Defense as—

(I) critical to the defense of the United States; and

(II) vulnerable to a disruption of the supply of electric energy provided to such facility by an external provider; and

(ii) that is not owned or operated by the owner or operator of such facility.

(3) The term “security risk” shall have such meaning as the Secretary of Defense shall determine, in coordination with the Director of National Intelligence and the Secretary of Energy, for purposes of the report required by subsection (a).

(4) The term “significant malicious cyber-enabled activities” include—

(A) significant efforts—

(i) to deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or
(ii) to exfiltrate, degrade, corrupt, destroy, or release information from such a system or network without authorization for purposes of—

(I) conducting influence operations; or

(II) causing a significant misappropriation of funds, economic resources, trade secrets, personal identifications, or financial information for commercial or competitive advantage or private financial gain;

(B) significant destructive malware attacks; and

(C) significant denial of service activities.

SEC. 11605. REPORT ON PROGRESS MADE IN IMPLEMENTING THE CYBER EXCEPTED PERSONNEL SYSTEM.

Section 1599f(h)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(F) An assessment of the progress made in implementing the Cyber Excepted Personnel System.”.
SEC. 11606. REPORT ON ACQUISITION STRATEGY TO RE-
CAPITALIZE THE EXISTING SYSTEM FOR UN-
DERSEA FIXED SURVEILLANCE.

(a) IN GENERAL.—Not later than 60 days after the
date of the enactment of this Act, the Secretary of the Navy
shall submit to the congressional defense committees a re-
port on the acquisition strategy to recapitalize the existing
system for undersea fixed surveillance.

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

(1) A description of undersea fixed surveillance
system recapitalization requirements, including key
performance parameters and key system attributes as
applicable.

(2) Cost estimates for procuring a future system
or systems.

(3) Projected dates for key milestones within the
acquisition strategy.

(4) A description of how the acquisition strategy
will improve performance in the areas of detection
and localization compared to the legacy system to en-
able effective performance against current, emerging,
and future threats over the life of the systems.

(5) A description of how the acquisition strategy
will encourage competition and reward innovation for
addressing system performance requirements.
SEC. 11607. COMPREHENSIVE REVIEW OF MARITIME INTELLIGENCE, SURVEILLANCE, RECONNAISSANCE, AND TARGETING.

(a) REPORT REQUIRED.—Not later than May 1, 2018, the Secretary of the Navy shall submit to the congressional defense committees a report on maritime intelligence, surveillance, reconnaissance, and targeting.

(b) COMPREHENSIVE REVIEW.—The report required in subsection (a) shall include a comprehensive review of the following elements for the 2025 and 2035 timeframes:

(1) A description of the projected steady-state demands for maritime intelligence, surveillance, reconnaissance, and targeting capabilities and capacity in each timeframe, including protracted gray-zone or low-intensity confrontations between the United States or its allies and potential adversaries such as Russia and China.

(2) A description of potential warfighting planning scenarios in which maritime intelligence, surveillance, reconnaissance, and targeting will be required in each prescribed timeframe, including the most stressing such scenario.

(3) A description of the undersea, surface, and air threats for each scenario described in paragraph (1) that will require maritime intelligence, surveil-
lance, reconnaissance, and targeting to be conducted in order to achieve warfighting objectives.

(4) An assessment of the sufficiency of maritime intelligence, surveillance, reconnaissance, and targeting program capability and capacity to achieve the warfighting objectives described in paragraph (3) in the most stressing scenario described in paragraph (2), including the effects of attrition.

(5) Planned operational concepts, including a High Level Operational Concept Graphic (OV–1) for each such concept, for conducting maritime intelligence, surveillance, reconnaissance, and targeting during steady state operations and warfighting scenarios described in paragraphs (1) and (2). Consideration of distributed combat operations in a satellite denied environment shall be included.

(6) Specific capability gaps or risk areas in the ability or sufficiency of maritime intelligence, surveillance, reconnaissance, and targeting.

(7) Potential solutions to address the capability gaps and risk areas identified in paragraph (6), including new capabilities, increased capacity, or new operating concepts that could be employed by the Navy.
(8) A description of the funding amount by fiscal year, initial operational capability, and full operational capability for each maritime intelligence, surveillance, reconnaissance, and targeting program identified in paragraph (4), based on the President’s fiscal year 2019 future years defense program. Unfunded or partially funded programs shall also be included.

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

SEC. 11608. REPORT ON TRAINING INFRASTRUCTURE FOR CYBER FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Department of Defense training infrastructure for cyber forces. Such report shall include the following:

(1) Identification of the shortcomings in such training infrastructure.

(2) Potential commercial applications to address such shortcomings.

(3) Future projections of cyber force growth and urgent needs relating to such growth.
TITLE CXXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS

SEC. 12801. TECHNICAL CORRECTION TO AUTHORITY FOR RETURN OF CERTAIN LANDS AT FORT WINGATE, NEW MEXICO, TO ORIGINAL INHABITANTS.


SEC. 12802. ENERGY RESILIENCE.

The subsection (h) proposed to be added to section 2911 of title 10, United States Code, by section 2845 of this Act, is amended in paragraph (2), by inserting “, cost of backup power,” after “energy security”.

TITLE CXXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 13101. PLUTONIUM CAPABILITIES.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Administrator for Nuclear
Security shall submit to the congressional defense committees and the Secretary of Defense a report on the recommended alternative endorsed by the Administrator for recapitalization of plutonium science and production capabilities of the nuclear security enterprise. The report shall identify the recommended alternative endorsed by the Administrator and contain the analysis of alternatives, including costs, upon which the Administrator relied in making such endorsement.

(b) CERTIFICATION.—Not later than 60 days after the date on which the Secretary of Defense receives the report required by subsection (a), the Chairman of the Nuclear Weapons Council shall submit to the congressional defense committees the written certification of the Chairman regarding whether—

(1) the recommended alternative described in subsection (a)—

(A) is acceptable to the Secretary of Defense and the Nuclear Weapons Council and meets the requirements of the Secretary for plutonium pit production capacity and capability;

(B) is likely to meet the pit production timelines and milestones required by section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a);
(C) is likely to meet pit production timelines and requirements responsive to military requirements;

(D) is cost effective and has reasonable near-term and lifecycle costs that are minimized, to the extent practicable, as compared to other alternatives;

(E) contains minimized and manageable risks as compared to other alternatives; and

(F) can be acceptably reconciled with any differences in the conclusions made by the Office of Cost Assessment and Program Evaluation of the Department of Defense in the business case analysis of plutonium pit production capability issued in 2013; and

(2) the Administrator has—

(A) documented the assumptions and constraints used in the analysis of alternatives described in subsection (a); and

(B) tested and documented the sensitivity of the cost estimates for each alternative to risks and changes in key assumptions.

(c) ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of
Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall, in consultation with the Director of the Cost Assessment and Program Evaluation of the Department of Defense, provide to the congressional defense committees a briefing containing the assessment of the Directors of the analysis of alternatives described in subsection (a).

(2) Elements.—The briefing required by paragraph (1) shall include—

(A) descriptions of the scope, risks, and costs for alternatives not considered in the analysis of alternatives that the Directors deem viable; and

(B) any views of the Administrator regarding such alternatives.

(d) Review by Comptroller General.—Not later than 60 days after receiving the report required by subsection (a) and the briefing required by subsection (c), the Comptroller General of the United States shall brief the congressional defense committees on—

(1) the alternatives considered by the Administrator in the analysis of alternatives described in subsection (a) and the alternatives described in subsection (c)(2)(A);
(2) the accuracy of such alternatives; and

(3) any other issues the Comptroller General considers relevant.

**TITLE CXXXV—MARITIME ADMINISTRATION**

**SEC. 13501. INEFFECTIVENESS OF MARITIME ADMINISTRATION PROVISIONS.**

Title XXXV shall have no force or effect.

**SEC. 13502. AUTHORIZATION OF THE MARITIME ADMINISTRATION.**

(a) In General.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2018, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $100,802,000, of which—

(A) $75,751,000 shall be for Academy operations, including—

(i) the implementation of section 3514(b) of the National Defense Authorization Act for Fiscal Year 2017, as added by section 3508; and
(ii) staffing, training, and other actions necessary to prevent and respond to sexual harassment and sexual assault; and

(B) $25,051,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $29,550,000, of which—

(A) $2,400,000 shall remain available until September 30, 2018, for the Student Incentive Program;

(B) $3,000,000 shall remain available until expended for direct payments to such academies;

(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) $1,800,000 shall remain available until expended for training ship fuel assistance; and

(E) $350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $36,000,000, which shall remain available until expended.
(4) For expenses necessary to support Maritime Administration operations and programs, $58,694,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $20,000,000, which shall remain available until expended.

(6) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(b) Assistance for Small Shipyards and Maritime Communities.—Section 54101(i) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “2015 through 2017” and inserting “2018 through 2020”;

(2) in paragraph (1), by striking “$5,000,000” and inserting “$7,500,000”; and
(3) in paragraph (2), by striking “$25,000,000” and inserting “$27,500,000”.

SEC. 13503. REMOVAL ADJUNCT PROFESSOR LIMIT AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51317 of title 46, United States Code, is amended—

(1) in subsection (b)—

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

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

(2) by striking subsections (c) and (d).

SEC. 13504. ACCEPTANCE OF GUARANTEES IN CONJUNCTION WITH PARTIAL DONATIONS FOR MAJOR PROJECTS OF THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) GUARANTEES.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“§ 51320. Acceptance of guarantees with gifts for major projects

“(a) DEFINITIONS.—In this section:

“(1) MAJOR PROJECT.—The term ‘major project’ means a project estimated to cost at least $1,000,000 for—
“(A) the purchase or other procurement of real or personal property; or

“(B) the construction, renovation, or repair of real or personal property.

“(2) MAJOR UNITED STATES COMMERCIAL BANK.—The term ‘major United States commercial bank’ means a commercial bank that—

“(A) is an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));

“(B) is headquartered in the United States;

and

“(C) has total net assets of an amount considered by the Maritime Administrator to qualify the bank as a major bank.

“(3) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term ‘major United States investment management firm’ means—

“(A) any broker or dealer (as such terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c));

“(B) any investment adviser or provider of investment supervisory services (as such terms are defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2)); or
“(C) a major United States commercial bank that—

“(i) is headquartered in the United States; and

“(ii) holds for the account of others investment assets in a total amount considered by the Maritime Administrator to qualify the bank as a major investment management firm.

“(4) Qualified Guarantee.—The term ‘qualified guarantee’, with respect to a major project, means a guarantee that—

“(A) is made by 1 or more persons in connection with a donation for the project of a total amount in cash or securities that the Maritime Administrator determines is sufficient to defray a substantial portion of the total cost of the project;

“(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

“(C) is set forth as a written agreement providing that the donor will furnish in cash or
securities, in addition to the donor’s other gift or
gifts for the project, any additional amount that
may become necessary for paying the cost of
completing the project by reason of a failure to
obtain from other donors or sources funds or
other resources in amounts sufficient to pay the
cost of completing the project; and

“(D) is accompanied by—

“(i) an irrevocable and unconditional
standby letter of credit for the benefit of the
United States Merchant Marine Academy
that is in the amount of the guarantee and
is issued by a major United States commer-
cial bank; or

“(ii) a qualified account control agree-
ment.

“(5) QUALIFIED ACCOUNT CONTROL AGREEM-
MENT.—The term ‘qualified account control agree-
ment’, with respect to a guarantee of a donor, means
an agreement among the donor, the Maritime Admin-
istrator, and a major United States investment man-
agement firm that—

“(A) ensures the availability of sufficient
funds or other financial resources to pay the
amount guaranteed during the period of the guarantee;

“(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the United States Merchant Marine Academy with the highest priority available for liens and security interests under applicable law;

“(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

“(D) requires the investment management firm, whenever the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

“(b) ACCEPTANCE AUTHORITY.—Subject to subsection (d), the Maritime Administrator may accept a qualified guarantee from a donor or donors for the completion of a major project for the benefit of the United States Merchant Marine Academy.
“(c) Obligation Authority.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

“(d) Notice.—The Maritime Administrator may not accept a qualified guarantee under this section for the completion of a major project until 30 days after the date on which a report of the facts concerning the proposed guarantee is submitted to Congress.

“(e) Prohibition on Commingling Funds.—The Maritime Administrator may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.”.

(b) Clerical Amendment.—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“51320. Acceptance of guarantees with gifts for major projects.”.
SEC. 13505. AUTHORITY TO PAY CONVEYANCE OR TRANSFER EXPENSES IN CONNECTION WITH ACCEPTANCE OF A GIFT TO THE UNITED STATES MERCHANT MARINE ACADEMY.

Section 51315 of title 46, United States Code, is amended by inserting at the end the following:

“(f) Payment of Expenses.—The Maritime Administrator may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest accepted under this section.”.

SEC. 13506. AUTHORITY TO PARTICIPATE IN FEDERAL, STATE OR OTHER RESEARCH GRANTS.

(a) Research Grants.—Chapter 513 of title 46, United States Code, as amended by sections 3503 through 3505, is further amended by adding at the end the following:

“§51321. Grants for scientific and educational research

“(a) Defined Term.—In this section, the term ‘qualifying research grant’ is a grant that—

“(1) is awarded on a competitive basis by the Federal Government (except for the Department of Transportation), a State, a corporation, a fund, a foundation, an educational institution, or a similar entity that is organized and operated primarily for scientific or educational purposes; and

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“(2) is to be used to carry out a research project
with a scientific or educational purpose.

“(b) Acceptance of Qualifying Research
Grants.—Notwithstanding any other provision of law, the
United States Merchant Marine Academy may compete for
and accept qualifying research grants if the work under the
grant is to be carried out by a professor or instructor of
the United States Merchant Marine Academy.

“(c) Administration of Grant Funds.—

“(1) Establishment of Account.—The Maritime Administrator shall establish a separate account
for administering funds received from research grants
under this section.

“(2) Use of Grant Funds.—The Superintendent shall use grant funds deposited into the ac-
count established pursuant to paragraph (1) in ac-
cordance with applicable regulations and the terms
and conditions of the respective grants.

“(d) Related Expenses.—Subject to such limita-
tions as may be provided in appropriations Acts, appro-
priations available for the United States Merchant Marine
Academy may be used to pay expenses incurred by the
Academy in applying for, and otherwise pursuing, a qual-
fying research grant.”.
(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 513 of title 46, United States Code, as amended by section 3504(b), is further amended by adding at the end the following:

“51321. Grants for scientific and educational research.”.

**SEC. 13607. ASSISTANCE FOR SMALL SHIYARDS AND MARI-
TIME COMMUNITIES.**

Section 54101 of title 46, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **AWARDS.**—

“(1) **IN GENERAL.**—In providing assistance under the program, the Administrator shall take into account—

“(A) the economic circumstances and conditions of maritime communities;

“(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

“(C) projects that would be effective in fostering employee skills and enhancing productivity.

“(2) **TIMING OF AWARD.**—
“(A) In general.—Except as provided in subparagraph (B), the Administrator shall award grants under this section not later than 120 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

“(B) Reallocation of unused funds.—If a grant is awarded under this section and, for any reason, the grant funds, or any portion thereof, are not used by the grantee—

“(i) such funds shall remain available until expended; and

“(ii) the Administrator may use such unused funds to award, in any fiscal year, another grant under this section to an applicant who submitted an application under the initial or any subsequent notice of availability of funds.”; and

(2) in subsection (c), by adding at the end the following:

“(3) Buy America.—

“(A) In general.—Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated to carry out this chapter unless the steel, iron, and manufactured products
used in such project are produced in the United States.

“(B) EXCEPTIONS.—The provisions of subparagraph (A) shall not apply if the Secretary finds that—

“(i) their application would be inconsistent with the public interest;

“(ii) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(iii) inclusion of domestic material will increase the cost of the overall project by more than 25 percent.”.

SEC. 13508. DOMESTIC MARITIME CENTERS OF EXCELLENCE.

(a) DESIGNATION AUTHORITY.—The Secretary of Transportation is authorized to designate community and technical colleges with a maritime training program and maritime training centers operated by or under the supervision of a State, if located in the United States along the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of Alaska, or Great Lakes, as centers of excellence for domestic maritime workforce training and education.
(b) ASSISTANCE.—

(1) TYPES.—The Secretary may provide to an entity designated as a center of excellence under subsection (a)—

(A) technical assistance; and

(B) surplus Federal equipment and assets.

(2) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance under paragraph (1) to assist an entity designated as a center of excellence under subsection (a) to expand the capacity of the entity to train the domestic maritime workforce of the United States, including by—

(A) admitting additional students;

(B) recruiting and training faculty;

(C) expanding facilities;

(D) creating new maritime career pathways; and

(E) awarding students credit for prior experience, including military service.

SEC. 13509. ACCESS TO SATELLITE COMMUNICATION DEVICES DURING SEA YEAR PROGRAM.

Section 3514 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—
(1) by striking “Not later than” and inserting the following: “(a) VESSEL OPERATOR REQUIREMENTS.—Not later than”; and

(2) by adding at the end the following: “(b) SATELLITE PHONE ACCESS.—The Maritime Administrator shall ensure that each student participating in the Sea Year program is provided or has access to a functional satellite communication device. A student may not be denied from using such device whenever the student determines that such use is necessary to prevent or report sexual harassment or assault.”.

SEC. 13510. ACTIONS TO ADDRESS SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) REQUIRED POLICY.—Subsection (a) of section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended—

(1) in paragraph (1), by striking “harassment and sexual assault” and inserting “harassment, dat-
ing violence, domestic violence, sexual assault, and stalking’’;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “harassment and sexual assault” and inserting “harassment, dating violence, domestic violence, sexual assault, and stalking’’;

(B) in subparagraph (A), by inserting “domestic violence, dating violence, stalking,” after “acquaintance rape,”;

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “harassment or sexual assault,” and inserting “harassment, dating violence, domestic violence, sexual assault, or stalking,”;

(ii) in clause (i), by striking “harassment or sexual assault” and inserting “harassment, dating violence, domestic violence, sexual assault, or stalking”; and

(iii) in clause (iii), by striking “criminal sexual assault” and inserting “a criminal sexual offense”; and

(D) in subparagraph (D), by striking “harassment or sexual assault” and inserting “har-
assessment, dating violence, domestic violence, sexual assault, or stalking’’;

(E) in subparagraph (E)—

(i) in clause (i), by striking ‘‘harassment or sexual assault’’ and inserting ‘‘harassment, dating violence, domestic violence, sexual assault, or stalking’’;

(ii) in clause (ii), by striking ‘‘sexual assault’’ and inserting ‘‘sexual harassment, dating violence, domestic violence, sexual assault, or stalking’’; and

(iii) in clause (iii), by striking ‘‘harassment and sexual assault’’ and inserting ‘‘harassment, dating violence, domestic violence, sexual assault, or stalking’’; and

(F) in subparagraph (F), by striking ‘‘harassment or sexual assault’’ and inserting ‘‘harassment, dating violence, domestic violence, sexual assault, or stalking’’;

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

(4) by inserting after paragraph (2) the following:

‘‘(3) MINIMUM TRAINING REQUIREMENTS FOR CERTAIN INDIVIDUALS REGARDING SEXUAL HARASS-
MENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.—

“(A) REQUIREMENT.—The Maritime Administrator shall direct the Superintendent of the United States Merchant Marine Academy to develop a mandatory training program at the United States Merchant Marine Academy for each individual who is involved in implementing the Academy’s student disciplinary grievance procedures, including each individual who is responsible for—

“(i) resolving complaints of reported sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

“(ii) resolving complaints of reported violations of the sexual misconduct policy of the Academy; or

“(iii) conducting an interview with a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

“(B) CONSULTATION.—The Superintendent shall develop the training program described in subparagraph (A) in consultation with national, State, or local sexual assault, dating violence,
domestic violence, or stalking victim advocacy, victim services, or prevention organizations.

“(C) ELEMENTS.—The training required by subparagraph (A) shall include the following:

“(i) Information on working with and interviewing persons subjected to sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

“(ii) Information on particular types of conduct that would constitute sexual harassment, dating violence, domestic violence, sexual assault, or stalking, regardless of gender, including same-sex sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

“(iii) Information on consent and the effect that drugs or alcohol may have on an individual’s ability to consent.

“(iv) Information on the effects of trauma, including the neurobiology of trauma.

“(v) Training regarding the use of trauma-informed interview techniques, which means asking questions of an individual who has been a victim of sexual har-
assessment, dating violence, domestic violence, sexual assault, or stalking in a manner that is focused on the experience of the victim, does not judge or blame the victim, and is informed by evidence-based research on the neurobiology of trauma.

“(vi) Training on cultural awareness regarding how dating violence, domestic violence, sexual assault, or stalking may impact midshipmen differently depending on their cultural background.

“(vii) Information on sexual assault dynamics, sexual assault perpetrator behavior, and barriers to reporting.

“(D) IMPLEMENTATION.—

“(i) DEVELOPMENT AND APPROVAL SCHEDULE.—The training program required by subparagraph (A) shall be developed not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

“(ii) COMPLETION OF TRAINING.— Each individual who is required to complete the training described in subparagraph (A)
shall complete such training not later than—

“(I) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

“(II) 180 days after starting a position with responsibilities that include the activities described clause (i), (ii), or (iii) of subparagraph (A).”; and

(5) by inserting after paragraph (5), as so redesignated, the following:

“(6) Consistency with the Higher Education Act of 1965.—The Secretary shall ensure that the policy developed under this subsection meets the requirements set out in paragraph (8) of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(8)).”.

(b) Minimum Procedures for Handling Reports of Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, or Stalking.—Subsection (b) of section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended to read as follows:
“(b) DEVELOPMENT PROGRAM.—

“(1) IN GENERAL.—The Maritime Administrator shall ensure that the development program of the Academy includes a section that—

“(A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment, dating violence, domestic violence, sexual assault, and stalking at the Academy;

“(B) includes a brief history of the problem of sexual harassment, dating violence, domestic violence, sexual assault, and stalking in the merchant marine, in the Armed Forces, and at the Academy; and

“(C) includes information relating to reporting sexual harassment, dating violence, domestic violence, sexual assault, and stalking, victims’ rights, and dismissal for offenders.

“(2) MINIMUM REQUIREMENTS TO COMBAT RETALIATION.—

“(A) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator shall direct the Superintendent of the United States
Merchant Marine Academy to implement and maintain a plan to combat retaliation against midshipmen at the United States Merchant Marine Academy who report sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

“(B) VIOLATION OF CODE OF CONDUCT.—The Superintendent shall consider an act of retaliation against a midshipman at the Academy who reports sexual harassment, dating violence, domestic violence, sexual assault, or stalking as a Class I violation of the Academy’s Midshipman Regulations or equivalent code of conduct.

“(C) RETALIATION DEFINITION.—The Superintendent shall work with the sexual assault prevention and response staff of the Academy to define ‘retaliation’ for purposes of this subsection.

“(3) MINIMUM RESOURCE REQUIREMENTS.—

“(A) IN GENERAL.—The Maritime Administrator shall ensure the staff at the United States Merchant Marine Academy are provided adequate and appropriate sexual harassment, dating violence, domestic violence, sexual assault, and
stalking prevention and response training materials and resources. Such resources shall include staff as follows:

“(i) Sexual assault response coordinator.

“(ii) Prevention educator.

“(iii) Civil rights officer.

“(iv) Staff member to oversee Sea Year.

“(B) COMMUNICATION.—The Director of the Office of Civil Rights of the Maritime Administration shall create and maintain a direct line of communication to the sexual assault response staff of the Academy that is outside of the chain of command of the Academy.

“(4) MINIMUM TRAINING REQUIREMENTS.—The Superintendent shall ensure that all cadets receive training on the sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response sections of the development program of the Academy, as described in paragraph (1), as follows:

“(A) An initial training session, which shall occur not later than 7 days after a cadet’s initial arrival at the Academy.
“(B) Additional training sessions, which shall occur biannually following the cadet’s initial training session until the cadet graduates or leaves the Academy.”.

(c) AGGREGATE REPORTING.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended by adding at the end the following:

“(c) DATA FOR AGGREGATE REPORTING.—

“(1) IN GENERAL.—No requirement related to confidentiality in this section or section 51319 may be construed to prevent a sexual assault response coordinator from providing information for any report required by law regarding sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

“(2) IDENTITY PROTECTION.—Any information provided for a report referred to in paragraph (1) shall be provided in a manner that protects the identity of the victim or witness.”.

(d) DEFINITIONS.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), as amended by subsection (c), is further amended by adding at the end the following:
“(f) DEFINITIONS.—In this section and section 51319:

“(1) DATING VIOLENCE; DOMESTIC VIOLENCE; STALKING.—The terms ‘dating violence’, ‘domestic violence’, and ‘stalking’ have the meanings given those terms is section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(2) SEXUAL ASSAULT.—The term ‘sexual assault’ means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.”.

(e) CONFORMING AMENDMENTS.—

(1) HEADING.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended by striking the section heading and inserting the following:

“§ 51318. Policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking”.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2774), is
amended by striking the item relating to section 51318 and inserting the following:

“51318. Policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking.”.

SEC. 13511. SEXUAL ASSAULT PREVENTION AND RESPONSE STAFF.

(a) In general.—Section 51319 of title 46, United States Code, as added by section 3511 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2785), is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking subsection (a) and inserting the following:

“(a) Sexual Assault Response Coordinators.—

“(1) Requirement for Coordinators.—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside at or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as necessary.

“(2) Selection Criteria.—Each sexual assault response coordinator shall be selected based on—
“(A) experience and a demonstrated ability to effectively provide victim services related to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

“(B) protection of the individual under applicable law to provide privileged communication.

“(3) CONFIDENTIALITY.—A sexual assault response coordinator shall, to the extent authorized under applicable law, provide confidential services to a midshipman who reports being a victim of, or witness to, sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

“(4) TRAINING.—

“(A) VERIFICATION.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator, in consultation with the Director of the Maritime Administration Office of Civil Rights, shall develop a process to verify that each sexual assault response coordinator has completed proper training.
“(B) Training requirements.—The training referred to in subparagraph (A) shall include training in—

“(i) working with victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

“(ii) the policies, procedures, and resources of the Academy related to responding to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

“(iii) national, State, and local victim services and resources available to victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

“(C) Completion of training.—A sexual assault response coordinator shall complete the training referred to in subparagraphs (A) and (B) not later than—

“(i) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

“(ii) 180 days after starting in the role of sexual assault response coordinator.
“(5) DUTIES.—A sexual assault response coordinator shall—

“(A) confidentially receive a report from a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

“(B) inform the victim of—

“(i) the victim’s rights under applicable law;

“(ii) options for reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy and law enforcement;

“(iii) how to access available services, including emergency medical care, medical forensic or evidentiary examinations, legal services, services provided by rape crisis centers and other victim service providers, services provided by the volunteer sexual assault victim advocates at the Academy, and crisis intervention counseling and ongoing counseling;

“(iv) such coordinator’s ability to assist in arranging access to such services, with the consent of the victim;
“(v) available accommodations, such as allowing the victim to change living arrangements and obtain accessibility services;

“(vi) such coordinator’s ability to assist in arranging such accommodations, with the consent of the victim;

“(vii) the victim’s rights and the Academy’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by the Academy or a criminal, civil, or tribal court; and

“(viii) privacy limitations under applicable law;

“(C) represent the interests of any midshipmen who reports being a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking, even if such interests are in conflict with the interests of the Academy;

“(D) advise the victim of, and provide written materials regarding, the information described in subparagraph (B);

“(E) liaise with appropriate staff at the Academy, with the victim’s consent, to arrange
reasonable accommodations through the Academy to allow the victim to change living arrangements, obtain accessibility services, or access other accommodations;

“(F) maintain the privacy and confidentiality of the victim, and shall not notify the Academy or any other authority of the identity of the victim or the alleged circumstances surrounding the reported incident unless—

“(i) otherwise required by applicable law;

“(ii) requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if the information is shared; or

“(iii) notwithstanding clause (i) or clause (ii), there is risk of imminent harm to other individuals;

“(G) assist the victim in contacting and reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy or law enforcement, if requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if information is shared; and
“(H) submit to the Director of the Maritime Administration Office of Civil Rights an annual report summarizing how the resources supplied to the coordinator were used during the prior year, including the number of victims assisted by the coordinator.

“(b) OVERSIGHT.—

“(1) IN GENERAL.—

“(A) REPORTING.—Each sexual assault response coordinator shall—

“(i) report directly to the Superintendent; and

“(ii) have concurrent reporting responsibility to the Executive Director of the Maritime Administration on matters related to the Maritime Administration and the Department of Transportation and upon belief that the Academy leadership is acting inappropriately regarding sexual assault prevention and response matters.

“(B) SUPPORT.—The Maritime Administration Office of Civil Rights shall provide support to the sexual assault response coordinator at the Academy on all sexual harassment, dating
violence, domestic violence, sexual assault, or
stalking prevention matters.

“(2) Prohibition on investigation by the
Academy.—Any request by a victim for an accommo-
dation, as described in subsection (a)(5)(F), made by
a sexual assault response coordinator shall not trigger
an investigation by the Academy, even if such coordi-
nator deals only with matters relating to sexual har-
assment, dating violence, domestic violence, sexual as-
sault, or stalking.

“(3) Prohibition on retaliation.—A sexual
assault response coordinator, victim advocate, or com-
panion may not be disciplined, penalized, or other-
wise retaliated against by the Academy for rep-
resenting the interests of the victim, even if such in-
terests are in conflict with the interests of the Acad-
emy.”.

(b) Access of Academy Midshipmen to Depart-
ment of Defense SAFE Helpline.—

(1) In general.—The Secretary of Transpor-
tation, acting through the Superintendent of the
United States Merchant Marine Academy, and the
Secretary of Defense shall jointly provide for the ac-
cess to and use of the Department of Defense SAFE
Helpline by midshipmen at the Merchant Marine Academy.

(2) TRAINING.—The training provided to personnel of the Department of Defense SAFE Helpline shall include training on the resources available to midshipmen at the Merchant Marine Academy in connection with sexual assault, sexual harassment, domestic violence, dating violence, and stalking.

(c) REPEAL OF DUPLICATE REQUIREMENT.—Subsection (c) of section 51319 of title 46, United States Code, as redesignated by subsection (a)(1)—

(1) by striking paragraph (5);

(2) redesignating paragraph (6) as paragraph (5); and

(3) in paragraph (5), as so redesignated, by striking “(3), (4), and (5)” and inserting “(3) and (4)”.

SEC. 13512. PROTECTION OF STUDENTS FROM SEXUAL ASSAULT ONBOARD VESSELS.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, as amended by subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by adding at the end the following new section:
§51320. Protection of students from sexual assault onboard vessels

(a) Provision of Individual Satellite Communication Devices During Sea Year.—

(1) In general.—The Maritime Administrator shall ensure that each midshipman at the United States Merchant Marine Academy is provided a functional satellite communication device during the midshipman’s Sea Year.

(2) Check-in.—Not less often than once each week, each such midshipman shall check-in with designated personnel at the Academy via the midshipman’s personal satellite communication device. A text message sent via the midshipman’s personal satellite device shall meet the requirement for a weekly check-in for purposes of this paragraph.

(b) Riding Gangs.—The Maritime Administrator shall—

(1) require the owner or operator of any commercial vessel carrying a midshipman of the Academy to certify their compliance with the International Convention for Safety of Life at Sea, 1974, with annex, done at London November 1, 1974 (32 UST 47) and section 8106; and

(2) ensure the Academy informs midshipmen preparing for Sea Year of the obligations that vessel
owners and operators have to provide for the security
of individuals aboard a vessel under United States
law, including chapter 81 and section 70103(c).

“(c) Checks of Commercial Vessels.—

“(1) Requirement.—Not less frequently than
biennially, the staff of the United States Merchant
Marine Academy or the Maritime Administration
shall conduct both random and targeted unannounced
checks of not less than 10 percent of the commercial
vessels that host a midshipman from the Academy.

“(2) Removal of Students.—If such staff de-
termine that such a commercial vessel is in violation
of the sexual assault policy developed by the Academy
through such a check, such staff are authorized to re-
move any midshipman of the Academy from the vessel
and report any such violation to the company that
owns the vessel.

“(d) Maintenance of Sexual Assault Training
Records.—The Maritime Administrator shall require each
company or seafarer union for a commercial vessel to main-
tain records of sexual assault training for the crew and pas-
sengers of any vessel hosting a midshipman from the Acad-
emy.

“(e) Sea Year Survey.—
“(1) REQUIREMENT.—The Maritime Administrator shall require each midshipman from the Academy upon completion of the midshipman’s Sea Year to complete a survey regarding the environment and conditions during the Sea Year.

“(2) AVAILABILITY.—The Maritime Administrator shall make available to the public for each year—

“(A) the questions used in the survey required by paragraph (1); and

“(B) the aggregated data received from such surveys.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by adding at the end the following:

“51320. Protection of students from sexual assault onboard vessels.”.

SEC. 13513. TRAINING REQUIREMENT FOR SEXUAL ASSAULT INVESTIGATORS.

Each employee of the Office of Inspector General of the Department of Transportation who conducts investigations and who is assigned to the Regional Investigations Office in New York, New York—

(1) to participate in specialized training in conducting sexual assault investigations; and
(2) to attend at least 1 Federal Law Enforce-
ment Training Center (FLETC) sexual assault inves-
tigation course, or equivalent sexual assault investiga-
tion training course, as determined by the Inspector
General, each year.

TITLE CXXXI—FUNDING TABLES

SEC. 14001. FUNDING TABLES.

(a) In the funding table in section 4301, in the item
relating to Environmental Restoration, Navy, strike the
amount in the Senate Authorized column and insert
“323,000”.

(b) In the funding table in section 4301, in the item
relating to Total Miscellaneous Appropriations, strike the
amount in the Senate Authorized column and insert
“1,494,291”.

(c) In the funding table in section 4301, in the item
relating to Fuel Savings, increase the amount of the reduc-
tion indicated in the Senate Authorized column by
$41,600,000.

SEC. 14002. ADDITIONAL FUNDING TABLE MATTERS.

(a) OPERATION AND MAINTENANCE, NAVY RESERVE.—

In the funding table in section 4301, in the item relating
to Operation and Maintenance, Navy Reserve,
Sustainment, Restoration, and Modernization, add
$5,000,000 to the Senate Authorized column.
(b) **Operation and Maintenance, Air National Guard.**—In the funding table in section 4301, in the item relating to Operation and Maintenance, Air National Guard, Facilities Sustainment, Restoration and Modernization, add $20,000,000, to the Senate Authorized column.

(c) **Fuel Savings.**—In the funding table in section 4301, in the item relating to Fuel Savings, increase the amount of the reduction indicated in the Senate Authorized column by $25,000,000,

(d) **Report.**—Not later than December 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the manner in which the Secretary will allocate funds which shall be used by the Air Force and the National Guard to take actions to mitigate identified sources of polyfluoroalkyl substances at sites as a result of surveys conducted by the Armed Forces so as to restore public confidence in potable water which may be affected in such sites.

**SEC. 14003. Expansion of SkillBridge Initiative to Include Participation by Federal Agencies.**

(a) **Modification of Initiative by Secretary of Defense.**—The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall
make such modifications to the SkillBridge initiative of the Department of Defense as the Secretary considers appropriate to enable Federal agencies to participate in the initiative as employers and trainers, including the provision of training by Federal agencies under the initiative to transitioning members of the Armed Forces.

(b) PARTICIPATION BY FEDERAL AGENCIES.—The Director, in consultation with the Secretary, shall take such actions as may be necessary to ensure that each Federal agency participates in the SkillBridge initiative of the Department of Defense as described in subsection (a).

(c) TRANSITIONING MEMBERS OF THE ARMED FORCES DEFINED.—In this section, the term “transitioning member of the Armed Forces” means a member of the Armed Forces who is expected to be discharged or released from active duty in the Armed Forces not more than 180 days after the member commences training under the SkillBridge initiative.
SEC. 14004. TEMPORARY EXTENSION OF EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.

Section 710(d) of the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 50 U.S.C. 3953 note) is amended—

(1) in paragraph (1), by striking “December 31, 2017” and inserting “December 31, 2019”; and

(2) in paragraph (3), by striking “January 1, 2018” and inserting “January 1, 2020”.

SEC. 14005. REPORT ON COMPLIANCE WITH RUNWAY CLEAR ZONE REQUIREMENTS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Service secretaries, shall submit to the congressional defense committees a report on Service compliance with Department of Defense and relevant Service policies regarding Department of Defense runway clear zones.

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

(1) A listing of all Department of Defense runway clear zones in the United States that are not in compliance with Department of Defense and relevant
Service policies regarding Department of Defense runway clear zones.

(2) A plan for bringing all Department of Defense runway clear zones in full compliance with these policies, including a description of the resources required to bring these clear zones into policy compliance, and for providing restitution for property owners.

SEC. 14006. LIMITATION ON CANCELLATION OF DESIGNATION OF SECRETARY OF THE AIR FORCE AS DEPARTMENT OF DEFENSE EXECUTIVE AGENT FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

(a) LIMITATION ON CANCELLATION OF DESIGNATION.—The Secretary of Defense may not implement the decision, issued on July 1, 2017, to cancel the designation, under Department of Defense Directive 4400.1E, entitled “Defense Production Act Programs” and dated October 12, 2001, of the Secretary of the Air Force as the Department of Defense Executive Agent for the program carried out under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) until the date specified in subsection (c).

(b) DESIGNATION.—The Secretary of the Air Force shall continue to serve as the Department of Defense Execu-
tive Agent for the program described in subsection (a) until
the date specified in subsection (c).

(c) DATE SPECIFIED.—The date specified in this sub-
section is the earlier of—

(1) the date that is two years after the date of
the enactment of this Act; or

(2) the date of the enactment of a joint resolution
or an Act approving the implementation of the deci-
sion described in subsection (a).

SEC. 14007. REPORT ON THE NATIONAL BIODEFENSE ANAL-
YSIS AND COUNTERMEASURES CENTER

(1) the date that is two years after the date of
the enactment of this Act; or

(2) the date of the enactment of a joint resolution
or an Act approving the implementation of the deci-
sion described in subsection (a).

(a) REPORT.—Not later than December 31, 2017, the
Secretary of Homeland Security and the Secretary of De-
fense shall jointly submit to the appropriate Congressional
committees a report, prepared in consultation with the offi-
cials listed in subsection (b), on the National Biodefense
Analysis and Countermeasures Center (referred to in this
section as the “NBACC”) containing the following informa-
tion:

(1) The functions of the NBACC.

(2) The end users of the NBACC, including end
users whose assets may be managed by other agencies.

(3) The cost and mission impact for each user
identified under paragraph (2) of any potential clo-
sure of the NBACC, including an analysis of the functions of the NBACC that cannot be replicated by other departments and agencies of the Federal Government.

(4) In the case of closure of the NBACC, a transition plan for any essential functions currently performed by the NBACC to ensure mission continuity, including the storage of samples needed for ongoing criminal cases.

(b) CONSULTATION.—The officials listed in this subsection are the following:

(1) The Director of the Federal Bureau of Investigation.

(2) The Attorney General.

(3) The Director of National Intelligence.

(4) As determined by the Secretary of Homeland Security, the leaders of other offices that utilize the NBACC.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this section, the term “appropriate Congressional Committees” means—

(1) the Committee on Appropriations of the Senate;
(2) the Committee on Appropriations of the House of Representatives;

(3) the Committee on Armed Services of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

(5) the Committee on Homeland Security and Governmental Affairs of the Senate;

(6) the Committee on Homeland Security of the House of Representatives;

(7) the Committee on Judiciary of the Senate;

(8) the Committee on the Judiciary of the House of Representatives;

(9) the Committee on Oversight and Government Reform of the House of Representatives;

(10) the Select Committee on Intelligence of the Senate; and

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

(e) TRANSITION PERIOD.—The report submitted under subsection (a) shall include a transition adjustment period of not less than 1 year after the date of enactment of this Act, or 180 days after the date on which the report required in under this section is submitted to Congress, whichever is later, during which none of the funds authorized to be
appropriated under this Act or any other Act may be used
to support the closure, transfer, or other diminishment of
the NBACC or its functions.

SEC. 14008. BUY AMERICAN ACT TRAINING FOR DEFENSE

ACQUISITION WORKFORCE.

(a) Finding.—Congress finds that the Inspector Gen-
eral of the Department of Defense has issued a series of re-
ports finding deficiencies in the adherence to the provisions
of the Buy American Act and recommending improvements
in training for the Defense acquisition workforce.

(b) Report.—

(1) In general.—Not later than one year after
the date of the enactment of this Act, the Comptroller
General of the United States shall submit to the con-
gressional defense committees a report evaluating Buy
American training policies for the Defense acquisition
workforce.

(2) Elements.—The report shall include the fol-
lowing elements:

(A) A summary and assessment of man-
dated training courses for Department of Defense
acquisition personnel responsible for procuring
items that are subject to the Berry Amendment
and Buy American Act.
(B) Options for alternative training models for contracting personnel on Buy American and Berry Amendment requirements.

SEC. 14009.

In the funding table in section 4301, in the item relating to Environmental Restoration, Air Force, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Subtotal Environmental Restoration, Air Force, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Total Miscellaneous Appropriations, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Undistributed, Line number 999, reduce the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Fuel Savings, increase the amount of the reduction indicated in the Senate Authorized column by $20,000,000.
In the funding table in section 4301, in the item relating to Subtotal Undistributed, reduce the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Total Undistributed, reduce the amount in the Senate Authorized column by $20,000,000.

SEC. 14010. RECOGNITION OF THE NATIONAL MUSEUM OF WORLD WAR II AVIATION.

(a) Recognition.—The National Museum of World War II Aviation in Colorado Springs, Colorado, is recognized as America’s National World War II Aviation Museum.

(b) Effect of Recognition.—The National Museum recognized by this section is not a unit of the National Park System, and the recognition of the National Museum shall not be construed to require or permit Federal funds to be expended for any purpose related to the National Museum.

SEC. 14011. INCREASED TERM LIMIT FOR INTERGOVERNMENTAL SUPPORT AGREEMENTS TO PROVIDE INSTALLATION SUPPORT SERVICES.

Section 2679(a)(2)(A) of title 10, United States Code, is amended by striking “five years” and inserting “ten years.”
SEC. 14012. REPORT ON UTILIZATION OF SMALL BUSINESSES FOR FEDERAL CONTRACTS.

(a) FINDINGS.—Congress finds that—

(1) since the passage of the Budget Control Act of 2011 (Public Law 112–25; 125 Stat. 240), many Federal agencies have started favoring longer-term Federal contracts, including multiple award contracts, over direct individual awards;

(2) these multiple award contracts have grown to more than one-fifth of Federal contract spending, with the fastest growing multiple award contracts surpassing $100,000,000 in obligations for the first time between 2013 and 2014;

(3) in fiscal year 2017, 17 of the 20 largest Federal contract opportunities are multiple award contracts;

(4) while Federal agencies may choose to use any or all of the various socio-economic groups on a multiple award contract, the Small Business Administration only examines socio-economic performance through the small business procurement scorecard and does not examine potential opportunities by those groups; and

(5) Congress and the Department of Justice have been clear that no individual socio-economic group shall be given preference over another.
(b) **DEFINITIONS.**—In this section—

(1) the term “Administrator” means the Administrator of the Small Business Administration;

(2) the term “covered small business concerns” means—

(A) HUBZone small business concerns;

(B) small business concerns owned and controlled by service-disabled veterans;

(C) small business concerns owned and controlled by women; and

(D) socially and economically disadvantaged small business concerns, as defined in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)), receiving assistance under such section 8(a); and

(3) the terms “HUBZone small business concern”, “small business concern”, “small business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632).

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator
shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

   (A) a determination as to whether small business concerns and each category of covered small business concerns described in subparagraphs (A) through (D) of subsection (b)(2) are being utilized in a significant portion of the Federal market on multiple award contracts, including—

      (i) whether awards are being reserved for 1 or more of those categories; and

      (ii) whether each such category is being given the opportunity to perform on multiple award contracts;

   (B) a determination as to whether performance requirements for multiple award contracts, as in effect on the day before the date of enactment of this Act, are feasible and appropriate for small business concerns; and

   (C) any additional information as the Administrator may determine necessary.

(2) REQUIREMENT.—In making the determinations required under paragraph (1), the Adminis-
trator shall use information from multiple award contracts—

(A) with varied assigned North American Industry Classification System codes; and

(B) that were awarded by not less than 8 Federal agencies.

SEC. 14013. VENUE FOR PROSECUTION OF MARITIME DRUG TRAFFICKING.

(a) In General.—Section 70504(b) of title 46, United States Code, is amended to read as follows:

“(b) VENUE.—A person violating section 70503 or 70508—

“(1) shall be tried in the district in which such offense was committed; or

“(2) if the offense was begun or committed upon the high seas, or elsewhere outside the jurisdiction of any particular State or district, may be tried in any district.”.

(b) Conforming Amendment.—Section 1009(d) of the Controlled Substances Import and Export Act (21 U.S.C. 959(d)) is amended—

(1) in the subsection title, by striking “; VENUE”; and

(2) by striking “Any person who violates this section shall be tried in the United States district
court at the point of entry where such person enters
the United States, or in the United States District
Court for the District of Columbia.”.

SEC. 14014. SENSE OF CONGRESS ON FIRE PROTECTION IN
DEPARTMENT OF DEFENSE FACILITIES.

It is the sense of Congress that—

(1) portable fire extinguishers are essential to the
safety of members of the Armed Forces and their fam-
ilies;

(2) the current United Facilities Criteria could
be updated to ensure it provides members of the
Armed Forces, their families, and other Department
of Defense personnel with the most modern fire protec-
tion standards that are met by their civilian counter-
parts, including requiring portable fire extinguishers
on military installations;

(3) United Facilities Criteria 3–600–01, Section
4–9, dated September 26, 2006, addresses the national
and international standards for fire safety and De-
partment of Defense Facilities; and

(4) the Secretary of Defense should consider
amending the current United Facilities Criteria Sec-
tion 9–17.1 to address the standards outlined by
United Facilities Criteria 3–600–01, Section 4–9,
dated September 26, 2006.
SEC. 14015.

In the funding table in section 4101, in the item relating to Littoral Combat Ship, increase the amount in the Senate Authorized column by $600,000,000.

In line 999 of the funding table in section 4301, in the item relating to Fuel Savings, increase the reduction by $600,000,000.

Attest:

Secretary.
Ordered to be printed as passed.

September 18, 2017

AMENDMENT

H.R. 2810

115TH CONGRESS
1ST SESSION